



Council of the  
European Union

Brussels, 28 November 2023  
(OR. en)

16097/23

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**Interinstitutional File:  
2021/0106(COD)**

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**LIMITE**

**TELECOM 359  
JAI 1577  
COPEN 421  
CYBER 306  
DATAPROTECT 338  
EJUSTICE 67  
COSI 236  
IXIM 229  
ENFOPOL 517  
RELEX 1400  
MI 1057  
COMPET 1186  
CODEC 2309**

**NOTE**

From:	Presidency
To:	Permanent Representatives Committee
No. prev. doc.:	13921/23, 15688/23 + COR 1, 15695/23
No. Cion doc.:	8115/21
Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts - Preparation for the trilogue

**I. INTRODUCTION**

1. This note is a continuation of document 15695/23, in which the Presidency has presented Part 2 of the proposed mandate for the trilogue negotiations on the proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act).
2. In document 15695/23 the Presidency asked the Committee of Permanent Representatives to confirm agreement with green lines in Articles 4b, 52, 56-85 and Annexes I-IX and

indicate their flexibility with regard to questions 1-4 presented in Part III of that document. The Presidency also indicated that three more issues and the related questions for discussion during the meeting would be presented in a separate note.

## **II. POLITICAL ISSUES FOR POTENTIAL AGREEMENT DURING THE FIFTH TRILOGUE (PART 2 - CONTINUATION)**

3. The co-legislators intend to discuss the following twelve topics with a view to reaching a provisional agreement at political level during the fifth trilogue on the AI Act. Nine topics were presented in documents 15688/23 and 15695/23. The remaining three topics are presented are as follows:

- **Foundation models/General purpose AI systems**
- **Governance**
- **Delegated acts/implementing acts**

The compromise proposals for the above three topics are presented as separate documents added in Annexes I, II and III to this note.

4. **Foundation models/general purpose AI systems [compromise proposal presented in a separate document in Annex I]**

As regards the first remaining topic from the list above, **foundation models/general purpose AI systems**, the Council and the EP have both introduced new provisions to the AI Act with the aim of distributing the responsibilities among the actors in the AI value chain more fairly. The Council opted for a new **Article 4b** covering general purpose AI systems, while the EP has suggested a new **Article 28b** outlining requirements for foundation models. The Council's proposal consists of regulating general purpose AI systems (hereinafter: GPAI systems), which may be used in high-risk AI systems, from their conception phase to their use, through specific rules. The Council gave the Commission the power to adjust requirements for these systems in implementing acts. The EP has adopted a different approach, which aims at targeting, on top of AI systems, foundation models, before they are included in an AI system placed on the market. The EP sets requirements for these models directly in the legal text. The two approaches focus on different parts of the AI value chain, but at the same time, they seem to be motivated by the same concerns and objectives. For this reason, at technical level, a

compromise proposal merging the elements from the positions from both co-legislators, and taking into account most recent feedback from the delegations, has been prepared and it is set out in Annex I to this note.

The compromise proposal addresses general purpose AI models (hereinafter: GPAI models), which ensures that the approach is technology-neutral. The proposed provisions contain only very limited obligations and introduce codes of practice. The proposal initially classifies GPAI models with systemic risks using two quantitative thresholds, which is the amount of computing used for their training, as well as the number of business users of the model, but the Commission would be empowered to adopt secondary legislation to specify technical elements of GPAI models further and keep benchmarks up to date with market and technological development. The proposed text also includes some horizontal obligations for all GPAI models, which would include performing model evaluation and keeping up-to-date technical documentation with sufficient information for downstream providers for the purpose of compliance with the AI Act. As for copyright, the proposal states that providers would need to introduce adequate measures to ensure compliance with EU law as well as publish a sufficiently detailed summary of training data and copyright policies. At the same time, AI-generated content would need to be detectable as artificially generated or manipulated. Finally, the Presidency proposes to consider additional requirements for the models with systemic risks, which would include establishing internal measures and engaging with the Commission to identify potential systemic risks, developing possible mitigating measures and ensuring an adequate level of cybersecurity protection. Compliance with these requirements would be achieved through codes of practice, which would also cover the transparency obligations for all GPAI models.

