IAPP **Asia 2025: Privacy Forum + AI Governance Global**

9-10 July
SINGAPORE

#APF25

AI Regulation from Brussels to Asia: Effect and Side Effect?

WELCOME AND INTRODUCTIONS

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AGENDA OUTLINE

I. Welcome and Introductions
II. Speaker 1 - Kyoungsic (# Max 10)
    i. EU AI Act & Korea AI Act
III. Speaker 3 – Barbara (# Max 5)
    i. China's AI Regulation
IV. Speaker 4 – Nop (# Max 5)
    i. Thailand's AI regulation
V. Speaker 2 - Danh (# Max 5)
    i. Vietnam's AI regulation
VI. Panel Discussion & Q&A (30 Mins Max)
    i. Panel discussion & comparison
    ii. Audience Q&A
VII. Closing Remarks

EU AI Act & Korean AI Act

Korea and the EU AI Act Timeline –

What would you have done if you were a Korean lawmaker?

Date	Korea	EU
2019-12	Government announces "National AI Strategy" – starting point of discussion	
2020	Four AI-related basic bills first proposed in 21st National Assembly (focused on promotion)	
2021-04		European Commission officially proposes AI Act
2022-12		EU Council adopts 'General Approach' (negotiating mandate)
2023-02	Drafts of 'AI Liability Act' and 'AI Regulation Act' submitted, focusing on high-risk AI	
2023-12		Parliament and Council reach 'provisional agreement' (Trilogue)
2024-03		European Parliament plenary approves the Act
2024-05	Wave of reintroduction of AI Act bills in the 22nd National Assembly	
2024-05		EU Council gives final approval (legislation complete)
2024-08		Published in the Official Journal (Jul 12) → Enters into force (Aug 1)
2024-12	National Assembly passes AI Act	
2025-02		Ban on prohibited AI systems takes effect (6 months after entry into force)
2025-08		GPAI (General Purpose AI) obligations take effect (12 months post-entry)
2026-01	AI Act implementation scheduled – includes obligations on high-impact AI labeling and safety	
2026-08		Full enforcement of obligations for high-risk AI systems (24 months post-entry)

How the EU AI Act Shaped Korea's AI Act

Dimension	EU AI Act	Korea AI Act	Evident Influence
Risk-tier architecture	4 tiers (Prohibited → High-risk → Limited → Minimal)	3 tiers (drops "Prohibited", adds explicit Generative)	Structural borrowing
High-risk obligations	Arts 9-15 detailed package	Art. 34 6-point package mirrors EU list	One-to-one translation of duties
Transparency	Art. 50 deep-fake / chat disclosure	Art. 31 virtually identical language	Direct copy
Large-model controls	Arts 51-55 GPAI & systemic-risk	Art. 32 compute-threshold safety	Concept imported, metric adapted
Fundamental-rights IA	Mandatory FRIA (Art. 27)	"Endeavour" IA (Art. 35)	Softer Korean wording

