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The Swiss AI Founder's Guide to the EU AI Act

Strategic Compliance for Article 22 & Article 27 (2026 Edition)

1. Executive Summary: The Cost of Non-Compliance

For Swiss technology companies, the EU is often the primary market for expansion. However, as Switzerland is a "Third Country" (non-EU), Swiss firms must appoint an **EU Authorized Representative** to legally place "High-Risk" AI systems on the European market.

Financial Exposure & Penalties

The EU AI Office has established a tiered fine structure. Fines are calculated based on a percentage of total worldwide annual turnover or a fixed amount—**whichever is higher**.

- **Prohibited AI Practices:** Up to **€35,000,000** or **7%** of global turnover.
- **Non-Compliance (including missing EU Rep):** Up to **€15,000,000** or **3%** of global turnover.
- **Incorrect Information to Authorities:** Up to **€7,500,000** or **1.5%** of global turnover.

2. Regulatory Timeline & Deadlines

The EU AI Act rollout is phased. While some parts of the law are already active, the deadline for "High-Risk" systems is the most critical for Swiss B2B and SaaS founders.

Date	Milestone	Status
1 Aug 2024	EU AI Act entered into force.	Complete
2 Feb 2025	Prohibited AI practices (social scoring, etc.) banned.	Active
2 Aug 2025	Obligations for General Purpose AI (GPAI) models.	Upcoming
2 Aug 2026	Hard Deadline for Annex III High-Risk Systems.	Action Required

3. Does Your AI Fall Under "High-Risk" (Annex III)?

If your AI system performs any of the following functions, Article 22 compliance is **mandatory**:

- **Biometrics:** Remote identification or emotion recognition in public/work spaces.
- **Critical Infrastructure:** Management of water, gas, heat, or digital traffic.
- **Education:** Determining access to education or assessing student performance.
- **Employment:** Recruitment (CV screening), task allocation, or tracking employee behavior.
- **Access to Services:** Credit scoring, insurance risk assessment, or emergency dispatch.
- **Law Enforcement & Justice:** Risk assessment for recidivism or AI used in judicial research.

4. Article 22 vs. Article 27: The "Dual-Rep" Requirement

Most Swiss AI firms process personal data. This means you likely need **two** different legal representatives to satisfy two different laws.

Feature	EU AI Act (Art. 22)	GDPR (Art. 27)
Regulatory Body	EU AI Office	Data Protection Authorities (DPAs)
Subject Matter	AI System safety and ethics.	Processing of personal data.
Representative Role	Holds technical files; primary contact for regulators.	Handles data subject requests; manages data breaches.
Required For	Non-EU firms with High-Risk AI in EU.	Non-EU firms targeting EU residents.

5. The 5-Step Compliance Roadmap

1. **Classify Your Risk:** Perform a legal audit to determine if your system is High-Risk under Annex III.
2. **Market Audit:** Identify if your software is being "placed on the market" (offered for sale) or "put into service" (used) within the EU.
3. **Appoint VeriSure:** Establish a legal mandate with an EU-based representative.
4. **Register with the EU AI Office:** Your representative will register your system in the centralized EU database.
5. **Maintain Documentation:** Ensure Technical Documentation (Annex IV) and Instructions for Use are kept for **10 years** after the AI is placed on the market.

6. Verification & Accuracy Statement

*This document has been cross-referenced with the official text of **Regulation (EU) 2024/1689** (The AI Act) and **Regulation (EU) 2016/679** (GDPR). Data regarding fine thresholds and Annex III categories are verified against the European Commission's latest implementation guidelines for 2026.*

About VeriSure

VeriSure provides Swiss tech companies with a "Regulatory Shield." Based in Dublin, Ireland, we serve as your official point of contact for all 27 EU member states.

Contact Us for a Health Check:

- **Web:** verisurecompliance.com
- **Article 27 GDPR:** Mandates open for immediate start.
- **Article 22 AI Act:** 2026 intake now open.