

EUROPEAN COMPLIANCE SUITE

EU AI Act Compliance Evidence Templates

EXPLANATORY NOTICE AND TEMPLATE**Applicability Assessment for the obligation to inform natural persons that they are interacting with an AI system under Article 50(1) of Regulation (EU) 2024/1689 (AI Act)**

Template reference	ECS-AIA-50-1-SCOPE
Version	1.0
Issued	July 2026
Obligation addressed	Article 50(1) AI Act — determination of whether, and in which contexts, the disclosure obligation applies
Addressee	Any entity making an AI system intended to interact with natural persons available on the Union market or putting it into service
Position in the pack	Entry document. Completed before ECS-AIA-50-1-RECORD; its determinations populate Sections 1.2 and 2 of the Record
Companion templates	ECS-AIA-50-1-RECORD — the Record; ECS-AIA-50-1-DESIGN — disclosure design evidence; ECS-AIA-50-1-DEPLOYER — deployer configuration notice

This Explanatory Notice and the Template annexed to it are issued by European Compliance Suite as private compliance documentation. They are not a Union instrument, are not endorsed by the European Commission or the AI Office, and do not constitute legal advice. Where the Commission adopts an official template, guidance or implementing act covering the same obligation, that instrument prevails.

1. Background and purpose

- (1) Article 50(1) of Regulation (EU) 2024/1689 (the ‘AI Act’) requires providers to ensure that AI systems intended to interact directly with natural persons are designed so that those persons are informed they are interacting with an AI system, unless that is obvious to a reasonably well-informed, observant and circumspect person in the circumstances and context of use. The obligation applies from 2 August 2026.
- (2) The obligation is design-based and provider-facing, and it is not confined to systems marketed as ‘chatbots’. Any system that interacts directly with a natural person through text, voice, or an embodied or avatar interface may be caught. As with the other transparency duties in Chapter IV, it applies irrespective of risk classification and is not disapplied for free and open-source systems.
- (3) This Applicability Assessment establishes, in a single documented exercise, whether the obligation applies to a given entity and system, in which contexts of use, and whether the ‘obvious’ exception is available. It is the entry document of the Article 50(1) evidence pack.
- (4) Where the obligation applies, the Assessment produces the determinations that populate Sections 1.2 and 2 of the Record (ECS-AIA-50-1-RECORD) and identifies the contexts for which a disclosure design must be evidenced under ECS-AIA-50-1-DESIGN. Where it does not apply, the Assessment is itself the retained evidence of that conclusion.

RELEVANT LEGAL TEXT

Article 50(1) AI Act.

Providers shall ensure that AI systems intended to interact directly with natural persons are designed and developed in such a way that the natural persons concerned are informed that they are interacting with an AI system, unless this is obvious from the point of view of a natural person who is reasonably well-informed, observant and circumspect, taking into account the circumstances and the context of use.

Article 3(3) AI Act.

‘provider’ means a natural or legal person, public authority, agency or other body that develops an AI system or a general-purpose AI model or that has an AI system or a general-purpose AI model developed and places it on the market or puts the AI system into service under its own name or trademark, whether for payment or free of charge.

2. How to use this Assessment

- (5) The Assessment proceeds through five determinations, completed in order. Each can end 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 the system, as opposed to a deployer?
 - Determination B — is there a Union nexus?
 - Determination C — is the system intended to interact directly with natural persons, and through which modalities and contexts?
 - Determination D — in which contexts, if any, is the ‘obvious’ exception available?
 - Determination E — which application date governs?
- (6) Determinations C and D are made per context of use. A system offered for several contexts may require disclosure in some and qualify for the exception in others; a single global answer is rarely correct. The outcome of Determination D is provisional at this stage — it identifies where the exception is arguable — and the full reasoning is completed in Section 4 of the Record.

3. The five determinations

3.1. Determination A — provider or deployer

- (7) Article 50(1) binds the provider at the design stage. An entity that develops the interacting system, or has it developed, and places it on the market or puts it into service under its own name or trade mark is the provider and bears the obligation. An entity that merely deploys a third-party system in its own operations is a deployer and does not bear the Article 50(1) design duty, although it must not defeat the disclosure the provider has built and may bear other obligations.
- (8) Two situations need care. An entity that puts its own name or trade mark on an interacting system built by another becomes its provider. An entity that substantially modifies such a system, including by changing its interaction behaviour, may become the provider of the resulting system and take on the design duty for it. The Assessment is completed per system.

3.2. Determination B — Union nexus

- (9) 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. A system made available to natural persons in the Union — through a website, an application, a telephone channel or an embedded assistant — has a Union nexus even where the provider is established in a third country, which should then note the possible requirement to appoint an authorised representative.

3.3. Determination C — direct interaction with natural persons

- (10) The obligation attaches where the system is intended to interact directly with natural persons. Three elements are assessed. The interaction must be direct, meaning the system communicates with the person rather than only feeding an intermediary process. The counterpart must be a natural person, not solely another system. And the interaction must be intended, in the sense that it is part of the system's designed and normal use rather than a remote edge case.
- (11) The determination is made per modality and per context of use, because both bear on the later analysis. A system may interact by text in one deployment and by synthesised voice in another, and may be offered for customer service, general information, companionship or internal staff support, each of which frames the disclosure question differently.

3.4. Determination D — availability of the 'obvious' exception

- (12) The exception disappplies the obligation where interaction with an AI is obvious to a reasonably well-informed, observant and circumspect person, taking into account the circumstances and context of use. At this stage the entity records only whether the exception is arguable for each context, and the provisional basis; the full four-factor reasoning is completed in Section 4 of the Record.
- (13) Because the exception is assessed against context, and context can change between deployments, an exception available in one context should not be assumed for another. Where the exception is doubtful, the sound course is to treat the context as requiring disclosure and to design accordingly.