EU AI Act vs. Korea AI Act

Category (Risk · AI actor)	Obligations under the EU AI Act	Obligations under the Korean AI Act
I. Unacceptable-risk	**Total ban on certain AI practices** • Prohibits placing on the market, use or offering of designated practices ‹Art 5 (1)› • Withdrawal, discontinuation of use, and recall of already-supplied products in the EU ‹Art 5 (4)› • Fines of up to €35 million / 7 % of global turnover for violations ‹Art 99 (3)›	**No corresponding risk tier (no blacklist)**
II. High-risk AI systems	**Design / manufacture / operation duties** ① Risk-management system ‹Art 9› ② Data & governance ‹Art 10› ③ Technical documentation & logs ‹Arts 11-12› ④ User instructions & explainability ‹Art 13› ⑤ Human oversight ‹Art 14› ⑥ Accuracy, robustness, cybersecurity ‹Art 15› **Organisational duties** ⑦ Quality-management system ‹Art 17› ⑧ 10-year document retention ‹Arts 18-19› ⑨ Corrective actions & notifications ‹Art 20› ⑩ Cooperation with authorities ‹Art 21› **Supply-chain & distribution** • Conformity checks by importers, distributors; incident reporting ‹Arts 23-27, 72› **Post-market** • EU database registration, CE marking, post-market monitoring ‹Arts 40-49, 71-73›	**"High-impact AI"**(Art. 2-4) ① Establish & operate risk-management measures ‹Art 34 (1) 1› ② Ensure explainability (results, criteria, data overview) ‹Art 34 (1) 2› ③ User-protection measures ‹Art 34 (1) 3› ④ Human oversight ‹Art 34 (1) 4› ⑤ Documentation & retention ‹Art 34 (1) 5› ⑥ Other items decided by the Committee ‹Art 34 (1) 6› **Additional duties** • Impact-assessment effort ‹Art 35› • Voluntary testing / certification ‹Art 30 (3)› • Appointment of a domestic representative (foreign providers) ‹Art 36›
III. Transparency tier (Limited-risk)	• Disclosure when interacting with humans or generating content ‹Art 50 (1)-(3)›	**Transparency obligations (apply to both high-impact & generative AI)** ① Prior notice ‹Art 31 (1)› ② Labelling of generated outputs ‹Art 31 (2)› ③ Deepfake disclosure & labelling ‹Art 31 (3)›
IV-1. GPAI / Foundation Models (general)	① Technical documentation (Annex XI) ‹Art 53 1(a)› ② Down-stream information package ‹Art 53 1(b)› ③ Copyright-compliance policy ‹Art 53 1(c)› ④ Publication of summary of training data ‹Art 53 1(d)› ⑤ Cooperation with authorities ‹Art 53 3› ⑥ Partial exemption for open-source ‹Art 53 6›	No separate technical obligations for generative AI beyond the transparency duties in III. However, if cumulative compute surpasses a threshold, the duties in Art 32 (below) may also apply.
IV-2. Systemic-risk GPAI	• Model evaluation & red-team testing • Systemic-risk mitigation & cybersecurity • 24-hour incident reporting • Disclosure of energy use & compute ‹Art 55 1(a)-(d)›	**High-performance AI safety duties ‹Art 32›** ① Identify & mitigate risks throughout the AI lifecycle ② Establish & monitor a risk-management system ③ Submit implementation results to the government ‹Art 32 (2)›
V. Minimal-risk	No legally binding duties; promotion of voluntary Codes of Conduct ‹Art 95›	No legal duties. Ethical principles & industry self-regulation encouraged ‹Arts 27-29›

Three Key Characteristics of Korea's AI Act

1. Narrower

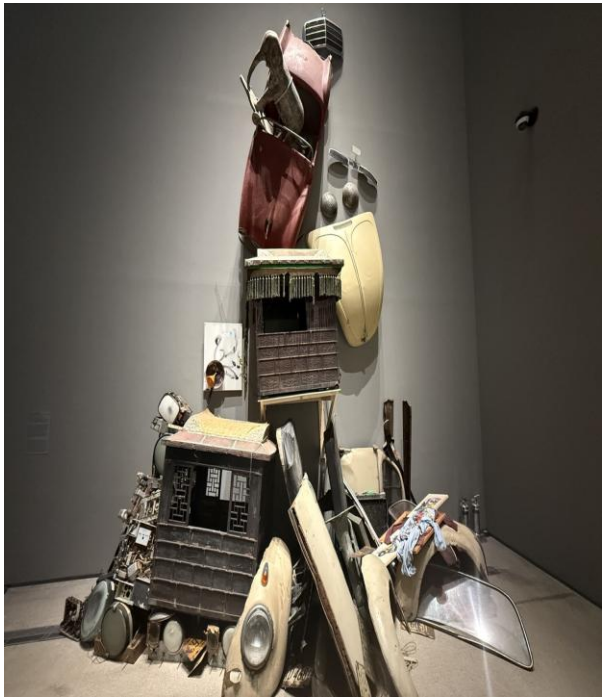
- Selective adoption of key provisions from EU AI Act
- Excludes prohibitions on AI practices, training data disclosure, and impact assessments etc.
- Emphasizes policy coordination and industry development over prescriptive compliance

2. Tougher

- Korean authorities known for strict adherence to legal text and swift enforcement
- Lower financial penalties than EU, but implements "correction measure" regime
- Creative sanctions, ranging from service suspension to model deletion, implemented collaboratively with the privacy authority.

3. Earlier

- Korea: Takes effect January 22, 2026
- EU: High-risk AI obligations begin August 2, 2027
- Despite later enactment, impacts organizations sooner



Building a Global AI Governance Framework

Applying Privacy Governance Strategies to AI Governance

- **Centralized Management**: Identify and standardize common compliance requirements across jurisdictions to ensure consistent governance.
- **Localized Execution**: Implement jurisdiction-specific obligations through regionally tailored approaches that reflect local legal and cultural contexts.
- **Global Governance Pilot**: Utilize Korea as a strategic testbed to develop, evaluate, and refine globally applicable AI governance frameworks.

The enduring impact of the Brussels Effect continues to shape global regulatory dynamics, with Korea emerging as a critical proving ground for building scalable and internationally compliant AI systems.

