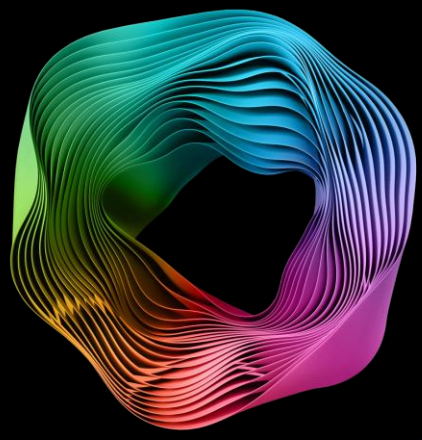
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The Use of Artificial Intelligence (AI)

Artificial Intelligence (AI) is fundamentally and permanently transforming the way companies operate, make decisions, and gain competitive advantages. AI has long been part of everyday business operations, and as AI technologies become increasingly prevalent in companies, significant legal, strategic, and operational requirements are emerging. The EU AI Act, the world's first comprehensive AI regulatory framework, establishes binding requirements for providers, operators, and users of AI systems. Together with international standards, national implementing laws, and industry-specific guidelines, this is creating an increasingly complex regulatory landscape.

Legal Framework and Areas of Action

The regulatory framework for the use of AI is largely shaped by the EU AI Act (Regulation (EU) 2024/1689), which sets risk-based requirements for AI systems. This is supplemented by the EU Data Act, the GDPR, product safety law, and industry-specific regulations. At the national level, Germany is implementing the European requirements through implementing acts and supervisory practices.

Companies face the task of assessing their existing AI deployments, managing regulatory risks, and establishing sustainable structures for the responsible use of AI. The key areas of action include: AI governance (management and accountability for AI systems), AI compliance (meeting regulatory requirements), AI procurement (legally sound contract drafting when purchasing AI systems), and agentic AI (control of autonomous AI agents).

Legal, Operational, and Strategic Challenges

The use of AI creates a variety of tensions: between regulatory compliance and the pace of innovation, between automation potential and human control, and between efficient data utilization and data protection limits. Companies that use AI systems are simultaneously confronted with liability issues, transparency obligations, anti-discrimination provisions, and IT security requirements.

In particular, the emergence of autonomous agent systems (Agentic AI), which operate in a multi-stage and autonomous manner, poses new challenges for established governance and compliance structures. A holistic approach is therefore essential: legal requirements, technical system characteristics, operational processes, and corporate strategy must be considered in an integrated manner. Existing synergies - such as with data protection compliance, IT security, procurement processes, or internal governance structures - should be consistently leveraged.

Why act now? Companies that take action now secure competitive advantages, reduce liability risks, and position themselves as trustworthy and legally compliant AI providers and users - in the eyes of customers, business partners, regulatory authorities, and the public.

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AREAS OF PRACTICE

Services

Companies that develop, use, or procure AI systems should address legal and regulatory requirements early on so they can respond to new guidelines quickly and in a structured manner. Preparation and sustainable compliance in the field of artificial intelligence include, in particular, the following tasks:

- ✓ AI Act Readiness Assessment: Inventory and classification of AI systems in use according to the risk framework of the EU AI Act; identification of high-risk AI systems; derivation of specific tasks
- ✓ AI Governance: Establishing and further developing organizational structures for the responsible management of AI system deployment; developing AI policies, internal regulations, control mechanisms, and role definitions; identifying synergies with and integration into existing governance and compliance management structures
- ✓ AI Procurement: Reviewing and drafting contracts for the purchase and licensing of AI systems and AI services (SaaS, platform agreements, agent services); evaluating suppliers with regard to regulatory requirements; developing legally compliant procurement standards and model contracts for AI procurement
- ✓ AI Compliance: Legal assessment of use cases; preparation and maintenance of technical documentation, declarations of conformity, and risk assessments; where applicable, support with registration and notification procedures as well as interactions with regulatory authorities
- ✓ Data Enabling & AI Governance: Integration of AI governance with data protection (GDPR), data usage rights (Data Act, database rights, IP), and IT security (NIS2, DORA); development of integrated data strategy and usage concepts for AI training and operational data
- ✓ Training & Empowerment: Training and raising awareness among executives and employees; empowering legal and compliance departments regarding AI regulatory requirements, best practices, and AI applications in the legal and compliance fields (Legal Tech)

Our Services

Deloitte Legal & Deloitte: As One Deloitte, we provide comprehensive advice on AI

- ✓ **Holistic advisory services for your company regarding regulatory requirements, including an inventory and risk assessment of AI systems in use**
- ✓ **Development and support of a company-specific AI governance structure, particularly the establishment of legally and operationally relevant frameworks**
- ✓ **Review and structuring of legal relationships and issues related to AI, particularly contract drafting for AI procurement, liability structuring, and IP rights**

YOUR CONTACT

We provide comprehensive advice on the legal and regulatory requirements for the use of artificial intelligence, its implementation, and all related legal issues.



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