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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) 2024/1689, (EU) 2018/1139 and (EU) 2023/1230 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI) (first reading) - Adoption of the legislative act - Statements

Belgium has requested that the following statement be entered in the Council minutes

La Belgique salue les avancées majeures du Digital Omnibus AI, issues de débats constructifs, et réaffirme son attachement à un équilibre entre simplification et protection des droits fondamentaux, équilibre qui a pu être trouvé dans ce texte de compromis que nous soutenons donc.

Nous soulignons en particulier l'importance de l'amendement visant à interdire les systèmes d'IA capables de générer des contenus sexuellement explicites non consensuels. Il s'agit d'une problématique importante sur laquelle il est nécessaire d'agir, notamment afin d'offrir une protection ex ante adéquate dans la matière. Cette mesure est un prérequis à notre adhésion et s'inscrit pleinement dans les valeurs européennes.

Par ailleurs, nous souhaitons revenir sur 2 points que nous regrettons :

Premièrement, si la période de grâce pour le marquage des contenus générés par IA s'explique par des défis techniques, nous regrettons le report de cette obligation. La Belgique considère que cela soulève des questions majeures quant à la protection des individus et à la transparence face aux deepfakes, des enjeux qui ne peuvent être différés sans risque considérable.

Deuxièmement, la Belgique accueille favorablement les précisions apportées sur la détection des biais, mais regrette que la notion de stricte nécessité ne soit pas davantage clarifiée et que le recours à des solutions alternatives, comme les données synthétiques, ne soit pas davantage encouragé pour garantir une approche équilibrée et responsable.

The Commission has requested that the following statement be entered in the Council minutes

The Commission welcomes the political agreement reached by the European Parliament and the Council on the Digital Omnibus on AI.

At the same time, the Commission is deeply concerned with the choice of the deadlines attached to two important follow-up tasks entrusted to the Commission. The agreed Regulation foresees, among other things, that the Commission should:

1. adopt delegated acts by 2 August 2027 specifying whether and under what conditions certain AI Act requirements may be limited for high-risk AI systems referred to in Article 6(1) AI Act because sectoral legislation already ensures an equivalent or higher level of protection, and
2. develop guidelines by 1 August 2027 on the interplay between high-risk AI requirements and sectoral legislation.

The Commission fully supports the objective of improving complementarity between the AI Act and sectoral product legislation. Avoiding unnecessary duplication is essential for legal certainty, competitiveness and effective implementation. The Commission notes that the agreement reached on the AI Omnibus is coherent with its proposal for a revision of the Medical Devices Regulations (COM(2025)1023) and therefore it does not affect this proposal.

As regards point 1 above, the Commission considers that the value of this new mechanism lies precisely in its ability to address issues of complementarity on an ongoing basis, as new sector-specific rules relevant for AI systems are adopted under the Union harmonisation legislation listed in Annex I AI Act and concrete overlaps arise. The deadline is therefore problematic, as it risks turning this mechanism into a one-time exercise and may limit the Commission's ability to act where new overlaps are identified after the sector-specific assessment has been carried out by the abovementioned date.

Second, in relation to point 2 above, the development of guidelines on the interplay between high-risk AI requirements and sectoral legislation will require careful analysis, and the outcome must be robust, practical and legally clear. Since the entry into application of high-risk requirements to high-risk AI systems referred to in Article 6(1) AI Act has been postponed to 2 August 2028, a deadline for the adoption of the guidelines on the practical application of some of those requirements a full year before that entry into application may jeopardise the development of reliable support tools for industry and authorities.