

Prohibited AI practices (Article 5)

SECONDARY

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Article 5(1)(a) — the deception prohibition

Article 5(1)(a) prohibits "the placing on the market, the putting into service or the use of an AI system" that:

- "deploys subliminal techniques beyond a person's consciousness or purposefully manipulative or deceptive techniques,"
- "with the objective, or the effect of materially distorting the behaviour of a person or a group of persons"
- "by appreciably impairing their ability to make an informed decision,"
- "thereby causing them to take a decision that they would not have otherwise taken"
- "in a manner that causes or is reasonably likely to cause that person, another person or group of persons significant harm."

The conditions are cumulative. A deceptive technique that impairs a decision but does not cause, and is not reasonably likely to cause, significant harm does not fall within the prohibition.

Application. Article 5 came into force 2 February 2025, per Article 113(a).

Points (ba) and (bb)

The page records two further points in Article 5(1) coming into force 2 December 2026: (ba), non-consensual intimate imagery, and (bb), child sexual abuse material. Both were inserted by Regulation (EU) 2026/1744. Neither concerns a model misrepresenting its own work, so neither is relied on in this edition's argument; the date is noted in the first comment only.