

Proposal for Artificial Intelligence Law

The Proposal (“**Proposal**”) for the Artificial Intelligence Law (“**Law**”) was submitted to the Commission on Industry, Trade, Energy, Natural Resources, Information and Technology (“**Commission**”) of the Turkish Grand National Assembly on 24 June 2024.

Summary of the Proposal

The aim of the Proposal was summarised as “to ensure the safe, ethical and fair use of artificial intelligence technologies, to ensure the protection of personal data, to prevent the violation of privacy rights and to establish a regulatory framework for the development and use of artificial intelligence systems.”*

Reasoning for the Law

The reasoning for the Law can be summarised as follows**:

- **Need for Legal Frameworks:** The rapid development and widespread use of artificial intelligence (“**AI**”) technologies necessitate comprehensive legal frameworks to regulate their use. AI is revolutionizing critical areas such as health, education, security, and transportation, but misuse can threaten individual rights and freedoms.
- **Purpose of the Law:** The Law aims to ensure the safe, ethical, and fair use of AI technologies, protect personal data, and prevent privacy violations. It seeks to maximize the societal benefits of AI systems by promoting safe, transparent, and accountable operations, thereby increasing public confidence and accelerating adoption.
- **Scope and Stakeholders:** The Law covers providers, distributors, users, importers, and those affected by AI systems. It aims to establish clear rules for all stakeholders, clarifying their rights and responsibilities to ensure effective legal regulation.
- **Balancing Risks and Opportunities:** The Law seeks to minimize potential risks and harms while maximizing opportunities provided by AI. It emphasizes principles such as non-discrimination, data protection, and user safety to ensure responsible and ethical AI development and use.
- **Risk and Conformity Assessment:** Mechanisms are in place to ensure AI systems benefit society and minimize harms. Special security measures and continuous monitoring are required for high-risk AI systems to ensure reliability and accuracy.
- **Supervisory Mechanism:** A strong supervisory mechanism is established to ensure compliance with legal obligations. Supervisory authorities have broad powers to monitor and intervene, ensuring safe and ethical AI use. Detection of violations and sanctions incentivize compliance.
- **Sanctions and Enforcement:** Sanctions are designed to incentivize compliance and deter violations. Fines for prohibited applications, obligation breaches, and false information provision aim to minimize unlawful activities, creating a strong enforcement mechanism to protect societal safety, privacy, and rights.
- **Overall Goal:** The Law aims to protect individual rights and freedoms while encouraging AI use for societal benefit. It contributes to creating a competitive and innovative AI environment in Türkiye, aligning with international standards.

Provisions of the Law

The provisions of the Law can be summarised as follows**:

- **Purpose and Scope:** The Law aims to ensure the safe, ethical, and fair use of AI technologies, protect personal data and privacy rights, and establish a regulatory framework for AI systems. It applies to providers, distributors, users, importers, and those affected by AI systems.

➤ Definitions:

- Artificial Intelligence: Computer-based systems performing human-like cognitive functions.
- Provider: Entities developing, producing, and marketing AI systems.
- Distributor/User: Entities distributing AI systems commercially or using them in their activities.
- Importer: Entities importing AI systems from abroad.
- Distributor: Entities marketing and selling AI systems.
- Artificial Intelligence Operators: Includes providers, distributors, users, importers, and distributors.

➤ Basic Principles:

- Security: AI systems should operate safely without harming users.
- Transparency: Clear information on AI systems' operations should be provided.
- Fairness: AI systems should not discriminate and should make fair decisions.
- Accountability: Responsible parties for AI systems' consequences should be identified.
- Privacy: Measures should be taken to protect personal data and ensure confidentiality.

➤ Risk Management and Assessment: Risk assessments are required during AI systems' development and use, with special precautions for high-risk systems. High-risk systems must be registered and undergo conformity assessments.

➤ Compliance and Audit: AI operators must comply with the Law and relevant regulations. Supervisory authorities have the power to ensure compliance and detect violations.

➤ Violations and Sanctions:

- Fines up to 35 million TL or 7% of annual turnover for banned AI applications.
- Fines up to 15 million TL or 3% of annual turnover for breach of obligations.
- Fines up to 7.5 million TL or 1.5% of annual turnover for providing false information.

➤ Enforcement and Execution: The Law will be effective upon publication, and its provisions will be executed by the President of the Republic.

Take-aways

As discussions surrounding the use of AI in the legal field intensify with the introduction of the EU AI Act, Türkiye will undoubtedly need to establish its position in the near future. Although this Proposal may not be as comprehensive or detailed as the EU AI Act, its existence represents a promising step in the right direction. The use cases and legal precedents emerging from the application of the EU AI Act will offer valuable guidance. These developments may also influence discussions and potential revisions in Turkish legislation as the Commission and the Turkish Grand National Assembly work on this Proposal.

** Translated from Turkish to English using publicly available AI systems.*

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