AI in China
- Overview, Challenges, and Practical Solutions

AI in China - Overview

- Fast-evolving technical advancement and significant investment
- Balancing technology innovations with compliance and risk management
- Sector-based AI regulations as opposed to a comprehensive AI law – “small and rapid steps” approach
- Focus on algorithm, deepfake, generative AI, facial recognition and AI labelling
- Compliance requirements in place and active enforcement actions
- Rulings by Chinese courts on cutting-edge legal issues

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AI in China - Challenges

- Regulatory uncertainty
- Intersection between AI, data and cybersecurity
- Cross-border data transfer
- Geopolitical complications

AI in China – Practical Solutions

- AI strategy
- Risk assessment and compliance review
- AI policies and vendor contracts
- Necessary compliance steps, especially noting the local law nuances and talking to your local team

Thailand –
AI ethics & Platform Services Bill

Royal Decree on Digital Platform Services

(Royal Decree On The Operation Of Digital Platform Service Businesses That Are Subject To Prior Notification, B.E. 2565 (2022))

- **Effective Date**: August 21, 2023
- **Regulator:** Electronic Transactions Development Agency ("**ETDA**")
- **What is Digital Platform Services (DPS)?**
  - The provision of an electronic **intermediary platform** that manages information to **create connections between "merchants," "consumers," and "users" via a computer network** in order to **create electronic transactions** regardless of whether payment is actually made.
  - **Exception: Digital platforms that offer goods or services of the digital platform operator** or an affiliated company acting as its representative, regardless of whether the goods or services are offered to third parties or to affiliated companies.
- **The DPS is divided into 4 types*:** a) Low-Impact DPS, b) General DPS, c) Focused DPS (i.e., 'marketplace'/ search engine) d) Large-Scale/ High-Impact / High-Risk DPS (Subject to the ETDA's announcement of the designated name list.)

  *** Not categorized by law, for ease of reference only**

- **Key obligations** – vary depending on the type of DPS, starting from Low-Impact DPS with the least obligations to those with the most:
  - Notification of operation / Submission of annual report to the ETDA
  - Announcement of the prescribed terms and conditions (T&Cs) / Notification of T&Cs changes to users and the ETDA as required by law (For Focused DPS)
  - Conducting risk assessments and implementing measures to mitigate such risks / Implementation of measures to maintain system security and carry out crisis management (For Large-Scale/ High-Impact / High-Risk DPS)
  - Certain specific obligations for particular categories of DPS (e.g. draft additional obligations for Specific Marketplace for Goods Operators)
  - Notification of cessation of operations to the ETDA

(Draft) Platform Economy Act ("Draft PEA")

- **Status:** The 1st official Draft PEA has been released for public hearing during Jan 15 – Feb 15, 2025. Under review by the Council of State.
- If the Draft PEA is enacted, it will become the first piece of legislation at the Act level to regulate online platform services in Thailand. The Draft PEA is modeled after the EU's DMA and DSA.
- The Draft PEA aims to focus on two main areas:
  - 1. **User protection** – Regulates in-scope intermediary services and online platform services
  - 2. **Fair competition** – Regulates designated gatekeepers
- **Regulator:**

1. ETDA - General and online platform services matters 2. Trade Competition Commission of Thailand ("TCCT") – Trade competition matters

