EUROPEAN COMPLIANCE SUITE

EU AI Act Compliance Evidence Templates

EXPLANATORY NOTICE AND TEMPLATE

Applicability Assessment for the marking of artificially generated or manipulated content under Article 50(2) of Regulation (EU) 2024/1689 (AI Act)

Template reference	ECS-AIA-50-2-SCOPE
Version	1.0
Issued	July 2026
Obligation addressed	Article 50(2) AI Act — determination of whether, and to what extent, the marking obligation applies
Addressee	Any entity making an AI system with generative capability available on the Union market or putting it into service
Position in the pack	Entry document. Completed before ECS-AIA-50-2-NOTICE; its determinations populate Sections 1.3 and 4 of the Record
Companion templates	ECS-AIA-50-2-NOTICE — the Record; ECS-AIA-50-2-TEST — test protocol; ECS-AIA-50-2-DEPLOYER — deployer information notice

1. Background and purpose

(1) Article 50(2) of Regulation (EU) 2024/1689 (the 'AI Act') requires providers of AI systems, including general-purpose AI systems, generating synthetic audio, image, video or text content to ensure that the outputs of the system are marked in a machine-readable format and detectable as artificially generated or manipulated. The obligation applies from 2 August 2026.

(2) The obligation is capability-based rather than risk-based. It does not depend on the classification of the system under Chapter III AI Act, it is not disapplied for systems released under free and open-source licences, and it does not depend on the sector in which the system is deployed. As a result, a materially wider population of entities is caught by Article 50(2) than by the high-risk regime, and many of those entities will not have conducted any prior classification exercise under the AI Act.

(3) This Applicability Assessment establishes, in a single documented exercise, whether the obligation applies to a given entity and system, to which modalities it applies, whether any exclusion is engaged, and which transitional dates are relevant. It is the entry document of the Article 50(2) evidence pack.

(4) The Assessment serves two purposes. Where the obligation applies, it produces the determinations that populate Sections 1.3 and 4 of the Record (ECS-AIA-50-2-NOTICE) and defines the scope of the testing to be performed under ECS-AIA-50-2-TEST. Where the obligation does not apply, or applies only in part, the Assessment is itself the retained evidence of that conclusion. A negative determination that was never written down is indistinguishable, on enquiry, from a determination that was never made.

RELEVANT LEGAL TEXT

Article 50(2) AI Act.

Providers of AI systems, including general-purpose AI systems, generating synthetic audio, image, video or text content, shall ensure that the outputs of the AI system are marked in a machine-readable format and detectable as artificially generated or manipulated. Providers shall ensure their technical solutions are effective, interoperable, robust and reliable as far as this is technically feasible, taking into account the specificities and limitations of various types of content, the costs of implementation and the generally acknowledged state of the art, as may be reflected in relevant technical standards. This obligation shall not apply to the extent the AI systems perform an assistive function for standard editing or do not substantially alter the input data provided by the deployer or the semantics thereof, or where authorised by law to detect, prevent, investigate or prosecute criminal offences.

Article 2(1) AI Act (extract).

This Regulation applies to providers placing on the market or putting into service AI systems or placing on the market general-purpose AI models in the Union, irrespective of whether those providers are established or located within the Union or in a third country.

2. How to use this Assessment

(5) The Assessment proceeds through five determinations, to be completed in order. Each determination is capable of ending the exercise: where a determination is negative, the entity records the reasoning and stops, subject to the review triggers in Section 6.

- Determination A — is the entity a provider of an AI system for the purposes of the AI Act?
- Determination B — is there a Union nexus, that is, is the system placed on the Union market or put into service in the Union?
- Determination C — does the system generate or manipulate synthetic content, and in which modalities?
- Determination D — does any exclusion in the third sentence of Article 50(2) apply, and to what extent?
- Determination E — which application date governs, and is the transitional period relied upon?

(6) Determinations C and D are made modality by modality and, where relevant, feature by feature. A single global answer is rarely correct: a system commonly generates content in one modality and merely edits content in another, and the obligation attaches to the former and not the latter.

(7) Each determination requires reasoning, not only an answer. The value of the Assessment on enquiry lies in the recorded basis for the conclusion, and a determination recorded as a bare affirmative or negative carries no evidential weight.