In the compromise proposal, the Presidency also proposes to address GPAI systems with rules to align them to the risk-based approach. Providers of such systems would need to give all the information and elements to downstream providers of AI systems that are necessary in order to comply with the requirements. In the case of providers of GPAI systems that have the capability to be directly used by deployers in at least one high-risk scenario, the requirement would be to state in the instructions of use the high-risk uses for which the system may be used and ensure compliance of the system with the requirements which would be specified and adapted through implementing acts.

**Question 1:** Delegations are requested to indicate whether they can accept the proposal for addressing GPAI models and GPAI systems as described above and as set out in Annex I to this note. Additionally, delegations are asked to indicate:

- whether they would have the flexibility to make some limited additions to the future codes of practice for GPAI models with systemic risks, covering measurements of energy consumption; and
- whether they could accept an exemption from the requirements of the AI Act for open source AI models which do not pose a systemic risk or open source AI systems which are not high risk.

5. **Governance [Title VI and Title VIII Chapters 3 and 3a – compromise proposals presented in Annex II to this note + Article 59(2) in Annex I to document 15695/23]**

Concerning the next topic listed above, namely **governance**, the Presidency considers that, subject to the acceptance by the delegations of the new rules for GPAI models, a new approach to the governance would be required. While for AI systems the market surveillance system on the national level would apply, these new rules for GPAI models would require a new more centralised system of oversight and enforcement. For this purpose, the AI Office would be established as a new governance structure with a number of specific tasks in respect of general purpose AI models, and with a strong link with the scientific community to support its work. Being the first body worldwide with powers to enforce rules on general purpose AI models, the AI Office would become an international reference point for AI governance. The AI Office would also support the Member States in the context of international cooperation related to the enforcement of applicable rules to general purpose AI systems. The AI Office would be an additional building block that would complement the governance and enforcement mechanisms for AI systems on the national level. This means that the supervision of AI systems under the well-functioning market surveillance system is preserved in the compromise proposal, and the AI Board remains the coordination platform for national authorities and an advisory body to the Commission. The AI Office would be hosted within the Commission, which would ensure the most effective use of resources.

The newly proposed governance structure also includes an enhanced role for the AI Board. Its list of tasks would be extended to give the Member States a stronger coordination role, including with regard to AI regulatory sandboxes, consultations with stakeholders and

awareness raising activities. The AI Board would also provide opinions to the Commission on the of qualified alerts concerning general purpose AI models. The provisions on the composition and functioning of the AI Board have been maintained as in the General Approach.

Finally, on the issue of appointing more than one competent authority (**Article 59(2)**), the Presidency intends to maintain the text of the General Approach which gives the Member States the flexibility to appoint at least one notifying authority and at least one market surveillance authority as national competent authorities.

**Question 2: Delegations are asked to indicate:**

- whether they would be open to accept the new governance architecture proposal, as described above, and as set out in in Annex III to this note; and**
- whether they would be open to the possibility of designating one of the market surveillance authorities as a single point of contact for the purpose of EU level coordination of enforcement.**

6. **Delegated acts/implementing acts**

The Presidency is aware of the importance of maintaining **implementing acts** in all cases where this is legally sound in the AI Act, as this would ensure a higher level of involvement for the Member States during the decision making process. Nevertheless, in order to reach a successful conclusion of the negotiations, the Presidency will need to consider making some concessions to the EP in this respect and agree to the use of delegated acts in at least some of the cases. In Annex III to this note, delegations will find a list of all the provisions of the AI Act where there is currently disagreement between the Council and the EP as to the use of delegated or implementing acts. The Presidency intends to insist on implementing acts. However, in order to clearly delineate the room for possible concessions, the Presidency would like to check in which of these six cases maintaining implementing acts is critical for the Member States, and in which cases it would be conceivable to accept delegated acts.

