

Proving Article 50

which exceptions hold, and what the file has to contain

The implementation brief tells you what applies. This one is what you build, and what you keep.
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EXCEPTIONS THAT HOLD	COVERED BY THE CODE	EXPOSURE PER BREACH
4	50(2) · 50(4) · 50(5)	€15M or 3%

READ THE BRIEF FIRST It does not restate the duties, dates or enforcement architecture.

01 Exceptions that hold

Most disputes will turn on exceptions, and most are narrower than they look. Four carry real weight, and none survives an inspection unreasoned.

EXCEPTION	WHERE	WHAT IT REQUIRES
"Obvious" interaction	50(1)	Read restrictively: it deprives people of transparency. Two-step test · identify the target audience, then assess how well-informed, observant and circumspect an average member is. The threshold drops where children, elderly people or persons with disabilities are in the audience.
Standard editing	50(2)	The system performs only an assistive function and does not substantially alter the input data or its semantics. Grammar correction qualifies. Substantive regeneration does not.
Artistic and fictional	50(4)	The duty is not removed. It is limited to disclosure in a manner that does not hamper the display or enjoyment of the work. Clearly fantastical or physically impossible content falls outside the deepfake definition.
Human review TEXT ONLY	50(4)	Deliberate examination of the substance by natural persons with relevant knowledge and professional judgement · academic peer review, professional validation chains. Editorial control means a responsible editorial entity exercising authority in practice to approve, alter or reject substance, including fact-checking and source verification. Spell-checking does not qualify. A natural or legal person must hold ultimate legal editorial responsibility.

LAW ENFORCEMENT CARVE-OUT A carve-out runs across the duties where use is authorised by law to detect, prevent, investigate or prosecute offences. For Article 50(1) it does not apply where the system is open to the public to report an offence.	ALSO IN THE GUIDELINES A narrower business-to-business and industrial exemption exists under Article 50(2), subject to conditions set out in the Commission Guidelines. It is not a general enterprise carve-out and should not be relied on without reading the conditions in full.
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02 Documenting the exception

The exception is not the risk · the undocumented exception is. An oral defence will not hold in an inspection.

WHAT THE RECORD CONTAINS ☐ Which exception is relied on, by article and limb ☐ Which system or content it covers, identified precisely ☐ Why it applies, reasoned against the test in the Guidelines, not asserted ☐ Who decided, by name and role ☐ When it was decided, and when it is next reviewed ☐ What would change the answer	ONE OWNER PER EXCEPTION An exception with no named owner is not an exception. It is an unrecorded assumption that survives until someone asks.
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PRIMARY SOURCES · *European Commission Guidelines on Article 50 (20 July 2026)* · *Article 50 Questions and Answers (20 July 2026)* · *Code of Practice on Transparency of AI-Generated Content (10 June 2026)* · *Regulation (EU) 2026/1744 (OJ, 24 July 2026)* · *Regulation (EU) 2024/1689, the AI Act*. This document is for information purposes and is not legal advice.

03

The Code of Practice

Drawn up by independent experts under the AI Office, published 10 June 2026, and confirmed by the Commission and the AI Board as an adequate voluntary tool. Section 1 covers Providers and marking, Section 2 Deployers and labelling.

IF YOU SIGN

You may rely on the measures in the Code to demonstrate compliance with Articles 50(2), (4) and (5), regardless of your place of establishment, operation or competent authority. Legal certainty across all Member States. Signatories collaborate in Signatory Taskforces.

IF YOU DO NOT

You must demonstrate compliance by alternative adequate means, assessed individually by each market surveillance authority. Expect more requests for information.

WHAT THE CODE DOES NOT DO

Covers Articles 50(2), (4) and (5) only. For 50(1) and (3), operators determine adequate measures themselves, taking the Guidelines into account. It does not replace the Act or the Guidelines and confers no presumption of conformity.

04

The EU icon set

Three icons, four variations each, as SVG and PNG, free to use with no attribution. Integral to Section 2 of the Code.

ICON	WHEN TO USE	EXAMPLE
Basic	Where AI was involved in creating deepfake content or published text, or a custom text label or interactive second layer is used.	A deepfake video labelled "voices generated with", then the icon.
Fully AI-generated	Where the entire content is AI-generated with no human elements and no editorial control, apart from prompting.	AI-generated news summaries. AI-generated video of public figures.
Partially AI-modified	Where human-made content was partly modified with AI, turning it into a deepfake or public interest text.	A face swapped in a real photograph. An empty apartment furnished with AI.

PLACEMENT

- ☐ Perceivable and distinguishable at first exposure
- ☐ Placed where no intervening overlay elements exist
- ☐ Embedded directly into the content, except creative works, unless an equivalent alternative exists
- ☐ Still visible when the content is reshared or downloaded
- ☐ Legible size, plain language, no abbreviations but "AI"
- ☐ Readable by assistive technologies · alt text or ARIA
- ☐ Displayed long enough for users with processing difficulties

OPTIONAL ICON, MANDATORY DUTY

Using the icons is optional. The labelling obligation is not. Icons do not establish compliance on their own, and Deployers remain responsible for the disclosure meeting Article 50. Use by non-signatories does not signal adherence to the Code. User testing found performance improved on all measures when the basic icon carried a text label.

05

The evidence file

One file per duty, held by one owner, retrievable without a project to assemble it.

DUTY	ROLE	WHAT THE FILE CONTAINS
50(1)	PROVIDER	Interface log of the disclosure at first contact · version-controlled disclosure copy · accessibility test result · audience analysis where "obvious" is relied on
50(2)	PROVIDER	Technical design document for the marking method · robustness and interoperability tests · scope note for out-of-scope outputs · legacy inventory and migration record for 2 Dec 2026
50(3)	DEPLOYER	Article 5 screening record · notice copy and placement evidence · separate GDPR lawful basis analysis
50(4)	DEPLOYER	Use-case map for content capable of being a deepfake · label placement standard · publication inventory separating public interest material · editorial workflow and signed responsibility
50(5)	BOTH	Evidence that each disclosure appears at first interaction or exposure · accessibility conformance report · alt text and ARIA record · display-duration test for time-based content

The file is not the compliance. It is the only part of the compliance anyone else can see.

Governance, policy, maturity, compliance

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Source · European Commission, Code of Practice and EU Icons, 10 June 2026. Full source list on page 01.