

EU Artificial Intelligence Act Article 50 Rules and Their Implications for the Construction of China's Artificial Intelligence Legal System

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Abstract. In August 2026, the European Union published its Artificial Intelligence Act and formally commenced its implementation, marking the first comprehensive legislation on AI oversight and control to enter the enforcement phase. The Act centres on “mandatory disclosure of AI identity, deep labelling of generated content, and risk-based systemic prevention and control,” and establishes a full-chain, all-encompassing, operable, and verifiable rule system. Meanwhile, China is at a critical juncture of moving toward comprehensive AI legislation. Notably, the 2026 Legislative Plan of the State Council made arrangements to accelerate comprehensive legislation for the sound development of AI. This paper systematically reviews the institutional structure and implementation logic of the transparency rules under the EU Artificial Intelligence Act, then analyses the existing framework and legislative progress of China's AI legal protection system. On this basis, it explores, from three levels—legislative model, institutional design, and implementation mechanisms—the reference value of the EU experience for China, and proposes pathway recommendations for an AI legal system with Chinese characteristics.

Keywords: EU Artificial Intelligence Act, comparative law, transparency rules, AI legislation.

1. Introduction

The rapid development of artificial intelligence poses serious challenges to social fairness, justice, and public trust, notably manifested in risks such as uneven quality of AI tools, algorithmic bias, data fabrication, AI face-swapping, and voice cloning. The launch of the EU Artificial Intelligence Act carries both intra- and extra-territorial effects, attempting to reproduce the “Brussels Effect” in global AI governance as previously achieved by the General Data Protection Regulation (GDPR),¹ and marks the transition of the world's first comprehensive AI regulatory law from paper rules to full enforcement.²

Furthermore, China's AI legislative process has accelerated markedly. The 2026 Legislative Plan of the State Council expressly calls for “accelerating comprehensive legislation for the sound development of artificial intelligence,”³ and the same year's Annual Legislative Work Plan of the Standing Committee of the National People's Congress included “legislative items concerning the sound development of artificial intelligence” in the preparatory review category.⁴ The above legislative arrangements suggest that China's AI laws are transitioning from the exploration stage to all-encompassing codification.

However, it is not a top-down regulatory legislative process for the protection of fundamental rights in the European Union; China faces a dual problem of development and security in the field of artificial intelligence. At the same time, artificial intelligence technology is also developing at a high speed and has attracted the attention of the entire world's competition; therefore, the legislation should be flexible enough to support the development of this industry by promoting innovation. At the same time, problems such as algorithmic bias, deepfakes and misuse of personal data are gradually emerging, and specific regulations need to be introduced rather than just a general system; these should be translated into practice. Therefore, a compromise must be reached by the institution to advance innovation and control risks at the same time. Therefore, the Position and institutional Design of China's legislation should be based on independent judgments informed by domestic industrial practice and governance tradition. Although China is currently in a period of exploration and

development, it may learn from the legislative experience of the European Union; at the same time, an AI legal system with its own characteristics should be built in accordance with the development and application of China's AI industry. Therefore, at the same time, systematic studies have been carried out at the institutional level on the transparency requirements of the EU's Artificial Intelligence Act in both theory and practice. The three main contents of the author's analysis are: the normative structure of the EU's transparency rules, the existing foundation of China's legal system for AI, and the value of the EU's experience as a reference for Chinese legislation. First, this paper will examine the logic of the European Union's institutional design and implementation in detail; then, we will explore what China can learn from it in terms of legislative models, institutional design and implementation mechanisms, and what differences still need to be considered. Finally, the paper puts forward relevant academic suggestions and practical countermeasures for advancing all-encompassing AI legislation in China.

2. Institutional Structure of the Transparency Rules under the EU Artificial Intelligence Act

The EU's Artificial Intelligence Act is structured around a risk-based framework, classifying AI systems into four categories: unacceptable risk, high risk, limited risk and minimal risk, and establishes, in a scientifically sound and reasonable manner, that the intensity of regulation increases in line with the risk level. Transparency rules are the default requirements for systems classified as posing limited risk and constitute the foundational obligations under each risk category. The author systematically analyses and summarises the characteristics of the EU's AI transparency rules, drawing primarily on Article 50(1), (2) and (4) and Chapter V of the AI Act.

Firstly, the Act stipulates that identity disclosure must take place during the use phase of specific systems. Article 50(1) of the AI Act provides that providers of AI systems that interact directly with natural persons shall ensure that users are aware that they are interacting with an AI system rather than a human, and that no confusion may arise. This provision applies solely to providers, excluding deployers, and strictly requires that users be informed in a clear and prominent manner at the outset of the interaction, thereby preventing confusion at source.

The transparency rules regarding identity disclosure set out in this provision concretely safeguard users' right to be informed through procedural legal norms. Furthermore, by being made aware of the relevant information disclosed, users can exercise their autonomy to choose whether to use interactive artificial intelligence, and thereby determine their level of trust and behavioural choices accordingly. Finally, from the perspective of the effectiveness of the regulation's application, the key focus of this rule lies in its successful re-establishment of the initial compliance requirements for interactive AI products. Previously, compliance with this provision largely depended on the voluntary conduct of AI enterprises; however, under the current regulation, enterprises are now prohibited from circumventing their disclosure obligations.

