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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(30.1.2025)

The Artificial Intelligence (AI) Act¹ aims to ensure a high level of fundamental rights protection and gives special consideration to the use of AI in relation to essential public services and benefits, acknowledging the vulnerability of those dependent on such services and benefits².

To that end, the AI Act prohibits³ AI-enabled ‘social scoring’ practices that assess or classify individuals based on their social behaviour or personal characteristics and lead to detrimental or unfavourable outcomes for the affected persons, when the data comes from unrelated social contexts or the punishment is disproportionate to the gravity of the social behaviour. Moreover, AI used by public authorities to evaluate the eligibility of persons for essential public assistance benefits and services is deemed high-risk under the AI Act⁴. High-risk AI systems need to comply with strict requirements and public authorities who deploy them must conduct a fundamental rights impact assessment.

The AI Act’s prohibitions apply as of 2 February 2025 and the rules for high-risk AI systems as of 2 August 2026. The supervision and enforcement of the prohibitions and rules for high-risk AI systems will be the responsibility of national market surveillance authorities, which Member States are required to designate by 2 August 2025. It will be the task of the competent Danish market surveillance authority to assess whether the system used by the Danish social security authority complies with the AI Act, once it applies. To provide guidance on the AI Act’s interpretation and to support its effective and uniform application, the Commission will adopt guidelines, including on the prohibitions and rules for high-risk AI systems.

¹ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), OJ L, 2024/1689.

² See recital 58 of the AI Act.

³ Point (c) of Article 5(1) of the AI Act.

⁴ Article 6(2) and point 5(a) of Annex III.