

THE UNREGULATED MIDDLE: GENERATIVE AI IN FOREIGN LANGUAGE TEACHER EDUCATION BETWEEN THE EU AI ACT AND UKRAINIAN LAW

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Abstract.

Generative artificial intelligence entered foreign language teacher education faster than the law governing it. This article asks a narrow doctrinal question: which binding rules actually apply when a Ukrainian pre-service teacher of English uses a commercial large language model to prepare, deliver or assess instruction? It answers by reading three bodies of law against one another — the EU Artificial Intelligence Act as amended by the Digital Omnibus of July 2026, Ukraine's Law on Copyright and Related Rights of 2022, and Article 42 of Ukraine's Law on Education. Three findings follow. First, the AI Act does not designate educational artificial intelligence as high-risk by sector; Annex III lists four discrete use cases, the obligations attaching to them are deferred to December 2027, and what binds today is the literacy duty in Article 4 and the transparency duty in Article 50. Second, Ukraine's sui generis right in non-original computer-generated objects gives a teacher a proprietary position in generated teaching materials but no authorship, and the statutory notion of the lawful user of a computer program does not map cleanly onto cloud services. Third, undisclosed generative AI use cannot constitute academic plagiarism under Ukrainian law, and constitutes cheating only where an institution has designated such tools as impermissible sources. Between these layers sits an unregulated middle that statute delegates to institutional rule-making and that most Ukrainian universities have not yet occupied..

Keywords: artificial intelligence; AI Act; academic integrity; sui generis right; teacher education; Ukraine.

1. INTRODUCTION

A student teacher of English in Kyiv opens a commercial chatbot, asks it for a B1 reading lesson on climate change, receives a text, a glossary and six comprehension questions, edits the result for forty minutes and teaches it the following week. Nothing about this sequence is unusual. Almost every element of it is legally unsettled.

Who holds rights in the generated text? May the teacher paste a pupil's essay into the same tool to obtain feedback? If the lesson plan is later published on a departmental website without attribution to the system that produced it, has any rule been broken? If a student submits generated prose as her own coursework, which provision of Ukrainian law does that violate — and does it violate any?

The scholarly literature on generative artificial intelligence in language education has grown quickly and answers none of these questions, because it does not ask them. It asks instead about attitudes, adoption, efficacy and competence frameworks (Harakchiyska, 2025; Kasneci et al., 2023; Yan et al., 2024). Where law appears at all, it appears as background: a

gesture towards the AI Act, a mention of data protection, an appeal to institutional policy. The gesture is often inaccurate. It is now commonplace to read that the AI Act classifies artificial intelligence in education as high-risk. It does not, and the difference matters a great deal to anyone trying to work out what to do on Monday morning.

This article takes the opposite approach. It brackets the pedagogical question entirely and asks only what the applicable law provides. The jurisdictional frame is Ukraine, for two reasons. Ukrainian higher education institutions are adapting to European standards under the accession process while remaining outside the scope of most EU instruments, which makes the boundary between what applies and what merely influences unusually consequential. And Ukraine holds a statutory position on computer-generated output that few states hold: since 1 January 2023 it has recognised a *sui generis* right in non-original objects generated by a computer program (Law of Ukraine No. 2811-IX, Article 33). That provision was not drafted with large language models in mind, yet it now governs them, and its interaction with the academic integrity regime has not been examined.

The argument proceeds in four steps. Section 3 establishes what the AI Act does and does not do to teacher education, in the form the Act now takes after the Digital Omnibus of July 2026. Section 4 identifies which data protection regime actually binds a Ukrainian university. Section 5 works through the copyright position, which is where the Ukrainian material is most distinctive. Section 6 turns to academic integrity and shows that the copyright rule and the education rule interlock badly. Section 7 draws the strands together under the heading that gives this article its title.

The claim advanced is not that Ukrainian law is silent. It is that the binding rules are dispersed across instruments drafted for other purposes, that they leave a defined space to institutional rule-making, and that institutions have not yet legislated into it. That space is the unregulated middle, and it is where the ordinary daily use of generative artificial intelligence in teacher education actually sits.