**Question 3: Delegations are asked to indicate the cases from the list in Annex III for which they would be have the flexibility to accept delegated acts to adopt secondary legislation based on the AI Act.**

### III. CONCLUSION

7. In light of the above, and with a view to obtaining a revised mandate (Part 2 - continuation) for trilogue negotiations on the AI Act on 6 December 2023, the Permanent Representatives Committee is invited to:
- **indicate their flexibility with regard to questions 1-3 presented in Part II of this note.**
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**Compromise proposal on general purpose AI models/general purpose AI systems***Article 3***Definitions**

(xx) ‘general-purpose AI model’ means an AI model, including when trained with a large amount of data using self-supervision at scale, that is capable to competently perform a wide range of distinctive tasks regardless of the way the model is released on the market and can be integrated into a variety of downstream systems or applications. Research, development, and prototyping activities preceding the release on the market are not covered.

(xx) ‘high-impact capabilities’ in general purpose AI models means capabilities that match or exceed the capabilities recorded in the most advanced general purpose AI models.

(xx) ‘general-purpose AI model with systemic risk’ means a general-purpose AI model with high impact capabilities, as outputs may not be known and understood at the moment of its development and release and may therefore raise systemic risks at Union level. [General-purpose AI models with systemic risk shall be identified according to the provisions established in Article A;]

(xx) ‘systemic risk at Union level’ means a risk that is specific to the high-impact capabilities of general-purpose AI models with the potential to cause serious negative impact on products, capital and services and the society as a whole, including risks to national security, public policy and public health;

(xx) ‘general-purpose AI system’ means an AI system based on an AI model that has the capability to serve a variety of purposes, both for direct use as well as for integration in other AI systems;

(xxx) ‘floating-point operation’ means any mathematical operation or assignment involving floating-point numbers, which are a subset of the real numbers typically represented on computers by an integer of fixed precision scaled by an integer exponent of a fixed base.

(xy) ‘downstream provider of an AI system’ [placeholder/will be added later];

**TITLE X**  
**GENERAL-PURPOSE AI MODELS**

Chapter X  
**Classification rules**

*Article A*

*Classification of general-purpose AI models as general-purpose AI models with systemic risk*

1. A general-purpose AI model shall be classified as general-purpose AI model with systemic risk if:
  - a) it has high impact capabilities evaluated on the basis of appropriate technical tools and methodologies, including indicators and benchmarks;
  - b) it has a significant impact on the internal market due to its reach;
  - c) based on a decision of the AI Office, ex officio or following a qualified alert by the scientific panel that a general purpose AI model has capabilities or impact equivalent to those of points a) and b).
2. A general-purpose AI model shall be presumed to have high impact capabilities pursuant to point a) or paragraph 1 when the amount of compute used for its training measured in floating point operations (FLOPs) is greater than 10~26.
3. A general purpose AI model shall be presumed to have a significant impact on the internal market due to its reach pursuant to point b) of paragraph 1 when it has been made available to at least 10 000 registered business users established in the Union.
4. The Commission is empowered to adopt implementing acts acts in accordance with Article 74(2) to update the thresholds listed in the paragraphs above in light of evolving technological developments, such as algorithmic improvements or increased hardware efficiency.

*Article B*

*Procedure*

1. Where a general-purpose AI model meets the requirements referred to in points (a) or (b) of Article A(1), the relevant provider shall notify the Commission without delay and in any event within 2 weeks after those requirements are met. That notification shall include the information necessary to demonstrate that the relevant requirements have been met. If the



- Commission becomes aware of a general-purpose AI model presenting systemic risks of which it has not been notified, it may decide to designate it as a model with systemic risk.
2. The provider of a general-purpose AI model that meets the requirements referred to in points (a) or (b) of Article A(1) may present, with its notification, sufficiently substantiated arguments to demonstrate that, exceptionally, although it meets the said requirements, the general-purpose AI model does not present, due to its specific characteristics, systemic risks and therefore should not be classified as general-purpose AI model with systemic risk.
  3. Where the Commission concludes that the arguments submitted pursuant to paragraph 2 are not sufficiently substantiated and the relevant provider was not able to demonstrate that the general-purpose AI model does not present, due to its specific characteristics, systemic risks, it shall reject those arguments and the general-purpose AI model shall be considered as general-purpose AI model with systemic risk.
  4. The Commission may designate a general-purpose AI model as presenting systemic risks, ex officio or following a qualified alert of the scientific panel pursuant to point (a) of Article [Alerts of systemic risks by the scientific panel](1) on the basis of criteria set out in Annex YY. The Commission shall be empowered to specify and update the criteria in Annex YY by means of implementing acts in accordance with Article 74 (2).
  5. The Commission shall ensure that a list of general-purpose AI models with systemic risk is published and shall keep that list up to date, without prejudice to the need to respect and protect intellectual property rights and confidential business information or trade secrets in accordance with Union and national law.

