

Questions - the AI Act and the EBCG

NR.	QUESTION	CONTEXT	REFERENCE IN AI ACT
1	What is the applicable status and what are the corresponding obligations in the situation when the Agency deploys AI technical equipment/capabilities that belong to a Member State? How are the deployer obligations requested to be fulfilled in case of a joint deployment (notifications to EDPS/national authority?)	Frontex manages a pool of technical equipment in a collaborative manner with MSs. This equipment is deployed in the Agency's operational activities. According to the AI Act, the MSs will have the status of provider/deployer. However, it is not clear what will be the status of the Agency in such case (deployer?) and how the responsibilities will be shared with the respective MS. In the situation of a high-risk AI, what would be the obligations that the Agency will have to fulfil under the AI Act.	Art. 3 Chapter III Section 2 – Article 8 -15 Section 3 Articles 18 -25 (when MS and/or the Agency is provider)/Art. 26, 27, when the when MS and the Agency are deployers Art 36 – when it refers to the decisions of the notified body and their applicability Art. 49 Chapter IV -Art 50 Chapter VI art 73 Art 77, 79, 80 Section 4 -
2	If the Agency/MSs deploy operational assets that have AI technical capabilities embedded / onboard, however these functionalities / capabilities are disabled when the assets are in use, can we assume there is no obligation on the EBCG deployer?		
3	If an open sourced GPAI component (model) is integrated into a tool, could this requalify the entire tool as a GPAI even if it is more narrowly tasked after retraining on a subset of data relevant only for the EBCG's work? Who will be supervising such tool? only the AI Office or the AI office and the EDPS in relation to AI?		3(63) and (68) 'general-purpose AI model' 'downstream provider' Chapter V Art 64, 70

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4	If a MS/SAC authority collects, processes or generates data using an AI system that is excepted from the AI Act (e.g. used for national security / defence purposes), and this data is then shared with the Agency, can Frontex use the received data? Shall a risk management assessment be conducted to take a decision on its possible use?		Chapter II Section 2 focus on Articles 9-10 Section 3
5	Would the application of contactless friction ridge recognition (remote fingerprint acquisition) technologies outside of a BCP (e.g. to obtain data for Eurodac) be considered prohibited or in best case scenario a high risk use cases?	Contactless friction ridge recognition - Biometric technologies in which the friction ridge mark signature of a finger, palm is acquired without direct contact of the relevant body part with a sensing surface, mostly employing video or image acquisition (e.g. using a cell phone).	Article 5 , Article 6, Annex III
6	We assess the possible application of contactless friction ridge recognition (remote fingerprint acquisition) technologies outside of a BCP by a TCN traveller who is using her/his cell phone to upload the fingerprints to a EES pre-registration app a Biometric Verification use case. In this case the AI application could still be a high-risk use case but not a prohibited one. Is this assessment correct?	Contactless friction ridge recognition - Biometric technologies in which the friction ridge mark signature of a finger, palm is acquired without direct contact of the relevant body part with a sensing surface, mostly employing video or image acquisition (e.g. using a cell phone).	Articles 5- 6 and Annex III
7	If the use of an AI system jointly deployed triggers a penalty, how will the deployers share the responsibility (e.g. Frontex and MS/SACs)?		Chapter XII -Article 99-100

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8	In case of a joint deployment of a high risk AI system (MSs and Agency) how is the supervisory mechanism going to be applied? Will it be only the competent authority of the MSs owner of the system? Or EDPS? Or both? How will the notification system work in practice?		See also Q1 Art 74-84
9	Is the requirement for two natural persons' verification and confirmation limited to AI remote biometric identification?		Article 6 , Annex III
10	Is detection of a natural persons without her/his identification in the Border Management context a high-risk AI application?	Computer vision can be utilized to detect objects and then for their classification (e.g. "car", "animal", "person"). Such data could be collected for tagging of the video stream or for further decision making (automated [e.g. send a notification, or zoom the camera into the object] or by an operator).	Article 6, Annex III