2. SCOPE, METHOD AND SOURCES

This is a doctrinal study. It reconstructs the applicable legal position from primary sources — regulations, statutes, and official guidance — and reads them against one another to identify the rules, the gaps and the conflicts. It makes no empirical claims. No human participants were involved, no data were collected, and no assertion is made about how teachers or students in fact behave.

Three bodies of law are analysed. The first is the EU Artificial Intelligence Act, Regulation (EU) 2024/1689, as amended by Regulation (EU) 2026/1744, together with the European Commission's draft guidelines on high-risk classification of 19 May 2026 and the Commission's ethical guidelines for educators. The second is Ukrainian copyright law, principally Law No. 2811-IX of 1 December 2022. The third is Ukraine's academic integrity regime under Article 42 of Law No. 2145-VIII on Education, read with the data protection framework of Law No. 2297-VI.

Soft-law instruments are treated as what they are. The UNESCO guidance on generative artificial intelligence (UNESCO, 2023), the UNESCO competency framework for teachers

(Miao & Cukurova, 2024), Ukraine's Roadmap and White Paper on AI regulation, and institutional codes of conduct all shape practice and none of them creates an obligation enforceable against a teacher. Where this article draws on them, it says so.

Two limits should be stated at the outset. The analysis is current to 1 September 2026; Ukraine's standalone artificial intelligence bill is expected during the fourth quarter of that year and will alter the picture. And the article addresses higher education, specifically initial teacher preparation. The Commission's ethical guidelines for educators are aimed principally at primary and secondary schooling, and are used here for the principles they articulate rather than as a source of obligation in the university setting.

3. THE EU LAYER: WHAT THE AI ACT DOES TO TEACHER EDUCATION

The most persistent error in the education literature is the proposition that the AI Act treats artificial intelligence in education and vocational training as high-risk. The Act does nothing of the sort. Article 6(2) makes a system high-risk if it falls within one of the categories in Annex III, and point 3 of that Annex contains four discrete entries: systems used to determine access or admission to educational institutions, or to assign persons to them; systems used to evaluate learning outcomes, including where those outcomes steer a learner's path; systems used to assess the appropriate level of education a person will receive; and systems used to monitor and detect prohibited behaviour during examinations.

Each of those is an act performed upon a learner with consequences for that learner's future. None of them describes a chatbot used by a teacher to draft a reading passage. The Annex is a list of functions, not a designation of a sector, and the distinction is not pedantic: the entire compliance apparatus of Chapter III — risk management, technical documentation, logging, human oversight, conformity assessment, registration — attaches to the four functions and to nothing else in the educational field. Manganello et al. (2025) show what compliance with point 3(b) would actually require of a university deploying automated learning-outcome assessment, and the gap between that regime and ordinary classroom use of a general-purpose assistant is not a matter of degree.

Article 6(3) narrows the category further. A system that falls within an Annex III heading is not high-risk where it performs only a narrow procedural task, improves the result of a previously completed human activity, detects decision patterns without replacing human assessment, or performs preparatory work. The Commission's draft classification guidelines of 19 May 2026 read these exceptions restrictively and switch them off entirely where the system profiles natural persons within the meaning of Article 4(4) GDPR. The guidelines also treat interconnected systems that function together as a single system, which forecloses the strategy of distributing a high-risk function across components.

The draft guidelines distinguish pedagogical support, which is often filter-eligible, from evaluative application, which is not. That line is the operative one for teacher education. Lesson preparation, materials drafting, differentiation and formative feedback sit on the pedagogical side. Summative marking, placement testing and proctoring sit on the evaluative side and carry the full regime.

Regulation (EU) 2026/1744, the Digital Omnibus on artificial intelligence, was published

on 24 July 2026 and entered into force three days later. Its principal effect is temporal: the obligations attaching to standalone Annex III systems, which were to apply from 2 August 2026, now apply from 2 December 2027, and those attaching to high-risk systems embedded in regulated products move to 2 August 2028. For a university contemplating automated assessment, that is sixteen months of additional runway. It is not an exemption, and it does not touch the classification analysis, which must be performed on the existing timetable if the eventual obligations are to be met.