## Chapter Y

### Obligations for providers of general-purpose AI models

#### Article C

### Obligations for providers of general-purpose AI models

1. Providers of general-purpose AI models shall:
  - a) perform model evaluation in accordance with standardised protocols and tools reflecting the state of the art;
  - b) draw up and keep up-to-date the technical documentation of the model,<sup>1</sup> including its training and testing process and the results of its evaluation, which shall contain, at a minimum, the elements set out in Annex XX;
  - c) draw up, keep up-to-date and make available information and documentation to providers of AI systems who intend to integrate the general-purpose AI model in their AI system, unless the information is already widely available. Without

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<sup>1</sup> Add a recital referring to the possibility to use model cards.

prejudice to the need to respect and protect intellectual property rights and confidential business information or trade secrets in accordance with Union and national law, the information and documentation shall:

- i. enable providers of AI systems to have a good understanding of the capabilities and limitations of the general-purpose AI model and to comply with their obligations pursuant to this Regulation; and
    - ii. contain, at a minimum, the elements set out in Annex XY;
  - d) put in place a policy to respect Union copyright law in particular to identify and respect, including through state of the art technologies where applicable, the reservations of rights expressed pursuant to Article 4(3) of Directive (EU) 2019/790;
  - e) draw up and make publicly available a sufficiently detailed summary about the content used for training of the general-purpose AI model, according to a template provided by the AI Office;
  - f) when generating synthetic audio, image, video or text content, ensure that outputs of the model are marked in a machine-readable format and detectable as artificially generated or manipulated. The technical solutions shall be effective, interoperable, robust and reliable as far as this is technically feasible, taking into account specificities and limitations of different types of content, and the generally acknowledged state-of-the-art, as may be reflected in relevant technical standards.
2. Providers of general-purpose AI models shall cooperate as necessary with the Commission and the national competent authorities in the exercise of their competences and powers pursuant to this Regulation.
  3. Providers of general purpose AI models may demonstrate compliance with the obligations in paragraph 1 through adherence to a code of practice that has been approved by the Commission in accordance with Article E(8). Providers of general-purpose AI models who do not adhere to an approved code of practice shall demonstrate to the Commission alternative adequate means of compliance, including adherence to relevant self- or co-regulatory instruments.

## Chapter Z

### **Obligations for providers of general-purpose AI models with systemic risk**

#### *Article D*

### **Obligations for providers of general-purpose AI models with systemic risk**

1. In addition to the obligations listed in Article C, providers of general-purpose AI models with systemic risk shall:
  - a) engage with the Commission with a view to facilitate the drawing up of codes of practice taking into account international approaches;

- b) assess and mitigate possible systemic risks at Union level, including their sources, that may stem from the placing on the market, putting into service or use of general-purpose AI models with systemic risk;
  - c) keep track of, document and report without undue delay to the Commission and, as appropriate, to national competent authorities, relevant information about serious incidents and possible corrective measures to address them;
  - d) ensure an adequate level of cybersecurity protection for the general purpose AI model with systemic risk and the physical infrastructure of the model.
2. Providers of general purpose AI models with systemic risks may demonstrate compliance with the obligations in paragraph 1 through adherence to a code of practice that has been approved by the Commission in accordance with Article E(8). Providers of general-purpose AI models with systemic risks who do not adhere to an approved code of practice shall demonstrate to the Commission alternative adequate means of compliance, including adherence to relevant self- or co-regulatory instruments.

