

Discussion note on implementation of the AI Act

To be used for discussions in WP Tele on the 23th of September

The European Union has shown its strong commitment to lead in trustworthy artificial intelligence (AI), including through the adoption of harmonised rules on artificial intelligence through the Artificial Intelligence Act (AI Act), laying down a risk-based regulatory framework setting concrete requirements for e.g. high-risk AI systems. The AI Act entered into force on 1st of August 2024, and will have a phased implementation until being fully applicable 3 years later on 2nd of August 2027, when obligations for high-risk AI systems are fully applicable.

Provisions related to prohibited AI practices deemed unacceptable due to their risk to European values and fundamental rights and AI literacy obligations entered into application on the 2nd of February 2025. Furthermore, the Code of Practice (CoP), Guidelines and AI Training Data Disclosure templates for providers of General Purpose AI-models (GPAI) have been published before the rules for GPAI-providers entered into force on the 2nd of August 2025. The CoP was assessed to be adequate by both the AI Board and the Commission on the 1st of August 2025.

In parallel, the Commission has been facilitating the development of other relevant guidelines and harmonised standards to provide the necessary guidance for both public and private entities to comply with and enforce obligations under the AI Act. Most notably, as provided in article 40, the Commission has requested the relevant harmonised standards from the European Committee for Standardisation (CEN) and the European Committee for Electrotechnical Standardisation (CENELEC) with a deadline of 31th of August 2025. CEN and CENELEC have not been able to meet this deadline and it has been reported that work will extend significantly beyond that deadline.

At the Working Party meeting on the 23rd of September the Danish National Standardisation Body, Dansk Standard, who is chairing the secretariat for CEN-CENELEC on the AI Act standards (JTC-21), will give a presentation of the progress of their work so far and present the timeline for completion of the standards. Member States are given the possibility to ask questions.

Following this the European Commission's AI Office, represented by Kilian Gross, will give an update on the various workstreams of the AI Act implementation, including the entry into application of the general-purpose AI model rules on 2nd August 2025, the launch of the work on a Code of practice and guidelines on transparency, the preparations of guidelines on the high-risk AI systems, and the set-up of the AI Act Advisory Forum and Scientific Panel on AI. The Danish Chair of the AI Board, Lars Bønløkke Lê, will give an overview of the discussions

in the AI Board on the state-of-play of implementation of the AI Act including on some of the key next steps in this regard. Member States are given the possibility to ask questions.

Pressing challenges for implementation of the AI Act

Building on previous discussions on simplification of the digital acquis under the Polish Presidency we will have a debate on the 23rd of September on pressing challenges for implementation of the EU AI Act, with a view to provide input to the Commission on their ongoing work with the Digital Package. Issues related to other parts of the Digital Package, i.e. the data acquis will be dealt with separately on the 25th of September and cybersecurity in HWPCI during the autumn.

As announced in the AI Continent Action Plan adopted on 8th April 2025, the Commission is looking to build on the lessons learned during the current implementation phase of the AI Act and to identify further measures that are needed to facilitate a smooth, streamlined and simple application of the AI Act, including within the Digital Package. To that end, the Commission has consulted the public on the challenges in the AI Act implementation process as part of the Apply AI Strategy public consultation.

A pressing challenge to the successful implementation of obligations on high-risk AI systems, set to be applicable on the 2nd of August 2026, is the risk that important standards are not available in advance of the application of the obligations to ensure adequate time to adapt to the new rules – as was originally foreseen in the AI Act.

In addition to efforts to address these challenges on the implementation timeline, previous exchanges in this Working Party and with stakeholders have shown the need for further discussions on how to simplify the AI Act and its implementation as a part of the upcoming Digital Package, in particular for small and medium-sized enterprises (SMEs) and small mid-caps (SMCs). This could also be an occasion to address a growing number of concerns among companies regarding potential overlaps with other EU regulations, in particular in enforcement thereof.

To give the Commission input and guidance for the content of the Digital Package, Member States are invited to consider the following questions:

1. How would Member States recommend the Commission to respond to the fact that harmonised standards related to the AI Act are delayed?
2. What provisions of the AI Act, if any, would Member States recommend to be included in the Commission's simplification efforts to facilitate implementation, compliance and enforcement?
3. What are additional measures that the Commission and Member States could undertake to support the AI Act's full implementation (e.g. digital tools, guidelines, communication initiatives)?