CONCLUSION OF

THE ARTIFICIAL INTELLIGENCE BOARD

ON THE ASSESSMENT OF THE CODE OF PRACTICE ON TRANSPARENCY OF AI-GENERATED CONTENT PURSUANT TO ARTICLE 50(7) OF REGULATION 2024/1689 (ARTIFICIAL INTELLIGENCE ACT OR "AI ACT")

The exponential growth in AI systems capable of generating synthetic audio, images, video and text at scale presents a fundamental challenge to democratic societies and to the integrity of the information ecosystem on which they depend. As the AI Act explicitly recognises, the outputs of such systems are increasingly indistinguishable from authentic human-generated content, giving rise to serious risks of disinformation and manipulation at scale, fraud, impersonation and consumer deception. These risks affect how citizens form their opinions, exercise their fundamental rights and participate in democratic life. In the context of ever-increasing exposure to AI-generated and manipulated content, preserving those abilities of individuals and our collective societies is a responsibility that the Union has chosen to address through binding law. The transparency obligations introduced by Article 50 AI Act constitute a foundational pillar of that response, establishing for the first time a horizontal, enforceable duty to mark and enable the detection of AI-generated and manipulated content and clear labelling for deep fakes and certain published text across the Union.

The Code of Practice on Transparency of AI-generated content (the "Code") is a voluntary instrument drawn up pursuant to Article 50(7) of Regulation (EU) 2024/1689 (the "AI Act"). Its purpose is to serve as a guiding document for demonstrating compliance with the obligations regarding the marking, detection and labelling of artificially generated or manipulated content provided for in Articles 50(2), 50(4) and 50(5) AI Act, while recognising that adherence to the Code does not constitute conclusive evidence of compliance with these obligations.

The Code was prepared through an iterative, multi-stakeholder drafting process that began on 5 November 2025 and involved more than 180 participants: providers of generative AI systems, developers of marking and detection techniques, deployers, civil society organisations, academic experts, standardisation bodies and other specialized organisations, and very large online platforms. Member States were closely involved throughout as observers, and via the AI Board and its dedicated subgroup on transparency. The AI Office also invited public bodies and agencies from across the world to participate as observers.

The Code establishes eight commitments divided across two sections. Section 1 operationalises the obligations in Article 50(2) and (5) AI Act with four Commitments applicable to providers of AI systems generating or manipulating synthetic content. Section 2 operationalises the obligations in Article 50(4) and (5) AI Act with four Commitments applicable to deployers of AI systems able to generate or manipulate deepfakes or text published in the public interest without human review or editorial control. Subject to assessment of the Code as adequate, providers and deployers who adhere to the Code and comply with its commitments may rely on it to demonstrate compliance with their corresponding obligations under the AI Act. This applies in the entire EU market without affecting or altering the powers of market surveillance authorities to investigate and determine whether the provider or deployer has actually implemented the commitments under the Code.

The Code further includes a set of optional measures which, while not legally required, are conducive to the objectives of Article 50(2), (4) AI Act and encouraged by the Code. These measures address, among other things, the provision of richer provenance metadata, the development of forensic detection capabilities, enabling functionalities for perceptible labelling for downstream deployers, and investment in advancing the state of the art of marking and detection techniques and use of an EU-wide icon for labelling. Beyond their individual contribution to transparency, they foster harmonisation of implementation approaches across Signatories and across the Union, reducing fragmentation and supporting a coherent European transparency ecosystem.

THE BOARD'S ROLE IN ASSESSING THE CODE

Article 50(7) AI Act cross-references to Article 56(6) AI Act that provides for an adequacy assessment by both the Commission and the European Artificial Intelligence Board (the 'Board'). Although the AI Omnibus has introduced amendments to the procedure for the assessment in Articles 50(7) and 56(6) AI Act, those amendments have not yet become effective in a timely manner before the application of Article 50 AI Act on 2 August 2026. The adequacy assessment of the Code will therefore be conducted by both the Commission and the Board under the existing rules, while it will also remain valid for the future as long as the conclusions are aligned. This Opinion sets out the assessment by the Board. The Commission's assessment is published separately.

