

The real maximum EU AI Act fine for an SME is not 35 million euro

For a 50-person SaaS at 10M euro turnover, the real maximum EU AI Act fine is about 700,000 euro, not the 35 million you keep seeing quoted. Article 99(6) is why.

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700,000 euro. That is the real maximum EU AI Act fine for a 50-person SaaS doing 10M euro in global turnover. Not the 35 million euro you keep seeing quoted.

The part most coverage skips

Article 99 sets two numbers for every violation: a fixed euro cap and a percentage of global turnover. For most companies the fine is the higher of the two. But Article 99(6) carves out SMEs and start-ups, and for them it flips to the lower of the two.

What that means in numbers

- A 50-person firm at 10M euro turnover is an SME.
- For the worst category, prohibited AI practices, the cap is the lower of 35M euro and 7% of turnover. 7% of 10M is 700,000 euro, so the 35M figure never touches you.
- For the tier most SaaS actually worry about, high-risk non-compliance at 3%, it drops to 300,000 euro.

Still real money, but a very different planning conversation than 35M euro.

Frequently asked questions

What is the real maximum EU AI Act fine for an SME?

For a 50-person SaaS at 10M euro turnover it is about 700,000 euro, not the 35 million you see quoted. Article 99(6) caps SME and start-up fines at the lower of the fixed amount and the percentage, so for a prohibited practice it is 7% of 10M (700,000 euro), and the 35M figure never applies.

Does the 35 million euro AI Act fine apply to small companies?

No. The 35M euro figure is the higher leg aimed at large companies. Under Article 99(6) SMEs and start-ups are capped at the lower of the fixed amount and the turnover percentage, so a small firm real maximum is the percentage of its own turnover.

What is the AI Act fine for high-risk non-compliance for an SME?

For an SME the high-risk tier (3%) is the lower of the fixed cap and 3% of turnover. At 10M euro turnover that is about 300,000 euro, well below the headline figures aimed at large firms.

Size your own AI Act exposure

Free, no signup: agent.mue.app/tools/eu-ai-act-fine-calculator

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