3.5. Determination E — applicable date

- (14) Article 50 applies from 2 August 2026. Systems placed on the market or put into service on or after that date comply from the outset. Dates should be verified against the consolidated text of the AI Act as amended, and the date of verification recorded.

4. Outcome of the Assessment

- (15) The Assessment produces one of three outcomes.
 - In scope — the obligation applies in one or more contexts. The entity completes the Record, evidences the disclosure design under ECS-AIA-50-1-DESIGN for each such context, and issues the deployer configuration notice where the system is made available to deployers.

- In scope but exception arguable — the obligation applies but the exception is arguable in one or more contexts. The Record is completed, with Section 4 carrying the exception reasoning for those contexts; where the exception is ultimately relied upon, the disclosure design covers only the contexts where disclosure is given.
 - Out of scope — the entity is not a provider, there is no Union nexus, or the system does not interact directly with natural persons. The Assessment is retained as the evidence of that conclusion.
- (16) Out of scope because the system does not interact directly with natural persons is a factual position that changes if the system's use changes; out of scope because the exception applies is a legal position defended on its facts and belongs in the Record, not here. The two should not be recorded interchangeably.

5. Relationship with other obligations

- (17) A conclusion that Article 50(1) does not apply does not dispose of the other duties in Chapter IV. A system that generates synthetic content engages Article 50(2) irrespective of the interaction question; a system performing emotion recognition or biometric categorisation engages the distinct duty in Article 50(3) and may be prohibited under Article 5; and deployers using the system to produce deepfakes or public-interest text engage Article 50(4).

6. Review and re-assessment

- (18) The Assessment is repeated on any of the following triggers: a change in the entity's role in respect of the system; the extension of availability to the Union; a change in the modalities or contexts through which the system interacts with natural persons; a change bearing on the availability of the exception; and the publication of Commission guidelines or a code of practice affecting the scope of Article 50(1).
- (19) In the absence of a trigger the Assessment is reviewed at intervals of no more than twelve months, and a review resulting in no change is nonetheless recorded.

7. What follows an in-scope determination

- (20) Where this Assessment concludes that Article 50(1) applies, its determinations are the starting point for the rest of the pack. The contexts and modalities identified here carry into Sections 1.2 and 2 of the Record (ECS-AIA-50-1-RECORD), which assesses the exception where arguable and records how the disclosure is given. Each context in which disclosure is given defines a disclosure design to be evidenced under ECS-AIA-50-1-DESIGN. Where the system is made available to deployers, the Deployer Configuration Notice (ECS-AIA-50-1-DEPLOYER) sets out what deployers may and may not change. The documents are drawn up to follow this Assessment in that order.
- (21) 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(1) of Regulation (EU) 2024/1689 (AI Act)

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

1. Entity and system

Entity name and establishment	<i>Legal name, registered address, and country of establishment.</i>
System name and version	<i>Unique identifier of the AI system or version assessed. One Assessment per system.</i>
System description	<i>What the system does and how it interacts with people, in two or three sentences.</i>
Date of assessment	<i>DD/MM/YYYY.</i>
Consolidated text verified at	<i>Date on which the applicable provisions and dates were verified against the consolidated text of the AI Act as amended.</i>

2. Determination A — provider or deployer

Role claimed	<i>Provider / deployer / downstream modifier who has become the provider. Where roles differ across components, identify each.</i>
Basis	<i>Explain by reference to Article 3(3) AI Act, in particular whether the interacting system is placed on the market or put into service under the entity's own name or trade mark.</i>
Conclusion	<i>The entity is / is not a provider bearing the Article 50(1) design duty. If not, stop and record the obligations that do apply.</i>

3. Determination B — Union nexus

Availability in the Union	<i>How the system is or may be made available to natural persons in the Union.</i>
Authorised representative	<i>Where the entity is established outside the Union, whether an authorised representative has been appointed.</i>
Conclusion	<i>The system is / is not placed on the Union market or put into service in the Union.</i>

4. Determination C — direct interaction, by modality and context

Complete one row per context of use. Identify the modality or modalities used in each.

Context of use	Modalities	Direct interaction with a natural person?	In scope?

Indirect or system-to-system use	<i>Identify any use in which the system does not interact directly with a natural person, and why.</i>
Conclusion	<i>List the contexts and modalities in scope.</i>

5. Determination D — availability of the ‘obvious’ exception

Provisional at this stage. Record whether the exception is arguable for each in-scope context and the provisional basis. Full reasoning is completed in Section 4 of the Record.

Context of use	Exception arguable?	Provisional basis	Disclosure required pending Record?

6. Determination E — applicable date

Date of placing on the market or putting into service	<i>DD/MM/YYYY for each system or version.</i>
Applicable compliance date	<i>The date by which conformity with Article 50(1) is required for this system.</i>

7. Outcome and consequential actions

Outcome	<i>In scope / in scope with exception arguable / out of scope.</i>
Basis of the outcome in one sentence	<i>Written so a reader who has not seen the reasoning can understand the conclusion.</i>
Records required	<i>Which of ECS-AIA-50-1-RECORD, ECS-AIA-50-1-DESIGN and ECS-AIA-50-1-DEPLOYER are required, and for which contexts.</i>
Other obligations identified	<i>Article 50(2), 50(3), 50(4), Chapter III, GDPR or other. Identify the owner of each.</i>
Owner and target dates	<i>Who is responsible for each consequential action and by when.</i>

8. Review

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

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	