What did not move matters more for present purposes. Article 4, the artificial intelligence literacy duty, has applied since 2 February 2025 and was not deferred, although the Omnibus amended its wording with effect from 27 July 2026. Providers and deployers must take measures supporting the development of literacy among staff and others operating systems on their behalf, having regard to their knowledge, experience and education, to the context of use and to the persons affected; they are not required to guarantee that any individual attains a specified level. Article 50, the transparency regime, has applied since 2 August 2026 and was likewise untouched, with a short grace period to 2 December 2026 for machine-readable marking of outputs by generative systems already on the market. The prohibitions in Article 5 have applied since 2 February 2025 and now include a further prohibition, phased to 2 December 2026, on systems whose reasonably foreseeable output is non-consensual intimate imagery or child sexual abuse material.

The shape of the obligation set for education is therefore counter-intuitive. The heavy regime, which most commentary treats as imminent, does not bite for over a year and covers a narrow band of functions. The light regime, which commentary barely mentions, binds now and covers everyone.

Article 4 addresses providers and deployers. A university that makes an artificial intelligence system available to staff or students is a deployer, and the duty is its own. It is not a duty owed by the student teacher, and it is not discharged by the student teacher having taught herself to write prompts. This inversion is worth stating plainly, because the pedagogical literature routinely locates artificial intelligence literacy in the individual educator as a matter of professional competence. As a matter of Union law it sits with the institution as a matter of compliance, and the institution must be able to evidence the measures it has taken.

Two consequences follow for initial teacher preparation. A faculty that deploys such tools in its own programmes owes the Article 4 duty to its students in their capacity as operators. And its graduates will enter schools that owe the same duty to them, which makes the content of the duty part of what they need to understand before they arrive. Neither consequence is captured by treating literacy as a curricular aspiration.

One prohibition applies squarely to the classroom. Article 5 forbids placing on the market or using systems that infer emotions of a natural person in the workplace or in educational institutions, except where deployed for medical or safety reasons. Engagement analytics, attention monitoring and affect detection marketed for language classrooms fall within it. This is not a high-risk classification requiring documentation; it is a prohibition, and it has been in force since February 2025.

Taken together, the Union layer is narrower and sharper than the literature suggests. It

prohibits a small number of practices outright, imposes literacy and transparency duties on institutions now, and defers a demanding regime for four evaluative functions until the end of 2027. It says nothing whatever about a teacher drafting a lesson with a chatbot.

4. DATA PROTECTION: WHICH REGIME ACTUALLY BINDS

Writing on digitalisation in Ukrainian higher education frequently states that universities must handle data in accordance with European standards including the General Data Protection Regulation. As a statement of policy direction that is accurate. As a statement of applicable law it is not, and the imprecision has practical consequences.

Regulation (EU) 2016/679 applies under Article 3 to processing in the context of the activities of an establishment in the Union, and to processing by a controller not established in the Union where the processing relates to offering goods or services to data subjects in the Union or to monitoring their behaviour within the Union. A Kyiv university teaching Ukrainian students in Ukraine satisfies neither limb. It may fall within Article 3(2) in specific configurations — an exchange programme recruiting in Member States, a joint degree with an EU partner, an online course marketed to learners in the Union — but that is a conclusion to be reached on the facts, not a default.

The distinction matters because a university that believes itself bound by the GDPR and is not will design to a standard it cannot be held to, while overlooking the standard it can. Compliance effort is finite. Directing it at the wrong instrument is not a conservative error.

The applicable framework is Law of Ukraine No. 2297-VI on Personal Data Protection, supervised by the Parliament Commissioner for Human Rights. It is built on the same architecture as the pre-2018 European regime — lawful basis, purpose limitation, data subject rights, obligations on controllers and processors — and it is materially thinner than the GDPR in the areas that generative artificial intelligence stresses most: automated decision-making, transfers to third countries, and the accountability documentation that would evidence a lawful basis for a novel processing operation.

Alignment is a declared objective of the accession process rather than an accomplished fact, and the interim position is the operative one. Where a Ukrainian institution is not caught by Article 3(2) GDPR, its obligations are those of Law No. 2297-VI, and the gap between the two is the space in which most classroom uses of commercial language models currently sit.