This Opinion does not prejudge any future opinion that the Board may take in view of the enforcement of the AI Act, nor does it pre-empt the Board from assessing the Code as inadequate in the future following its regular monitoring and evaluation of the Code's contribution to the effective implementation of Article 50 AI Act.

The Board welcomes the Code and appreciates the time, effort, and dedication put into delivering it by the independent expert Chairs and Vice-Chairs and all stakeholders involved in this process. This Code serves as a significant benchmark for compliance with the transparency obligations in Article 50(2), (4) and (5) AI Act.

THE BOARD ASSESSMENT OF THE CODE

The Board's assessment is based on the criterion of "effective implementation" of the obligations in Articles 50(2), (4) and (5) AI Act, read in light of the additional criteria set out in Recital 135. Recital 135 specifies that the Code should support practical arrangements for making detection mechanisms accessible, facilitate cooperation with other actors along the value chain, and enable the public to effectively distinguish AI-generated content.

The present Board adequacy assessment of the Code is limited only to the measures that are mandatory and does not affect the possibilities for Signatories to implement also other measures that are optional under the Code and can contribute to the effective implementation of the transparency obligations under Article 50 of the AI Act.

ASSESSMENT OF SECTION 1: MARKING AND DETECTION OBLIGATIONS FOR PROVIDERS

Section 1 of the Code addresses the four distinct but interlinked elements of the transparency obligation under Article 50(2) and (5) AI Act: the marking of outputs in a machine-readable format; the detectability of those outputs as artificially generated or manipulated; the technical requirements applicable to marking and detection solutions (effectiveness, reliability, robustness and interoperability); and the requirement that the result of detection be provided to natural persons in a clear and distinguishable manner.

Commitment 1 – Marking of AI Generated or Manipulated Content

Commitment 1 aims to cover the marking element of the Article 50(2) obligation. Signatories commit to implementing a machine-readable marking solution for audio, image, video or text content generated or manipulated by their AI systems placed on the market or put into service in the Union.

Measure 1.1 provides for a multi-layered approach combining at least two layers of metadata and watermarking, aligned with the state of the art and relevant standards, while allowing flexibility for a single-technique approach where equivalent compliance can be demonstrated. In the case of free-form text, where a multi-layered approach is not considered technically feasible, the Measure considers that a single layered approach is acceptable. The provision that a single layer of marking will be considered sufficient for generative AI systems embedded in physically controlled and closed environments may raise concerns regarding its susceptibility to circumvention. While this concern warrants attention, it is noted that the measure is framed, with a view to focusing on content which might pose more limited risks of deception, and in theory is subject to safeguards. The Board concludes therefore this exception does not at this stage prevent the Code from meeting its objectives.

Measure 1.2 commits Signatories to preserving marks throughout the value chain, including through inclusion of relevant provisions for downstream deployers and other stakeholders without requiring downstream policing.

Commitment 2 – Detection of Markings of AI-Generated or Manipulated Content

Commitment 2 aims to cover the detectability element of the obligation, requiring Signatories to provide the means to enable detection of the machine-readable markings present in the outputs of their AI systems.

Measure 2.1 sets out the requirements for detection solutions with regard to availability, accessibility, data protection and security. The Board acknowledges that a fragmented detection landscape may create practical difficulties for competent market surveillance authorities and other actors, thus recognising that compliance with the staged implementation of interoperability requirement will be essential for the effective implementation of the marking and detection obligations (see Measure 3.4. below). The Board considers that sub-Measure 2.1.4 does not impose any obligation on market surveillance authorities to run or maintain legacy detection systems, databases, or related infrastructure, that have been retired by Signatories.

Measure 2.3 sets out requirements to cover the disclosure element of the obligation, which specifies how detection results must be provided to natural persons in a clear, distinguishable and accessible manner in accordance with Article 50(5) AI Act.

Commitment 3 – Measures to Meet the Requirements for Marking and Detection Solutions

Commitment 3 aims to address the technical requirements applicable to marking and detection solutions under Article 50(2) AI Act.

Measures 3.1, 3.2 and 3.3 provide detailed specifications for implementing and assessing solutions that are respectively effective, reliable and robust.

