

Does this need an AI label?

● APPLIES FROM 2 AUG 2026

If AI helped make a picture, a video, a sound clip or a piece of writing that you publish, a new EU rule may ask you to say so. Work down the four gates. Most things stop early.

Who this is for: anyone publishing as part of their job, where people in the EU will see it, wherever you are based. Things you make purely for yourself are not covered, and live chatbots have a separate rule this sheet does not cover. **If you are ever unsure, adding a label is never the wrong answer.**

Four questions, in order

☐ nothing more to do ☒ carry on to the next question ☐ this one needs a label

1

Did AI make it, or change what it shows or says?

Tidying up does not count. Colour and lighting, reducing noise, a small crop, resizing, compressing, sharpening, removing dust or red eye, blurring a face, hiding something already in the shot, transcribing, translating, spelling and grammar.

Changing the substance does count. Adding or removing an object or person, altering a face or body, copying a voice, inventing a scene that never happened, or letting AI summarise or rewrite so the meaning moves.

News and documentary work, be stricter. Heavily reworking the background of a real photograph can change how true it looks, even when it feels like tidying. Send those to question 3.

NO » Nothing to label. You are done.

YES, AI CHANGED THE SUBSTANCE **GO TO 2 »**

2

Is it recent enough to be caught?

Pictures, video, sound. What counts is the date it was made. Made before 2 August 2026 and you do not have to go back and label it, though it is good practice where that is easy.

Writing that informs the public. What counts is the date you publish it. Written before 2 August but posted on or after, it needs a label.

You may hear about a December 2026 date. It is not yours. That extra time is for the companies that build AI tools, so they can add hidden markers to their systems. It does not give you longer. Your part starts 2 August.

NO » Too early to be caught. You are done.

YES, IT IS CAUGHT **GO TO 3 »**

3

Is it a deep fake? All four must be true.

The word sounds dramatic, but in this rule it simply means a picture, sound or video that AI made or altered and that could pass for real. It covers pictures and sound only, never writing.

A Does it look or sound like the real thing? Close is enough. It does not have to be an exact match.

B Could that thing exist? It escapes only if it breaks the laws of nature and could not fool anyone. Dragons are safe. A realistic person who is not a real individual is not safe, that still counts.

C Is it a person, place, object, creature or event? Person includes invented but lifelike faces, avatars, voices and performances.

D Could someone believe it is real? Picture the people in your audience most likely to be taken in, not an average viewer. If children or people who know little about AI would be fooled, that is enough. It makes no difference that you did not mean to mislead.

ANY ONE IS NO, SO NOT A DEEP FAKE **GO TO 4 »**

ALL FOUR YES » Label it. Something people can see or hear for themselves.

ALL FOUR YES, and it is plainly art, comedy, satire or fiction » Lighter touch. Still say AI was involved, but do it so it does not spoil the piece. Only where the creative nature is obvious. If it also informs or sells, label it in full.

4

Is it writing you publish to inform people about something public?

Published means lots of unconnected people can reach it, free or paid. Emails, staff intranets, closed groups and private messages are not.

Something public means politics, government and public services, courts, people's rights, public safety, health, the environment, consumer safety, and money, science or culture people would debate.

NO » No labelling duty here. You are done.

YES, but a person checked it properly and someone is answerable for it » The get-out applies and you need no label. Read the panel opposite first, because this is where it usually fails.

YES, with no proper check » Label it.

What makes a label good enough

- » A person must be able to see or hear it without downloading anything or clicking about. The hidden marker your AI tool adds does **not** count as your label.
- » It has to be easy to spot, and there by the time someone first meets the content. Not tucked into terms and conditions, a menu, or a manual.
- » A note at the start of a video is not enough if people are likely to join partway. Say it again.
- » Whatever accessibility rules already apply to you still apply. This rule adds none of its own.

If children are in the audience the notice has to suit their age and be simple, turn up at the moment it matters, be in the local language, hold their attention with pictures or characters, and come a bit at a time rather than all at once.

WRITING ONLY The human-review get-out, and how it fails

This applies to written work under question 4. It does **not** apply to pictures, video or sound, however carefully those were checked.

- 1 A real check means someone who knows the subject read it properly and thought about it. Checking the facts is the minimum.
- 2 A spellcheck, a policy nobody follows, a second AI reviewing the first, or a quick nod through all fail.
- 3 If AI changes anything meaningful **after** sign-off, the get-out disappears and the piece needs a label.
- 4 Say publicly who is answerable, with a way to contact them. Your terms page, legal information, or the credits will do.

Whose job is this?

- » It is yours if you decide whether and how AI gets used. Staff and freelancers following your instructions do not carry it separately.
- » Hire an agency and leave the AI choices to them, and it is their job, not yours.
- » Build your own tool and run it under your own name and you take on the toolmaker's duties too.

There is an official Code of Practice you can sign up to, the simplest way to show you are doing this properly. If you do not, expect to be asked how your approach compares with it. Penalties reach 15 million euro or 3% of worldwide turnover, and smaller organisations face the lower of the two.

Not legal advice

Disclaimer: prepared by a non-lawyer for general information only. This is not legal advice and creates no advisory relationship. No liability is accepted for any loss arising from reliance on this document. Obtain qualified legal advice and verify against the official texts before acting.

Drawn from the European Commission Guidelines on the implementation of the transparency obligations for certain AI systems under Article 50 of Regulation (EU) 2024/1689. C(2026) 5054 • content approved 20 July 2026 • formal adoption follows once all language versions are available • non-binding • only the CJEU can interpret the Act authoritatively.