



The First Artificial Intelligence Law Proposal in Türkiye Has Been Submitted to the Grand National Assembly

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On 24 June 2024, a brief law proposal ("Law Proposal") containing draft regulations for artificial intelligence technology was submitted to the Grand National Assembly of Türkiye. When compared to the European Union Artificial Intelligence Act ("EU Act"), recently approved by the European Parliament, the Law Proposal is quite general in content and contains regulations on limited issues. Although we believe that at this stage it does not meet the legislative needs in the field of artificial intelligence, we have reviewed the Law Proposal for you due to its significance as the first law proposal in this field:

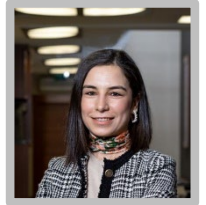
Purpose and scope of the law

According to the Law Proposal, the law aims to ensure the safe, ethical, and fair use of artificial intelligence technology, as well as to protect personal data and prevent violations of privacy rights.

In this context, the proposed law aims to establish a regulatory framework for the development and use of artificial intelligence systems, which would apply to (i) providers, (ii) deployers, (iii) users, (iv) importers, (v) distributors, and (vi) individuals affected by these systems.

Definitions of artificial intelligence and related concepts

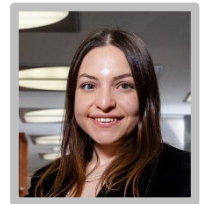
The Law Proposal defines artificial intelligence as "*computer-based systems capable of performing human-like cognitive functions such as learning, reasoning, problem-solving, perception, and language understanding.*" The Law Proposal does not include the defining



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characteristics of artificial intelligence such as autonomous action or the ability to infer from input and generate outputs like predictions, content, recommendations, decisions, and similar results, as outlined in the EU Act.

The other definitions contained in the Law Proposal that determine the scope of application of the law are as follows:

- Provider: Natural or legal person who develops, produces, and markets artificial intelligence systems.
- Deployer/User: Natural or legal person who deploys artificial intelligence systems for commercial purposes or uses them in their own operations.
- Importer: Natural or legal person who imports artificial intelligence systems from abroad.
- Distributor: Natural or legal person who markets and sells artificial intelligence systems.
- Artificial Intelligence Operators: Providers, distributors, users, importers, and distributors altogether.

It appears that the definitions included in the Law Proposal are narrower and occasionally ambiguous compared to those in the EU Act, which could potentially lead to uncertainty. For instance, the definitions of “provider” and “deployer/user” do not explicitly include public authorities, thereby excluding their activities related to the development and use of artificial intelligence systems from the scope, unlike the EU Act. Additionally, while the EU Act clearly states that individuals using artificial intelligence for personal and non-professional activities are not considered deployers, the phrase “*uses them in their own operations*” in the definition of deployer/user in the Law Proposal creates an ambiguity as to whether it includes individuals using artificial intelligence for personal and non-professional activities.

In future legislative efforts, it is crucial that the definitions in question are drafted in a clear and sufficiently comprehensive manner to eliminate ambiguity. This clarity is essential for establishing the precise scope of the application of the law.

Fundamental principles and risk management related to artificial intelligence systems

According to the Law Proposal, the development, use, and distribution of artificial intelligence systems must adhere to the fundamental principles of security, transparency, fairness, accountability, and privacy. However, the Law Proposal does not include detailed regulations aimed at ensuring compliance with these principles by artificial intelligence operators.

Furthermore, while the Law Proposal mandates risk assessment during the development and use of artificial intelligence systems and specifies that special measures must be taken for systems with high risks, it does not detail which systems are considered high-risk, how this assessment must be conducted, or what additional measures providers and deployers of high-risk systems must take to ensure compliance with the foregoing fundamental principles.

For effective protection aimed through artificial intelligence legislation, we believe that future legislative efforts should comprehensively regulate the technical and legal requirements applicable to such systems, including registration or licensing rules, and the obligations that the operators must adhere to. This detailed regulation is essential to ensure compliance and uphold the intended safeguards in the field of artificial intelligence.

Audit and sanctions

The Law Proposal stipulates that the relevant regulatory authorities are authorized to audit the compliance of artificial intelligence systems with the law and to identify any violations. However, there is no clarity provided regarding which administrative body will oversee these audits or how they will be conducted.

The Law Proposal includes provisions for imposing fines on operators acting in violation of the law, with the amounts closely aligned with those specified in the EU Act. However, clearly and unambiguously defining the circumstances under which these sanctions will apply, as required by the principle of legality, depends on outlining in detail the prohibited practices or obligations that operators must adhere to under the law, as mentioned above.

Conclusion

As artificial intelligence technology becomes increasingly widespread each day nowadays, the need for regulatory frameworks also grows progressively. Many countries, including the European Union members, have either enacted regulations or begun working on draft laws on artificial intelligence.

Therefore, while we believe that the Law Proposal may not fully address the legislative needs in the field of artificial intelligence as outlined above, we welcome it as the first step in initiating legislative efforts in our country and hope that this will accelerate the development of artificial intelligence legislation in Türkiye.

You can access the Law Proposal (in Turkish) from the below link:

<https://www.tbmm.gov.tr/Yasama/KanunTeklifi/e21539a0-888a-4500-81be-01904a918c53>