Measure 3.4 introduces a staged approach for implementation of the interoperability requirements with commitments for use of available open metadata standards and minimum interoperability solutions for the watermarking detection mechanism to be implemented by 2 February 2027. In light of the fragmented state of the art at the time of application of Article 50(2) AI Act, the Board considers this approach pragmatic. It has the potential to deliver, over time, solutions that meet the interoperability and effectiveness objectives of the AI Act, provided that Signatories make the serious efforts to implement the commitments and help improve the interoperability. The Board will carefully examine the interoperability solutions that will emerge from Signatories by 2 February 2027, including to the extent to which they are implemented and contribute to improved interoperability between watermarking detection mechanisms as outlined under Measure 3.4.

Commitment 4 – Testing, Verification, and Compliance

Commitment 4 covers the processes that Signatories must put in place to ensure and be able to demonstrate continuous compliance with the marking and detection obligations across the lifecycle of their systems.

Measure 4.1 requires Signatories to document and maintain a compliance process describing how they have implemented the measures of Section 1.

Measure 4.2 sets out requirements for testing, verification and monitoring before and after market placement.

Measure 4.3 covers training of relevant personnel, and Measure 4.4 addresses cooperation with market surveillance authorities. The implementation of these measures can rely on existing processes and documentation, taking into account the size and available resources of Signatories, which ensures proportionality without necessarily affecting effectiveness.

Overall Assessment of Section 1

In light of the above, the Board considers that Section 1 of the Code, in its current form, adequately facilitates the effective implementation of the transparency obligations in Articles 50(2) and (5) AI Act and providers can rely on the Code to demonstrate compliance with their obligations.

The Board will monitor the implementation of the Code and in particular its Measure 3.4 on the interoperability solutions for the watermarking detection solutions by 2 February 2027. In case of lack of progress on the implementation of this interoperability measure, the Board reserve its right to recommend to the Commission to initiate a review of the Code on this specific aspect or consider adopting common specifying rules.

ASSESSMENT OF SECTION 2: LABELLING OBLIGATIONS FOR DEPLOYERS

Section 2 of the Code addresses the transparency obligations applicable to deployers of AI systems under Article 50(4) and (5) AI Act. These obligations cover two distinct categories: the disclosure of deepfakes, defined as AI-generated or manipulated image, audio or video content that resembles existing persons, objects, places, entities or events and would falsely appear to a person to be authentic or truthful; and the disclosure of AI-generated or manipulated text published with the purpose of informing the public on matters of public interest without human review or editorial control. Article 50(5) further requires that disclosure be provided in a clear and distinguishable manner at the latest at the time of the first interaction or exposure.

Commitment 1 – Disclosure of Deep Fakes and Published Text

Commitment 1 addresses the consistent and effective disclosure of the artificial origin of deepfakes and published text. It does so through common EU icons provided in Annex 1 of Section 2, together with design specifications for Signatories that opt not to use the common icon, and placement specifications ensuring that disclosure reaches natural persons no later than the time of their first exposure. The combination of design and placement requirements ensures that Signatories can implement the obligation across a range of use cases, sectors and content modalities while maintaining the clarity and distinguishability required by Article 50(5) AI Act.

Commitment 2 – Internal Processes

Commitment 2 ensures that Signatories put in place or maintain the internal processes, awareness measures and review mechanisms necessary for sustained compliance.

Measure 2.1 mandates compliance processes and documentation, including review mechanisms to remedy potentially mislabelled content for Signatories who regularly generate deepfakes or published text. Measures 2.2 and 2.3 further address awareness and literacy among personnel and cooperation with competent authorities. These measures can rely on existing processes and take into account the size and resources of Signatories, ensuring proportionality.

Commitment 3 – Disclosure for Artistic, Creative and Similar Works

Commitment 3 enables deployers to discharge their obligations in respect of deepfakes that form part of evidently artistic, creative, satirical, fictional or analogous works or programmes in a manner that does not hamper the display or enjoyment of the work.

It does so by allowing contextual disclosure, while still requiring compliance with the design specifications of Measure 1.1 and the minimum requirements of Article 50(5) AI Act.