Subsequently, this paper, after an integrated analysis of Article 50(2) and (4), finds that the Act systematically establishes a dual-actor, dual-angle transparency rule, imposing obligations on both AI providers and deployers. The former focuses on underlying technical marking, mainly requiring human-readable labelling of generated content—such as indicating that the content is generated by a specific AI and advising caution in identification and use—thereby avoiding confusion and tightening constraints on AI enterprises. The latter focuses on the dissemination side, addressing two specific areas: deepfake content and public-interest disclosures, while leaving other areas without specific limits, thus allowing a certain degree of party autonomy on the dissemination side.

The two labelling systems systematically cover both the generation and dissemination ends. In summary, the generation end must automatically complete label addition without an opt-out option, making it more mandatory and not limited to specific fields. In contrast, the dissemination-end platforms must establish detection mechanisms to automatically supplement prompts for unlabelled

content, but only for the two special categories. Thus, in legislative orientation, the obligations borne by AI-generating enterprises are broader than those on the dissemination side.

Furthermore, Chapter V sets out specific provisions on transparency and risk oversight for general-purpose AI models. It requires providers to prepare relevant technical documentation, provide documents explaining capabilities and limitations to AI system providers intending to integrate the model, and formulate policies that respect EU copyright law and rights holders' reservation statements.

For advanced general-purpose models that may pose systemic risks, Article 55 imposes additional pre-deployment testing and oversight requirements, such as completing adversarial security tests and recording them, assessing and mitigating sources of systemic risk at the EU level, establishing mechanisms for tracking, reporting, and correcting serious incidents, and providing adequate cybersecurity protection for the model and its physical infrastructure. Concurrently, the Act authorises the European Commission to further define compliance standards through codes of conduct, delegating the formulation of certain highly technical standards to subsequent administrative procedures to preserve regulatory adaptability.

3. Existing Foundation of China's AI Legal Protection System

3.1. Institutional Accumulation through Sectoral Legislation

China's legal framework for artificial intelligence follows a gradual approach, with specific laws addressing distinct areas. At the level of fundamental legislation, the Civil Code of the People's Republic of China, the Criminal Law of the People's Republic of China, the Cybersecurity Law of the People's Republic of China (hereinafter referred to as the 'Cybersecurity Law'), the Data Security Law of the People's Republic of China, and the Personal Information Protection Law of the People's Republic of China (hereinafter referred to as the 'Personal Information Protection Law') constitute the underlying theoretical framework. In particular, the *Personal Information Protection Law* sets out relevant provisions regarding the transparency of automated decision-making by computer programmes, whilst the provisions on artificial intelligence security added during the revision of the *Cybersecurity Law* formally incorporate artificial intelligence into the national cybersecurity legal framework, thereby enhancing the feasibility of comprehensive legislation in this area.

At the level of administrative regulations and departmental rules, the *Provisions on the Management of Algorithm-Based Recommendations in Internet Information Services*, the *Provisions on the Management of Deep Synthesis in Internet Information Services* and the *Interim Measures for the Management of Generative Artificial Intelligence Services* have been issued, addressing scenarios such as algorithmic data and recommendations, generative artificial intelligence and deep synthesis. These have established preliminary sector-specific frameworks in areas such as algorithm filing regulations, artificial intelligence security assessments, labelling of generated content and the legality of data training. These sector-specific explorations have accumulated valuable experience and practical support for subsequent comprehensive legislation. However, as can be seen, China currently faces a situation where regulatory provisions are scattered across different hierarchical levels, often distributed amongst laws, administrative regulations and departmental rules. This can lead to ambiguities and conflicts in the application of the law; therefore, the establishment of comprehensive and systematic AI legislation is a matter of urgency.

3.2. Emphasis on AI Legislation by Multiple Stakeholders

For example, as mentioned earlier, the State Council's 2026 Legislative Work Plan explicitly calls for the acceleration of comprehensive legislation, reflecting the state's emphasis on this area. This requires legislative research to take into account common elements such as data training, computational power and algorithmic analysis, intellectual property issues relating to artificial intelligence, and the cybersecurity issues it entails. At the same time, legislation should be developed to regulate key common application scenarios, such as interactive AI communication and consultation.

Secondly, the Standing Committee of the National People's Congress has also included AI-related legislation in its preliminary deliberation agenda, a key indicator that the legislative process has moved from the stage of demonstrating necessity to that of institutional design. Around the time the European Union published and implemented the *Artificial Intelligence Act*, numerous scholars focused their research on how China might explore new pathways for AI legislation by drawing on this novel piece of EU legislation through methods such as legal transposition and comparative legal studies.