The concrete question is narrow. A teacher pastes a pupil's written work into a commercial system in order to obtain feedback. Three characterisations of that act are possible and they are not equivalent.

It is a disclosure of personal data to a third party, because a pupil's essay is data relating to an identifiable person and its content may reveal a great deal more. It is a transfer outside Ukraine, because the processing occurs on the provider's infrastructure. And it may be a licensing act, because the terms of service of most consumer products reserve rights to process submitted content, sometimes including its use in model improvement.

Each characterisation attracts a different rule, and the institution rather than the individual teacher is the controller. The European Commission's revised guidelines for educa-

tors put the underlying caution plainly: uploading learner work to publicly accessible large language models creates risks for privacy, data protection and intellectual property. That instrument does not bind a Ukrainian university, and the analysis does not depend on it. It depends on whether a lawful basis exists under Law No. 2297-VI for disclosing identifiable learner work to an external processor for a purpose that was not contemplated when the work was collected. In the absence of an institutional policy, a processing agreement and a stated basis, the honest answer is that it does not.

5. WHO HOLDS RIGHTS IN THE GENERATED LESSON

Union copyright law contains no rule allocating rights in the output of a generative system. The originality requirement developed in the case law of the Court of Justice presupposes the author's own intellectual creation and free creative choices, which locates protection in human authorship and leaves purely machine-generated material outside it without saying what, if anything, occupies the vacated space. The Digital Single Market Directive addresses the input side through the text and data mining exceptions in Articles 3 and 4, and is silent on the output side. Member State practice diverges. There is no harmonised answer, and none is imminent.

Ukraine took a position. Law No. 2811-IX, in force since 1 January 2023, creates in Article 33 a right of a special kind — *pravo osoblyvoho rodu, sui generis* — in non-original objects generated by a computer program. Article 8(4) confirms that such objects fall outside copyright and are protected by that right instead. The provision predates the general availability of the systems it now governs, and it is worth setting out its terms precisely, because each element does work.

Article 33(1) defines a non-original generated object as one that differs from existing similar objects and is formed through the functioning of a computer program without the direct participation of a natural person in its formation. The second sentence draws the boundary from the other side: works created by natural persons using computer technologies are not non-original generated objects. The dividing line is therefore the presence of human creative contribution to the formation of the particular output, not the involvement of software in the process.

Article 33(2) identifies the right-holders: persons holding economic rights in, or licensing powers over, the computer program — its authors, their heirs, transferees, or lawful users of the program. Contract may vary the allocation. Article 33(3) is short and consequential: no moral rights arise from the generation of such an object. Article 33(4) sets the scope of economic rights by reference to Article 12, the general provision on exploitation. Article 33(5) makes the right arise automatically upon generation. Article 33(6) fixes the term at twenty-five years from 1 January of the year following generation. Article 33(7) subordinates the right: where the generated object results from the use of protected works or related-rights subject matter, the holder may exercise the *sui generis* right only subject to the rights of those whose material was used. Article 33(8) confers the exclusive right to license, and Article 33(9) permits assignment.

The first consequence is that the teacher probably does hold rights. As a lawful user of

the program she falls within the class identified in Article 33(2), and the right arises by the fact of generation without registration or formality. She is not, however, an author, and she cannot become one. Article 33(3) forecloses it. She may license and assign; she may not claim authorship, demand attribution as author, or object to distortion of the material on the moral-rights basis available under Article 11 for works. A lesson plan generated in this way is property she controls for twenty-five years and not a work she made.

The second consequence is that the distinction is fragile in practice. Most real teaching materials are not purely generated. The teacher prompts, discards, selects, reorders, rewrites and adapts. At some point along that sequence the second sentence of Article 33(1) engages and the output becomes a work created by a natural person using computer technologies, protected by copyright with the teacher as author. Ukrainian law offers no threshold and no guidance on where the point lies, and there is no case law. Two materials produced in the same afternoon may sit on opposite sides of the line with no reliable way of telling which is which.