Commitment 4 – Human Review and Editorial Control for Published Text

Commitment 4 facilitates the effective implementation of the exception to the transparency obligation under Article 50(4) subparagraph 2 for AI-generated text that has undergone human review or editorial control. By distinguishing between media service providers already subject to editorial standards and regulatory frameworks and other actors, the Code establishes a pertinent differentiation that takes into account existing regulations, as long as they are consistent with the human review or editorial control requirements of Article

50(4). The other Signatories are required to establish a similar editorial policy with minimum elements specified in the Code that ensure its effectiveness.

Overall Assessment of Section 2

In light of the above, the Board considers that Section 2 of the Code adequately facilitates the effective implementation of the transparency obligations under Articles 50(4) and (5) AI Act, and that deployers of AI systems can rely on it to demonstrate compliance with those obligations.

The Board will monitor, where appropriate in cooperation with other EU bodies and competent regulators, to what extent, in practice, labels are actually retained during further processing, platform distribution, or third-party applications.

FUTURE REVISION OF THE CODE

The AI Office and the AI Board will regularly monitor and evaluate the achievement of the Code's objectives and its contribution to the effective implementation of Articles 50(2), (4) and (5) AI Act, in particular in light of the rapidly evolving landscape of AI technologies and the risks of manipulation, disinformation, fraud and impersonation that the transparency obligations are designed to address.

The Board takes note of the commitments from the Signatories that aim to align their practices with the advancement of the state of the art and adoption of new standards as they emerge, and notes that this alignment could improve the interoperability of marking and detection solutions.

The Board considers that targeted revisions of the Code should be initiated without delay where more robust interoperability solutions become available that are not being widely adopted by Signatories. This absence of wide adoption could either be due to the flexibility afforded by the current measures or the open-ended nature of the criteria against which compliance is assessed, in particular for interoperability measures for the detection solutions, and solutions allowing detection mechanisms to be locally executable or made available through open-source implementations without reliance on remote provider-specific infrastructure. The Board notes that the determination of what constitutes a sufficiently robust solution should not be left solely to the appreciation of Signatories and highlights the crucial role of competent market surveillance authorities in gathering experience with enforcement. The staged implementation mechanism of Measure 3.4 and the short text exemption of Measure 1.1 represent two instances where revision should be considered where necessary as standards emerge. The Board should also consider a revision of the Code if the described technological solutions prove to be insufficient, impractical or disproportionately burdensome to implement.

In addition, the Board invites the AI Office to consider facilitating targeted updates to the Code at least every two years, to make sure that it is meeting its intended objectives. This would ensure that the Code keeps pace with emerging technologies and enforcement experiences, and that the marking and detection of AI-generated and manipulated content is carried out in line with the objectives of the transparency requirements.

The Board also notes that the Commission's guidelines on Article 50 AI Act were only available in their draft version at the time of this assessment.

The Board expects to be closely associated with the monitoring and evaluation of the Code's implementation and with any process leading to its revision, as a condition for the Code to continue meeting the objectives assigned to it.

CONCLUSION

In light of the foregoing, the Board considers that Sections 1 and 2 of the Code adequately cover the obligations provided for in Articles 50(2), (4) and (5) of the AI Act and facilitate their effective implementation.

Competent market surveillance authorities should therefore consider the Code as the only EU-wide practical tool, as of July 2026, assessed as adequate for the implementation of the AI Act’s transparency obligations for AI-generated content. This is without prejudice to the powers of the competent market surveillance authorities to request information and documentation and carry out investigations to determine whether the provider or deployer has actually implemented the commitments under the Code. Similarly, providers and deployers of AI systems falling within the scope of those obligations can rely on the Code to demonstrate compliance with their obligations under Article 50(2), (4) and (5) AI Act, regardless of their place of establishment, operation and competent market surveillance authority.

The Board will monitor the implementation of the Code to ensure it meets its objectives and aligns with the state of the art. The Board will pay close attention to monitor the progress in its implementation, in particular with respect to the interoperability of the marking and detection solutions. Regarding measure 3.4 in Section 1, it is noted that the chosen approach for interoperability in the medium term by 2 February 2027 does not predetermine the solutions that Signatories will ultimately adopt, which might affect the effectiveness of the Code.

Should implementation of the Code prove unsatisfactory, the Board will consider recommending to the Commission to consider a targeted revision of the Code, or the adoption of common rules as it may be appropriate.