

A thick, light-brown rope is arranged on a white background to form a simple smiley face. The rope forms two circular eyes at the top, a curved line for a nose, and a wide, upward-curving arc for a mouth. To the left of the face, there is a gold-colored L-shaped graphic element consisting of a vertical bar and a horizontal bar. To the right, there is a grey-colored L-shaped graphic element consisting of a vertical bar and a horizontal bar.

**HUMAN OVERSIGHT:  
OUT OF THE LOOP  
TAKING CHARGE**



- Title I: General Provisions
- Title II: Prohibited AI Practices
- Title III: **High-risk systems**
- Title IV: Transparency obligations for certain systems
- Title V: Measures in support of innovation
- Title VI: Governance
- Title VII: EU database for stand-alone high-risk AI systems
- Title VIII: Post-market monitoring, information sharing, market surveillance
- Title IX: Codes of Conduct
- Title X: Confidentiality and penalties

# Chapter 2

## Requirements for high risk systems

- Risk management system
  - Data and data governance
  - Transparency
  - **Human oversight**
  - Accuracy, robustness, cybersecurity
- 
- Obligations for providers
    - Obligations for users

# Chapter 2

## Art. 14

### Human oversight

1. High-risk AI systems shall be **designed and developed** in such a way,  
*including with appropriate **human-machine interface tools**,  
that they **can be effectively overseen by natural persons**  
during the period in which the AI system is in use.*

# Chapter 2

## Art. 14

### Human oversight

1. Human oversight ‘by design’
  - *addressing the provider*
  - *during the use of the system*

# Chapter 2

## Art. 14

### Human oversight

2. Human oversight shall aim at **preventing or minimising the risks to health, safety or fundamental rights**
  - *that may emerge when a high-risk AI system is used*
  - *in accordance with its **intended purpose** or*
  - *under conditions of **reasonably foreseeable misuse**,*
  - *in particular when such risks persist notwithstanding*
  - *the application of other requirements set out in this Chapter.*

# Chapter 2

## Art. 14

### Human oversight

2. Human oversight meant to minimise risks to
  - *health, safety (Annex II) and*
  - *fundamental rights (Annex III)*
  - *risk for both intended purpose AND other use cases*

# Chapter 2

## Art. 14

### Human oversight

3. Human oversight shall be ensured through either one or all of the following **measures**:
  - a. **identified and built**, when technically feasible, **into the high-risk AI system** by the provider before it is placed on the market or put into service;
  - b. **identified** by the provider before placing the high-risk AI system on the market or putting it into service and that are appropriate **to be implemented by the user**.



# Chapter 2

## Art. 14

### Human oversight

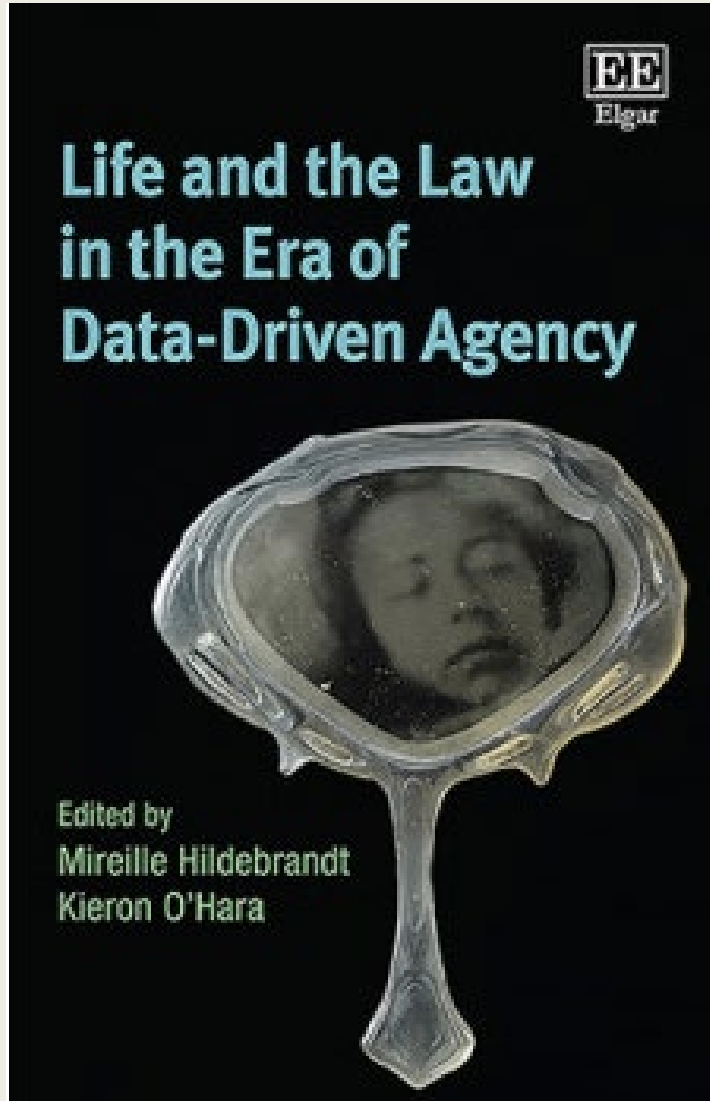
3. Human oversight must **be built in** or otherwise **foreseen** by the provider