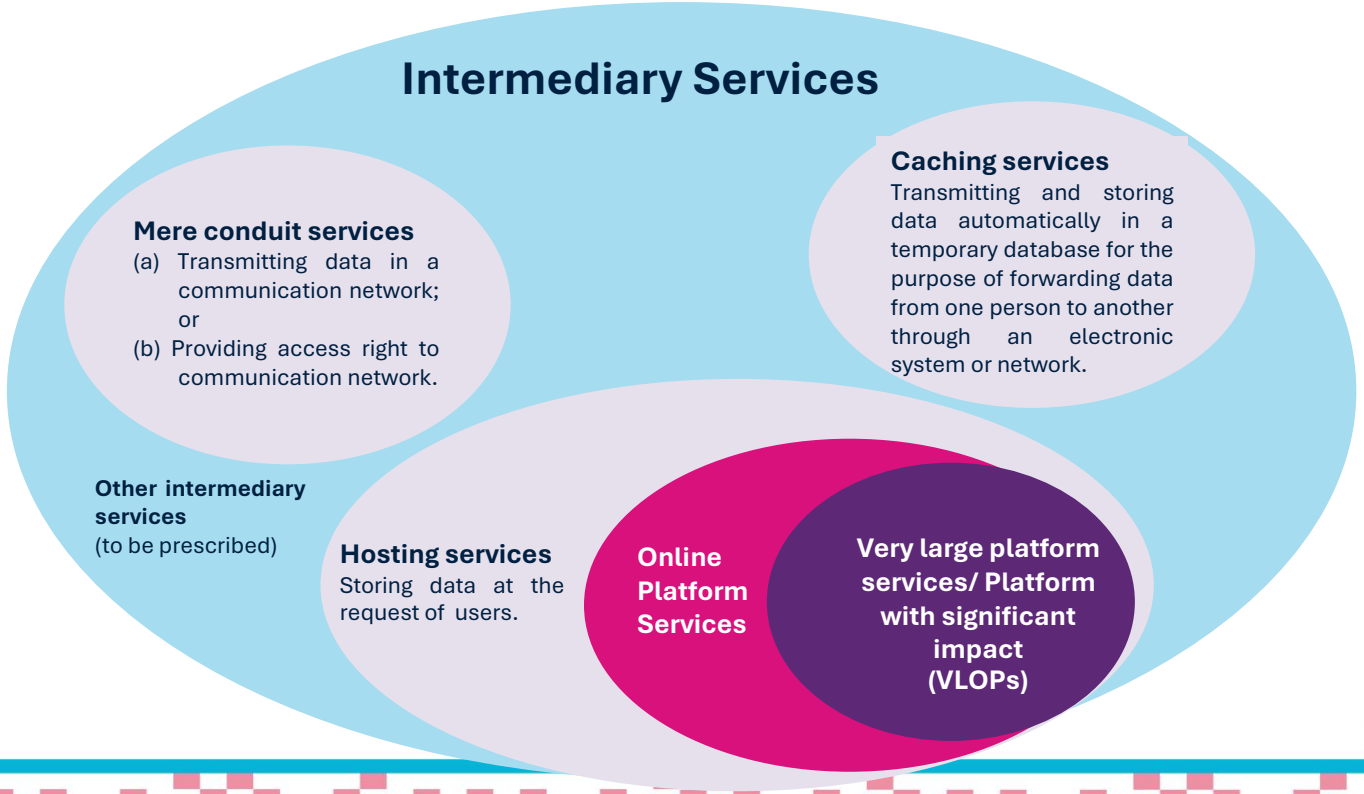
3. Platform Economy Committee) (to be established under the PEA) - Formulate policies, regulate, and oversee Online Platform Services

- **Categories of in-scope services:**
  - a) Intermediary Services (Mere conduit services/ Caching services/ Hosting services)
  - b) Online platform services
  - c) Very large platform services/ Platform with significant impact (VLOPs**)**
- **Key obligations:**
  - Impose user protection obligations on service providers based on their nature, size, and risk level.
  - The obligations for online platform service providers are similar to those under the Royal Decree on Digital Platform Services (DPS), but also include additional requirements such as collaboration with trusted flaggers, complaint channels for reporting illegal activities, and suspension of users engaged in serious unlawful conduct.
  - Safe harbor rules
- **Excessive authority granted of the ETDA**

e.g., Ability to request a court order to temporarily shut down platforms, authority to announce a "name and shame" list.

Regulated Platforms under Draft PEA

Categories of in-scope services



Trends in Thailand's AI Legislation

- **Status**: The ETDA held an explanatory session on the draft principles and regulatory approaches of Thailand's planned AI legislation in early May 2025. The draft principles are open for public comment until early June 2025.
- Previously, the direction of AI legislation in Thailand tended to follow the EU AI Act model. However, the evolving Thai legal and technological landscape has prompted a reconsideration of whether the AI law should adopt a more flexible approach.
- **Delegation of powers to enforcement agency or sectoral regulators** – Delegates the power to define prohibited or high-risk AI to enforcement agencies or sectoral regulators, allowing risk classifications to be tailored by those with domain-specific expertise.
- **General Principles:**
  1. Nondiscrimination
  2. AI as a tool
  3. Protection against unexpected actions

REGULATE

- Duty of care
- Duties of high-risk AI providers:

e.g., serious incident reporting, risk management frameworks, local legal representatives (for offshore high-risk AI providers)

- Duties of high-risk AI deployers

e.g., human oversight, duty to maintain operation logs of the AI system

PROMOTE

- AI Sandbox: Testing in Real World Condition/ Reuse privacy data in development of AI for public interest / Safe Harbor
- Text and Data Mining

Vietnam’s AI Regulation

RESOURCE LIST

- South Korea's AI Basic Act puts another AI governance regulation on the map - IAPP
- South Korea's PIPC flexes its muscles: What to know about AI model deletion, cross-border transfers and more – IAPP
- China issues the Regulations on Network Data Security Management: What's important to know - IAPP
- Navigating the Complexities of AI Regulation in China - Reed Smith
- China's new cross-border data transfer regulations: What you need to know and do - IAPP
- New rules adopted for cross-border transfer of data out of China - Reed Smith
- EVs and data collection: A tour of several jurisdictions – Reed Smith
- What to know about China's new cross-border data transfer security assessment guidelines – IAPP

How Did Things Go? (We Really Want To Know)

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