3. The five determinations

3.1. Determination A — role of the entity

(8) Article 50(2) attaches to the provider. Under Article 3(3) AI Act, a provider is a natural or legal person, public authority, agency or other body that develops an AI system, or that has an AI system developed, and places it on the market or puts it into service under its own name or trade mark, whether for payment or free of charge.

(9) Three situations warrant particular care. First, an entity that puts its own name or trade mark on an AI system developed by another becomes the provider of that system and assumes the obligation. Second, an entity that substantially modifies a generative AI system already on the Union market, including by fine-tuning where the modification meets the applicable threshold, may become the provider of the resulting system. Third, an entity that deploys a generative system under the provider's name is a deployer and does not bear the Article 50(2) obligation, but may bear obligations under Article 50(4) and should complete ECS-AIA-50-4 instead.

(10) An entity may hold different roles in respect of different systems, and in respect of different components of the same product. The Assessment is completed per system, not per organisation.

3.2. Determination B — Union nexus

(11) The AI Act applies to providers placing an AI system on the Union market or putting it into service in the Union irrespective of their place of establishment. Establishment outside the Union is therefore not a ground for concluding that Article 50(2) does not apply, and a provider established in a third country should note the separate requirement to appoint an authorised representative where the applicable provisions so require.

(12) Making a system available through a hosted interface accessible to users in the Union, distributing model weights that constitute or are integrated into a generative system, and embedding a generative capability in a product supplied into the Union are each capable of constituting placing on the market or putting into service. Where the entity considers that no Union nexus exists, the technical and commercial measures relied upon to reach that conclusion should be recorded, since a general assertion that the Union is not a target market is unlikely to survive evidence of Union users.

3.3. Determination C — generative capability by modality

(13) The obligation applies where the system generates synthetic audio, image, video or text content, and equally where the system manipulates such content. Both limbs should be considered for each modality, because a system that generates in no modality may nonetheless manipulate in one.

(14) The determination is made against what the system is capable of producing in the hands of its users, not against the use cases the provider intends. Where a general-purpose capability can be prompted to produce synthetic content in a modality, that modality is in scope irrespective of whether the provider markets the system for that purpose.

(15) Text merits separate consideration. It is the modality where marking is technically hardest and where entities most often assume, without analysis, that the obligation cannot apply. The Assessment requires

text to be addressed expressly; the difficulty of marking is a matter for the feasibility reasoning in the Record, not a ground for finding the modality out of scope.

3.4. Determination D — exclusions

(16) The third sentence of Article 50(2) disapplies the obligation to the extent that the AI system performs an assistive function for standard editing, or does not substantially alter the input data provided by the deployer or the semantics thereof, or where the system is authorised by law to detect, prevent, investigate or prosecute criminal offences.

(17) The words 'to the extent' govern the whole sentence. An exclusion operates against identified functionality and not against the system as a whole, so a system with one qualifying feature and one generative feature remains in scope for the latter. A claim recorded at system level where only a feature qualifies is a defect in the Assessment.

(18) The assistive-editing and non-substantial-alteration limbs are assessments the entity makes on technical grounds and must be able to justify by reference to what the feature does to the content. The law-enforcement limb is different in kind: it requires an identifiable authorising provision, and the absence of a citable legal basis is determinative against the claim.

3.5. Determination E — applicable dates

(19) Article 50 applies from 2 August 2026. Systems placed on the Union market on or after that date comply from the outset. Under the transitional arrangement introduced by the Digital Omnibus on AI, generative AI systems placed on the Union market before 2 August 2026 have until 2 December 2026 to bring marking and detection into conformity with Article 50(2), and content generated and published before 2 August 2026 need not be marked retroactively.

(20) These dates were settled late in the legislative process and remain subject to the wider review of the Union digital rulebook. They should be verified against the consolidated text of the AI Act as amended at the date the Assessment is completed, and the date of that verification recorded.

4. Outcome of the Assessment

(21) The Assessment produces one of three outcomes, each of which carries a defined consequence for the remainder of the evidence pack.