# Chapter 2

## Art. 14

### Human oversight

4. The measures referred to in paragraph 3 shall enable **the individuals to whom human oversight is assigned** to do the following, as appropriate to the circumstances:
  - a. *fully understand the capacities and limitations of the high-risk AI system and be able to duly monitor its operation, so that signs of anomalies, dysfunctions and unexpected performance can be detected and addressed as soon as possible;*
  - b. *remain aware of the possible tendency of automatically relying or over-relying on the output produced by a high-risk AI system ('automation bias'), in particular for high-risk AI systems used to provide information or recommendations for decisions to be taken by natural persons;*
  - c. *be able to correctly interpret the high-risk AI system's output, taking into account in particular the characteristics of the system and the interpretation tools and methods available;*
  - d. *be able to decide, in any particular situation, not to use the high-risk AI system or otherwise disregard, override or reverse the output of the high-risk AI system;*
  - e. *be able to intervene on the operation of the high-risk AI system or interrupt the system through a "stop" button or a similar procedure.*



## Chapter 2

### Art. 14

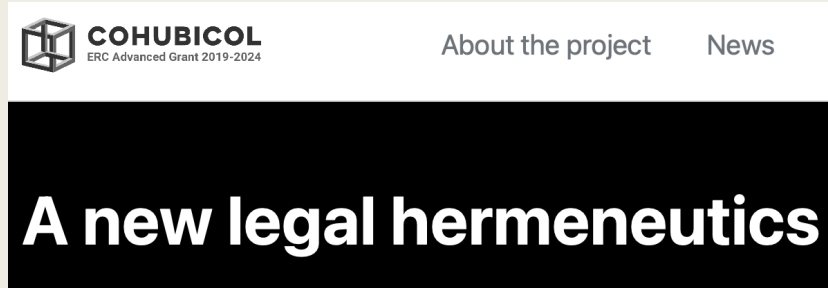
# Human oversight

4. Humans tasked with oversight must be able to properly understand capacities and limitations, detect potential issues, resist automation bias, correctly interpret the output, be able to refrain from using the system, reversing its output or even interrupt its operations

## Chapter 2

### Art. 14

## Human oversight



This will be the starting point for a process of building **new theories of interpretation** that should enable an informed understanding of the output of computational legal systems, based on the capability to **probe, test and contest** such output. This is part of the final years of the project.

4. Humans tasked with oversight must be able to properly understand capacities and limitations, detect potential issues, resist automation bias, **correctly interpret the output**, be able to refrain from using the system, reversing its output or even interrupt its operations

# Chapter 2

## Art. 14

### Human oversight

5. For high-risk AI systems referred to in point **1(a) of Annex III**, the measures referred to in paragraph 3 shall be such as to ensure that, in addition,
  - *no action or decision is taken by the user*
  - *on the basis of the identification resulting from the system*
  - *unless this has been verified and confirmed by at least two natural persons.*

#### Annex III

1. Biometric identification and categorisation of natural persons:
  - a. AI systems intended to be used for the ‘real-time’ and ‘post’ remote biometric identification of natural persons;

# Examples

## Connected cars (high risk system ex Annex II and III?):

- *The manufacturer of the car is a provider but*
  - the end-user of the car is not the user of the car in the sense of the AI Act,
  - those managing/operating/maintaining the relevant centralised or distributed AI systems to which the car connects will have to 'do' the human oversight
- *The developer of one of the integrated AI systems may be a provider*
  - who then has to design and foresee human oversight with the manufacturer
  - who will be the 'user' in that case?

# Examples

## Fraud detection software (high risk system Annex II?):

- *The company selling the software is the provider*
  - the provider has to design human oversight into the system and foresee further oversight by the user that cannot be built in
  - the persons flagged by the system are not the users in the sense of the AI Act
  - **those managing/operating/maintaining the relevant software (e.g. the taxation office, a bank, a retailer)**, who are users will have to ensure the human oversight, whether it has been built in or not (implementing measures identified by the provider)

# Examples

## ‘Legal search’ (high risk based on Annex III?):

- *The company putting the software on the market or into service is the provider*
  - **the provider (legal tech company)** has to design human oversight into the system and foresee further oversight by the user that cannot be built in
  - **the provider (law firm, judiciary, justice authorities)** who is itself also the user has to design human oversight into the system and foresee further oversight that cannot be built in
  - **those managing/operating/maintaining the relevant software (law firm, judiciary, justice authorities)** who are the user, will have to ensure the human oversight, whether it has been built in or not (based on measures identified by the provider)



# Summing up

- **No human in the loop**
- The human should be 'in charge'
  - *The system must **be built such** that humans can be in charge*
  - *Providers must **instruct users** as to how this can be done*
  - ***Clearly systems are to serve humans, not the other way round***

# Bonus slide

Taking human's seriously the AIA should add the following individual rights:

- The right not to be subject to prohibited AI practices
- The right to object to decisions made by high-risk AI systems
  
- The right to file an injunction in a court of law, and to mandate that right to an NGO in case one is subjected to prohibited AI practices or to decisions made by high-risk AI systems
  - The right of dedicated NGOs to file an injunction in their own name with respect to the rights under A and B