4. Reference Value of EU Experience for China's AI Legislative System

4.1. Legislative Model Level

The EU's risk-tiered regulatory framework offers methodological insights. Its core logic lies in aligning the intensity of regulation with the level of risk, thereby avoiding an excessive burden on low-risk applications whilst ensuring comprehensive control throughout the entire lifecycle of high-risk applications.⁵ In terms of implementation sequencing, the EU's phased arrangement—first establishing transparency obligations and then proceeding to high-risk compliance reviews—provides a pragmatic reference. China should adopt a step-by-step strategy: prioritising obligations that are currently feasible and low-cost, such as labelling and information disclosure, while deferring the high-risk AI certification system until regulatory institutions, technical capabilities, and staffing are mature.

In terms of implementation, the EU's phased approach—which prioritises transparent enforcement before conducting high-risk compliance reviews—provides a pragmatic model. China would be well advised to adopt a phased strategy: Prioritise the implementation of obligations that are currently feasible and have low enforcement costs, such as labelling and information disclosure; whilst the certification system for high-risk artificial intelligence should be launched only once the regulatory framework, technical capabilities and human resources are sufficiently mature.

China may draw on the classification approach, but adjustments to the implementation path are required: grading criteria should be established independently, taking into account national security, industrial development, public safety and individual rights; the approach must be aligned with the regulatory tradition of 'prudent yet inclusive' oversight; and a mechanism for the dynamic adjustment of risk levels should be established.

4.2. Institutional Design Level

In terms of identity disclosure, China may follow the EU's provisions by requiring dialogue systems to explicitly disclose their AI identity at the start of interaction. However, it must be emphasised that attention should be paid to the age and capacity of interactive users; after the counterparty has disclosed its identity, it should be determined under Chinese law whether the user is capable of recognising that they are interacting with an AI. For content labelling, based on existing AI synthesis labelling requirements, it is advisable to add special machine-readable underlying markings combined with visible explicit labels, forming a dual-layer safeguard mechanism. As for model transparency, China may follow the EU's approach by adopting technical documentation filing or training data explanation methods.

Nevertheless, institutional transplantation must account for differences between China and the EU. The EU legislation is primarily rooted in the fundamental rights charters of its member states, whereas China, as a single sovereign state, must, in the field of AI legislation, emphasise the balanced allocation of national security, public interests, and individual rights. In AI legislation, China must adhere to the holistic approach to national security, safeguarding security in emerging domains and digital security.

4.3. Implementation Mechanism Level

Although the EU pioneered this legislative area and provided a globally innovative and feasible framework, the core challenge under its model is the tension and misalignment between a uniform legislative framework and the uneven implementation capacities of member states. This is reflected in the delayed designation of competent authorities and the slower development of technical standards relative to the entry into force of the rules, thereby weakening the effectiveness of the norms at the implementation stage.

China can capitalise on its strengths and avoid similar pitfalls by concurrently planning supporting standard systems during the legislative drafting phase, establishing a linkage mechanism between legislation and standard-setting, delineating departmental responsibilities and central-local divisions, and creating a unified law enforcement coordination mechanism. Furthermore, pilot programmes may be conducted in regions with different levels of economic and social development, with adjustments made based on pilot results to avoid the aforementioned issues as much as possible.

4.4. Limits of Comparative Law Reference

There are deep-seated differences between the Chinese and EU models of AI governance: the EU excels in rule-shaping, while China exhibits strategic coordination characteristics. The legal traditions of the two are distinct.

Therefore, when drawing on international experience in a dialectical manner, China should ensure that the starting point for legislation is the genuine challenges facing the country's industrial development and governance practices; institutional design must be integrated with the existing legal framework, ensuring seamless alignment with existing laws to form a coherent system. At the same time, given the rapid pace of change and advancement in the artificial intelligence sector, legislation should remain adaptable and forward-looking; the inclusion of catch-all provisions may also help to mitigate issues regarding the timeliness of legal application.

5. Conclusion

The three foundational pillars of the transparency requirements in the EU's Artificial Intelligence Act are interactive identity disclosure, dual-subject content labelling, and model transparency, and a regulatory system will cover interactions, content dissemination and foundational models. On the basis of the above, the Act establishes a tiered regulatory system and is relatively scientific and reasonable. The implementation of this Act is to be hailed as a great success and the first all-encompassing AI regulation in the world will take effect. Although the actual effectiveness of the Act will depend on institutional capacity at the enforcement level, and there is a significant difference in resources and lagging standards among EU Member States, it still provides a reference for China's all-encompassing legislation at this time.

China is now at a good time for all-round legislation. The EU's experience provides some feasible paths, such as a risk-based classification system, design of transparency obligations and phased implementation. At the same time, the system should be in line with the country's industrial level and governance demands. As mentioned above, China has gained rich experience in the field of sector-specific legislation, and now the task of comprehensive legislation is to prudently integrate this experience and build a system that avoids legal conflicts and loopholes to some extent. Finally, from the perspective of global multipolar competition, the future goal of China's AI legislation should be to build a governance system with regulatory effectiveness, institutional flexibility and timeliness, and thus contribute China's strength to the world stage for artificial intelligence.

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