- In scope — the obligation applies to one or more modalities. The entity completes the Record (ECS-AIA-50-2-NOTICE), performs testing under ECS-AIA-50-2-TEST for each modality in scope, and issues the deployer information notice (ECS-AIA-50-2-DEPLOYER) where the system is made available to deployers.
- Partly in scope — the obligation applies to some modalities or features and not others. The Record is completed for the modalities and features in scope, and Section 4 of the Record carries the exclusions determined here.
- Out of scope — the obligation does not apply. The Assessment is retained as the evidence of that conclusion and is reviewed on the triggers in Section 6. No Record is required.

(22) An outcome of out of scope by reason of an exclusion is materially different from an outcome of out of scope by reason of the absence of generative capability, and the two should not be recorded interchangeably. The former is a legal position that must be defended on its facts; the latter is a factual position that changes as soon as the system's capabilities change.

5. Relationship with other obligations

(23) A determination that Article 50(2) does not apply does not dispose of the other transparency obligations in Chapter IV. In particular, a system intended to interact directly with natural persons may engage

Article 50(1) irrespective of whether it generates content, and a deployer using a generative system to produce deepfakes or public-interest text engages Article 50(4) irrespective of the provider's position under Article 50(2).

(24) Where the entity is also the provider of a general-purpose AI model, the obligations in Chapter V AI Act, including the public summary of training content under Article 53(1)(d), arise separately and are not addressed by this Assessment.

6. Review and re-assessment

(25) The Assessment should be repeated on any of the following triggers: a change in the system's generative or manipulative capability, including capability added by a model update; a change in the entity's role in respect of the system; the extension of distribution to the Union or a material change in Union availability; a change in the functionality on which an exclusion was claimed; and the publication of Commission guidelines or an implementing act bearing on the scope of Article 50.

(26) In the absence of such a trigger, the Assessment should be reviewed at intervals of no more than twelve months. A review that results in no change should nonetheless be recorded, since the currency of the conclusion is itself the point.

7. What follows an in-scope determination

(27) Where this Assessment concludes that Article 50(2) applies, the determinations it records are the starting point for the remaining documents in the Article 50(2) evidence pack. The residual scope identified in Determination D carries into the general information section of the Record (ECS-AIA-50-2-NOTICE), which sets out the marking solution implemented and assesses it against each of the four statutory criteria. Each modality found in scope defines the testing to be performed under the Marking Test Protocol (ECS-AIA-50-2-TEST), which produces the coverage, robustness, detection and adversarial-resistance figures the Record requires. Where the system is made available to deployers, the Deployer Information Notice (ECS-AIA-50-2-DEPLOYER) tells them what is marked, how to detect it, and which steps in their own workflow will remove it. The three documents are drawn up to follow this Assessment in that order, so that the reasoning recorded here is not repeated but relied upon.

(28) Where this Assessment concludes that the obligation does not apply, no further document is required; this Assessment is itself the retained evidence of that conclusion, subject to the review triggers in Section 6.

Annex

Template for the Applicability Assessment under Article 50(2) of Regulation (EU) 2024/1689 (AI Act)

Version of the Assessment	*Version identifier, with references to previous versions where applicable.*
Last update	*DD/MM/YYYY*
Prepared by	*Name, role and function responsible for the accuracy of this Assessment.*
Classification	*Internal / disclosable to authorities / disclosable to customers.*

1. Entity and system

Entity name and establishment	*Legal name, registered address, and country of establishment.*
System name and version	*Unique identifier of the AI system or system version assessed. Complete one Assessment per system.*
System description	*What the system does, in two or three sentences, in terms a non-specialist reader can follow.*
Date of assessment	*DD/MM/YYYY.*
Consolidated text verified at	*Date on which the applicable provisions and dates were verified against the consolidated text of the AI Act as amended.*

2. Determination A — role of the entity

Role claimed	*Provider / deployer / downstream modifier who has become the provider / distributor / importer / other. Where more than one role is held across components, identify each and the component to which it relates.*
Basis	*Explain by reference to Article 3 AI Act why the role is as stated — in particular whether the system is placed on the market or put into service under the entity's own name or trade mark.*
Upstream system or model	*Where the system incorporates or modifies a third-party generative system or general-purpose AI model, identify it and state whether the modification is such that the entity becomes the provider of the resulting system.*
Conclusion	*The entity is / is not a provider for the purposes of Article 50(2). If not, stop here and record the obligations that do apply.*