The third consequence concerns employment. Article 14 vests economic rights in a work made in the course of employment in the employer from the moment of creation, subject to contrary agreement, and Article 15 does the same for commissioned works. Article 33 contains no equivalent provision for generated objects, and the allocation instead follows the licensing position in the program, subject to contract. Whether a lesson plan generated by a lecturer on a university-procured licence belongs to the lecturer or the university is therefore a question of the licence terms and the employment contract, not of the copyright default. Few Ukrainian universities have addressed it in either instrument.

Article 1(21) defines the lawful user of a computer program as a person lawfully possessing a lawfully made copy of it. That definition was drafted for installed software. It does not describe a person who accesses a hosted service through a browser, holds no copy, and cannot make one.

On a literal reading, a teacher using a cloud-based assistant is not a lawful user within the meaning of Article 1(21), does not fall within Article 33(2), and holds no *sui generis* right at all — with the consequence that the right vests, if anywhere, in the provider. On a purposive reading, the definition should be construed to cover authorised access to a service, and the teacher holds the right subject to whatever the provider's terms say. The provision has not been tested, and the terms of service of the major providers do not resolve it in the vocabulary the statute uses.

This is not a peripheral drafting point. It determines whether a Ukrainian institution can build an intellectual property policy for AI-assisted materials on the statute at all, or must construct one entirely from contract.

Article 22 permits certain uses of works without authorisation. Article 22(2)(2) allows reproduction and interactive provision of lawfully published articles, short works and extracts as illustrations in the educational process or for research, where the use has no independent economic significance and is carried out by educational or scientific bodies on their premises or through a secure electronic environment accessible exclusively to that institution's learners and teaching staff. Article 22(2)(3) permits reprographic reproduction for classes on a non-systematic basis, and Article 22(2)(14) contains the text and data

mining exception, subject to machine-readable reservation by rights-holders.

Two features of this scheme constrain generative use directly. The educational exception is expressly conditioned on the secure closed environment; a commercial chatbot is the opposite of one, so submitting third-party copyright material to it in order to generate teaching content is not covered. And Article 22(3) states that the list of permitted free uses is exhaustive. Ukrainian law contains no fair use doctrine and no residual flexibility. Where the conduct is not on the list, it requires authorisation, and Article 33(7) reinforces the point from the other direction: a generated object built on protected input carries the *sui generis* right only if the input rights were respected.

6. ACADEMIC INTEGRITY: AN INTERLOCKING FAILURE

Article 42 of Law No. 2145-VIII on Education defines academic integrity and enumerates its violations. Part 4 lists academic plagiarism, self-plagiarism, fabrication, falsification, cheating, deception, bribery, biased assessment, and the provision of assistance or obstruction during assessment. The list is a statutory one, and disciplinary consequences under Ukrainian institutional practice are ordinarily traced to a listed head.

Two of the definitions matter here. Cheating is the performance of written work with the involvement of external sources of information other than those permitted for use, in particular during the assessment of learning outcomes. Deception is the provision of knowingly false information about one's own educational, scholarly or creative activity, and its forms are stated to include plagiarism, self-plagiarism, fabrication, falsification and cheating.

Academic plagiarism consists in presenting another person's work as one's own. The concept requires an appropriated author. Article 33(3) of the copyright law states that no moral rights arise from the generation of a non-original object, and Article 33(1) defines such an object as formed without the direct participation of a natural person. Ukrainian legislation therefore holds, in terms, that there is no author to appropriate.

The two statutes thus interlock in a way neither drafter intended. Submitting generated prose as one's own cannot be academic plagiarism, because the conduct plagiarism describes is impossible with respect to material the legal system says has no author. This is not a gap left by silence. It is a conclusion compelled by two provisions that are individually coherent and jointly awkward.

Cheating remains available, and it is the natural head. But its definition is conditional in a way that is easy to miss. The prohibited conduct is the use of external sources of information other than those permitted for use. The statute does not itself designate which sources are permitted. It presupposes that someone else has done so.

Where a university has adopted a policy stating that generative systems are not a permitted source in assessed work, undisclosed use is cheating and the statutory head is engaged. Where no such policy exists, the source has not been placed outside the permitted set, and the conduct does not answer to the definition. The same act is a disciplinary offence at one institution and unregulated at another, and the difference is not a matter of interpretation but of whether a document exists.

