

## **Annex 9 - Instructions on the use of public online Artificial Intelligence (AI) tools by EUSPA**

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## 1 Introduction

Regulation (EU) 2024/1689 on Artificial Intelligence (AI Act) entered into force on 1 August 2024.

With a view to ensuring proper awareness and compliance with the evolving regulatory framework, the Agency is issuing the present instructions concerning the use of public online AI tools by EUSPA users<sup>1</sup> in the frame of the activities they undertake for EUSPA (i.e. professional use).

EUSPA acknowledges that internal/proprietary AI tools are currently under development or have already been developed within the European Union (e.g.: GTP@EC; GPT@JRC; Bazille; etc.). However, the present instructions do not apply to such tools.

An update of these instructions may be issued, as appropriate, based on the development and availability of the specific internal/proprietary AI tools. This is without prejudice to any guidelines already issued by the European Union stakeholders or bodies having developed internal/proprietary AI tools, which EUSPA users are required to consult and apply.

## 2 Acronyms and Abbreviations

**Table 1 - Abbreviations**

| Abbreviation | Definition                                         |
|--------------|----------------------------------------------------|
| AI           | Artificial Intelligence                            |
| EC           | European Commission                                |
| EDPS         | European Data Protection Supervisor                |
| EU           | European Union                                     |
| EUSPA        | European Union Agency for the Space Programme      |
| GRUE         | EUSPA RESTREINT UE (network)                       |
| HR           | Human Resources                                    |
| ICT          | Information and Communication Technologies         |
| ITF          | Information Technologies and Facilities department |

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<sup>1</sup> For the purposes of these instructions, references to EUSPA users shall be understood as including statutory staff (officials, temporary agents and contract agents), seconded national experts, trainees and contractors or other service providers.

| Abbreviation | Definition               |
|--------------|--------------------------|
| JRC          | Joint Research Centre    |
| SNE          | Seconded National Expert |

### 3 Applicable Documents

**Table 2 - Applicable Documents**

| Applicable Documents: |                                                                                                                                                                                                                  |                                                 |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Type                  | Title                                                                                                                                                                                                            | Reference                                       |
| AD-01                 | Regulation (EU) 2024/1689 on Artificial Intelligence (AI Act)                                                                                                                                                    | 32024R1689                                      |
| AD-02                 | Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community | 01962R0031-20140501                             |
| AD-03                 | Treaty on the Functioning of the European Union                                                                                                                                                                  | OJ C 202, 7.6.2016                              |
| AD-04                 | Decision of the Administrative Board laying down rules on the secondment to the Agency of national experts and national experts in professional training                                                         | Written Procedure n° 24, Brussels, 24 July 2012 |
| AD-05                 | Decision of the Executive Director on the rules governing the traineeship scheme of the European Union Agency for the Space Programme                                                                            | EUSPA/HRM/2024/302875                           |

### 4 Instructions applicable for the use of public online AI tools

- **EUSPA DOCUMENTS:** under no circumstances shall EUSPA users upload, input or disclose any internal EUSPA document or extract thereof – including preparatory documents – to any public online AI tool. This prohibition applies regardless of the perceived sensitivity of the content. Only documents that are already publicly available may be used with public online AI tools.
- **PERSONAL DATA:** under no circumstances shall EUSPA users upload, input or disclose personal data of any kind to any public online AI tool.

- THIRD-PARTY DOCUMENTS: under no circumstances shall EUSPA users upload, input, or disclose any third-party documents to any public online AI tool.
- CONTENT: EUSPA users may only upload, input or disclose to public online AI tools content that is lawful, ethical and aligns with the statutory duty of loyalty towards the EU.
- USE OF OUTPUTS: under no circumstances shall output generated by any public online AI tool be used nor referenced, as such, in any document produced by EUSPA, be it internal or external.

Responses generated by public online AI tools must be treated with caution and exclusively as input. Under no circumstances shall responses be used, as such, for the preparation, execution and delivery of the Agency's tasks. EUSPA users should always critically assess the truthfulness, accuracy, reliability, and potential biases in any AI-generated content before relying on it for any purpose.

Furthermore, EUSPA statutory staff are hereby reminded that:

- i) Article 17 of the Staff Regulations [AD-02] prohibits the unauthorised disclosure of any information received in the line of duty, even after leaving the service, unless that information is already public (see also Article 339 of the Treaty on the Functioning of the European Union [AD-03]);
- ii) Article 18 of the Staff Regulations [AD-02] provides that all rights in any work produced by staff in the performance of their duties shall belong to EUSPA. Only in specific cases related to execution of specific entrusted tasks, the rights in the related work produced by staff belong to the European Union (please consult LEG to identify such specific cases).

Similar obligations apply to Seconded National Experts (SNEs) (Article 7(1) (e)-(g) of the SNE Decision [AD-04]) and trainees (Article 8 (6)-(8) of the Traineeship Decision [AD-05]).

Contractors, experts and other service providers engaged by EUSPA are bound by similar provisions under their respective contracts.

Consequently: (i) under no circumstances shall EUSPA users upload, input or disclose information received in the performance of their duty to any public online AI tool, unless already publicly available; (ii) any work produced by EUSPA users in the performance of their duties belongs to EUSPA and shall not be uploaded or disclosed to any public online AI tool, unless already publicly available. Only in specific cases related to execution of specific entrusted tasks, the rights in the related work produced by staff belong to the European Union (please consult LEG to identify such specific cases depending on the specific circumstances of each case), and shall not be uploaded or disclosed to any public online AI tool, unless already publicly available.

## 5 Accountability

The use of public online AI tools remains the personal responsibility of EUSPA users. Any breach of the obligations outlined in these instructions may result in disciplinary action or contractual consequences, as applicable.

## **6 Internal development and deployment of AI systems**

The development or deployment of AI systems within EUSPA cannot be undertaken independently by individual EUSPA users or departments. Any such initiative must be reported to both the Head of Administration and the Head of the ITF department. Depending on the nature of the initiative, it may be referred to the ICT Steering Committee or the Executive Committee meeting for consideration. No development or deployment of AI systems may proceed without a formal decision made in these executive fora.

## **7 AI literacy and training**

In line with the AI Act requirements on AI literacy applicable as of 2 February 2025 [AD-01], AI-related learning packages are already available through EU Learn. Please consult with HR Learning & Development for more information. In addition, the Agency is planning to organise training sessions on the AI Act and related matters, in addition to training initiatives conducted by the European Data Protection Supervisor (EDPS)<sup>5</sup>, the Commission, and other relevant bodies.

## **8 Final Provisions**

The present instructions are issued to ensure that the use of public online AI tools by EUSPA users remains compliant with the applicable legal framework. These instructions constitute a living document, which may be updated as necessary to reflect future developments in the regulatory environment and any additional guidance issued by competent bodies.

**End of Document**

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<sup>5</sup> The EDPS is the market surveillance authority for AI systems put into service or used by Union institutions, agencies, offices and bodies.