3. Determination B — Union nexus

Availability in the Union	*Describe how the system is or may be made available to users in the Union, including hosted access, distribution of weights, and embedding in a supplied product.*
Measures relied upon to exclude the Union	*Where the entity concludes there is no Union nexus, describe the technical and contractual measures relied upon and their effectiveness. A statement of commercial intent alone is not sufficient.*
Authorised representative	*Where the entity is established outside the Union, state whether an authorised representative has been appointed and identify them.*
Conclusion	*The system is / is not placed on the Union market or put into service in the Union.*

4. Determination C — generative capability by modality

Complete every row. Address both generation and manipulation. Where a modality is recorded as out of scope, the reason must be capability-based; difficulty of marking is not a reason and belongs in Section 3.5 of the Record.

Modality	Generates?	Manipulates?	What the system produces or alters	In scope / out of scope and why
Text				
Image				
Audio				
Video				
Other (specify)				

Capability in the hands of users	*State whether the system can be prompted or configured to produce synthetic content in a modality not marketed by the entity, and how that possibility was tested.*
Multimodal outputs	*Where a single output combines modalities, identify the combination and state which components are in scope.*
Conclusion	*List the modalities in scope.*

5. Determination D — exclusions

Complete only where an exclusion is claimed. Each claim must identify the specific functionality; a claim at system level is admissible only where the entire system falls within the exclusion.

5.1. Assistive function for standard editing

Feature(s) concerned	*Identify precisely.*
Why the function is assistive and the editing standard	*Explain by reference to what the feature does to the content.*
Runtime boundary	*How the system distinguishes this functionality from generative functionality in scope, and what occurs where a single output involves both.*

5.2. No substantial alteration of input data or its semantics

Feature(s) concerned	*Identify precisely.*
Why the alteration is not substantial	*Address the input data and the semantics of that data as separate limbs.*
Threshold applied	*The criteria by which substantial alteration is determined, and how they are applied consistently across releases.*

5.3. Authorisation by law for law-enforcement purposes

Feature(s) and deployment concerned	*Identify the functionality and the context of use.*
Authorising provision	*Cite the Union or national provision relied upon. Absence of a citable provision is determinative against the claim.*
Scope limitation	*How the exclusion is confined to the authorised use, and what marking applies where the same system is available for other purposes.*

5.4. Effect of the exclusions

Residual scope	*After the exclusions, state precisely which modalities and features remain in scope. This statement carries into Section 1.3 of the Record.*

6. Determination E — applicable dates

Date of placing on the market or putting into service	*DD/MM/YYYY for each system or version.*
Applicable compliance date	*State the date by which conformity with Article 50(2) is required for this system.*
Transitional period relied upon	*State whether the system was placed on the Union market before 2 August 2026 and whether the period to 2 December 2026 is relied upon. If so, state the date on which full conformity was or will be achieved.*
Other milestones tracked	*Identify any further milestone relevant to this system, and the source verified.*

7. Outcome and consequential actions

Outcome	*In scope / partly in scope / out of scope.*
Basis of the outcome in one sentence	*Written so that a reader who has not seen the reasoning above can understand the conclusion.*

Records required	*Identify which of ECS-AIA-50-2-NOTICE, ECS-AIA-50-2-TEST and ECS-AIA-50-2-DEPLOYER are required, and for which modalities.*
Other obligations identified	*Article 50(1), 50(4), Chapter III, Chapter V or other. Identify the owner of each.*
Owner and target dates	*Who is responsible for each consequential action and by when.*

8. Review

Next scheduled review	*DD/MM/YYYY, no more than twelve months from the date of assessment.*
Trigger events registered	*Identify the changes that would require re-assessment before that date, and how they will be detected.*

9. Version history and declaration

Version	Date	Nature of the change or review	Approved by

Declaration

The determinations recorded above are made in good faith and, to the best of the knowledge of the person signing, are accurate and complete as at the date of signature. Where a determination could not be made on the information available, the gap and the reason for it have been recorded in the relevant field.

Name	
Role	
Date	
Signature	