Deception offers no reliable fallback. It requires knowingly false information about one's

own activity. Silence is not an assertion, and it becomes one only where a duty to disclose has been created. Absent an institutional declaration requirement, a student who does not mention having used a chatbot has stated nothing false. Where such a requirement exists and is breached, deception is straightforwardly engaged — but again the operative instrument is institutional, not statutory.

The pattern in both heads is the same. Article 42 supplies the sanctionable categories and delegates the substantive content to institutional rule-making. That is a defensible legislative design; universities are closer to the practices they regulate, and a statutory list of permitted tools would date within a year. It functions only where the delegate legislates.

The delegation was made in 2017, before the technology existed. It has not been revisited, and no binding national instrument has since specified how generative artificial intelligence relates to any of the listed violations. What exists is soft law: ministerial and expert recommendations, the Ministry of Digital Transformation's Roadmap of 2023 and White Paper of 2024, a regulatory sandbox, a code of conduct, an updated terminology dictionary. These are preparatory instruments in an explicitly bottom-up strategy whose second stage — binding legislation harmonised with the AI Act — is expected to begin with a draft bill in the fourth quarter of 2026. Ukraine has also signed the Council of Europe Framework Convention on artificial intelligence.

None of that reaches the student who submitted generated coursework last week. Until an institution has adopted a policy, the statutory heads under Article 42 are either definitionally unavailable, in the case of plagiarism, or conditionally unavailable, in the case of cheating and deception.

7. THE UNREGULATED MIDDLE

The three preceding sections describe layers that do not meet.

Above sits the Union layer, which prohibits emotion inference in educational settings, imposes literacy and transparency duties on deployers now, and defers a demanding regime for four evaluative functions to December 2027. It is precise, it is enforceable, and — for a Ukrainian institution — it applies only as an accession trajectory and through the occasional operation of Article 3(2) GDPR.

Below sits the Ukrainian statutory layer, which allocates a proprietary right in generated output without authorship, protects personal data to a pre-2018 European standard, and enumerates academic integrity violations whose substantive content is delegated to institutions.

Between them sits everything a student teacher actually does. Drafting a reading passage. Producing a glossary. Generating comprehension questions. Adapting a text for a mixed-ability group. Obtaining feedback on a pupil's writing. Preparing a portfolio for assessment. None of this is high-risk under Annex III. None of it is prohibited under Article 5. The copyright position is governed by a provision whose central definition does not fit cloud services and whose boundary with authorship has no threshold. The integrity position depends on an institutional document that in most cases has not been written.

This is the unregulated middle. It is not a lawless space; several rules touch it at the edges.

It is a space in which the rules that touch it were drafted for other objects, and in which the instrument designed to occupy it — institutional policy — has not been issued.

Two features make it durable. The Digital Omnibus deferral means that the Union regime most likely to prompt Ukrainian institutional reform will not bite until the end of 2027, removing the nearest external deadline. And the bottom-up sequencing of Ukraine's own strategy is deliberate: soft instruments first, binding law later, with the draft bill not expected before the final quarter of 2026 and adoption necessarily later still. The middle will therefore remain open for at least two more academic years.

8. IMPLICATIONS

8.1. FOR INSTITUTIONS

Four items follow directly from the analysis and none requires new legislation.

An institution should specify, under Article 42 of the Law on Education, whether and in what circumstances generative systems are a permitted source in assessed work, because until it does so the statutory head of cheating cannot be engaged. It should create a disclosure requirement, because deception is otherwise unavailable and because disclosure is the only mechanism that makes the permitted-source rule administrable. It should settle the intellectual property position by contract — in the procurement licence and in the employment contract — because Article 33 provides no employment default and because its definition of the lawful user may not reach hosted services at all. And it should establish a lawful basis and a processing arrangement before learner work is disclosed to any external system, or prohibit that disclosure, because under Law No. 2297-VI the institution is the controller and the individual teacher is not in a position to supply the basis.

A fifth item follows from Union law for any institution within its reach: Article 4 requires measures supporting artificial intelligence literacy among those operating systems on the institution's behalf, and requires them to be evidenced.

8.2. FOR TEACHER EDUCATION CURRICULA

The competency frameworks that structure this field treat legal awareness as one dimension among several. The UNESCO framework for teachers places ethics of artificial intelligence alongside a human-centred mindset, foundations, pedagogy and professional development (Miao & Cukurova, 2024), and the UNESCO guidance for generative artificial intelligence in education proceeds from human agency, learner protection and institutional governance (UNESCO, 2023). Both are sound and both are soft law.

What this article's analysis adds is that the legal content required is more specific than those frameworks suggest and different in kind from ethical reasoning. A graduating teacher who understands that AI use raises questions of copyright and privacy is better prepared than one who does not, and is still not equipped to answer whether she may license the material she generated, whether her employer owns it, or whether her school's silence on permitted sources means her pupils may use a chatbot for homework. Those questions have determinate answers derivable from the instruments analysed here, and none of them appears in a competency framework.

The practical suggestion is modest. Initial teacher preparation in Ukraine could usefully include a short unit on the actual rule set — Article 42 and the delegation it makes; Article 33 and what it does and does not confer; the controller position under Law No. 2297-VI; and the shape of the AI Act as the accession trajectory brings it closer. This is a matter of a few hours, and it produces graduates who can read their own institution’s policy and notice when it is absent.

9. CONCLUSIONS

This article set out to establish which binding rules govern the use of generative artificial intelligence in Ukrainian foreign language teacher education. Three conclusions emerge.

The EU Artificial Intelligence Act is narrower in the educational field than the literature reports. It designates four evaluative use cases in Annex III rather than a sector, subjects them to a filter that the Commission’s 2026 draft guidelines read restrictively, and — since Regulation (EU) 2026/1744 — defers the obligations attaching to them to 2 December 2027. What binds now is the Article 4 literacy duty, addressed to institutions rather than to individual educators, the Article 50 transparency regime, and the Article 5 prohibition on emotion inference in educational settings.

Ukraine’s *sui generis* right in non-original generated objects is a genuine statutory answer to a question most jurisdictions have left open, and it answers it in an unexpected register: property without authorship, twenty-five years, no moral rights, subordinated to the rights in any protected input, and allocated by reference to a definition of the lawful user of a computer program that was written for installed software and does not obviously reach a hosted service.

The academic integrity regime cannot be applied to undisclosed generative use without institutional action. Plagiarism is definitionally unavailable, because Ukrainian copyright law states that the material has no author. Cheating and deception are available in principle but conditional on institutional designation of permitted sources and on an institutional disclosure duty. Article 42 delegated that content in 2017 and most delegates have not exercised it.

The composite result is the unregulated middle: a space occupied daily by ordinary teaching practice, bounded by rules drafted for other purposes, and left by statute to an institutional instrument that in most cases does not exist. Sustainable governance of artificial intelligence in education will not arrive through the AI Act, whose relevant obligations are deferred and whose scope is narrow, nor through a Ukrainian bill that has not yet been introduced. It will arrive, if at all, through institutions writing the rules that national law has already asked them to write.

10. LIMITATIONS

Three limitations bound the claims made here. The analysis is doctrinal and reports what the instruments provide, not how institutions or individuals behave; whether Ukrainian universities have in fact adopted policies under Article 42, and what those policies say, is

an empirical question this article does not answer and which would repay documentary survey. The legal position is stated as at 1 September 2026 and is unstable in two respects: Ukraine's standalone artificial intelligence bill is expected in the fourth quarter of 2026, and the Commission's guidelines on high-risk classification were still in draft when this article was written. And the argument addresses Ukraine; the AI Act analysis travels to any Member State, but the copyright and integrity analysis is jurisdiction-specific, and comparison with states that have not legislated on computer-generated output would sharpen the account of what Article 33 achieves.

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CONFLICTS OF INTEREST

The author declares no conflicts of interest.

ETHICS STATEMENT

This is a doctrinal legal analysis. No human participants were involved and no personal data were collected; ethical approval was therefore not required.

DATA AVAILABILITY

All sources analysed are publicly available and cited in full.

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