## *Article E*

### **Codes of practice**

1. The Commission shall encourage and facilitate the drawing up of codes of practice at Union level as an element to enforce the proper application of this Regulation.
2. The codes of practice shall cover, but not necessarily be limited to, the obligations provided for in Articles C and D, including the following issues:
  - a) means to ensure that the information referred to in Article C (a) and (b) is kept up to date in the light of market and technological developments, the adequate level of detail for the summary about the content used for training, and the technical solutions to ensure a machine-readable format allowing to detect artificially generated or manipulated content;
  - b) the identification of the type and nature of the systemic risks at Union level, including their sources when appropriate;
  - c) the measures, procedures and modalities for the assessment and management of the systemic risks at Union level, including the documentation thereof. The assessment and management of the systemic risks at Union level shall be proportionate to the risks, take into consideration their severity and probability and take into account the specific challenges of tackling those risks in the light of the possible ways in which such risks may emerge and materialize along the AI value chain.
3. The Commission may invite the providers of general-purpose AI models, as well as relevant national competent authorities, to participate in the drawing up of codes of practice. Civil society organisations and other relevant stakeholders may support the process.
4. The Commission shall aim to ensure that the codes of practice clearly set out their specific objectives and contain commitments or measures, including key performance indicators as

appropriate, to ensure the achievement of those objectives and take due account of the needs and interests of all interested parties, including affected persons, at Union level.

5. The Commission shall invite all providers of general-purpose AI models to participate in the codes of practice. For providers of general-purpose AI models not presenting systemic risks this participation shall be limited to obligations foreseen in paragraph 2 point a) of this Article, unless they declare explicitly their interest to join the full code.
6. The Commission shall aim to ensure that participants to the codes of practice report regularly to the Commission on the implementation of the commitments and the measures taken and their outcomes, including as measured against the key performance indicators as appropriate. Key performance indicators and reporting commitments shall take into account differences in size and capacity between different participants.
7. The Commission shall regularly monitor and evaluate the implementation of the codes of practice by the participants and their contribution to the proper application of this Regulation. As appropriate, the Commission shall also encourage and facilitate regular review and adaptation of the codes of practice in particular in light of emerging standards.
8. When the Commission considers that a code of practice contributes to the proper application of this Regulation, it may, by way of implementing act, decide to approve the code of practice. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 74(2).
9. Without prejudice to the enforcement powers of the Commission, adherence to an approved code of practice provides a presumption of conformity with the obligations of this Regulation covered by the approved code of practice.

## *Article Z*

### *Obligations for providers general purpose AI systems*

#### **[to be aligned with or possibly integrated into Article 28]**

1. Providers of GPAI systems to be integrated in a high-risk AI system shall give all the information and elements to downstream providers of AI systems that are necessary in order to comply with the requirements set out in Title III, Chapter II of this Regulation. Providers of GPAI systems that have the capability to be directly used by deployers for at least one purpose that is classified as high-risk pursuant to this Regulation shall<sup>2</sup>:
  - a) explicitly state in the instructions of use or information accompanying the AI system the high-risk uses [referred to in Annex III] for which the system may be used; and
  - b) ensure compliance of the system with the specified and adapted requirements referred to in paragraph 3; all other provisions of this Regulation applicable to high-risk AI systems are applicable mutatis mutandis.

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<sup>2</sup> It should be explained in a recital that the provider who wishes to exclude high-risk uses will be expected to inform the deployer on the use limitations and to provide proper technical means to prevent possible high-risk uses (e.g. exclude answering to certain prompts).

2. The Commission is empowered to adopt in accordance with the examination procedure referred to in Article 74(2) [no later than 18 months after the entry into force of this Regulation] implementing acts with a view to specify and adapt the application of the requirements established in Title III, Chapter 2 to general purpose AI systems in the light of their characteristics, technical feasibility, specificities of the AI value chain and of market and technological developments. When fulfilling those requirements, the generally acknowledged state of the art shall be taken into account.

## **ANNEX XX**

### **TECHNICAL DOCUMENTATION referred to in Article C(1a): technical documentation for providers of general-purpose AI models:**

The technical documentation referred to in Article X(b) shall contain at least the following information:

1. A general description of the general-purpose AI model including:
  - (a) the tasks that the model is intended to perform and the type and nature of AI systems in which it can be integrated;
  - (b) acceptable use policies applicable to the model;
  - (c) the date of release of the model;
  - (d) the description of all forms in which the model is placed on the market or put into service;
  - (e) the description of hardware on which the model is intended to run;
  - (f) general information about the model type and architecture, the type of inputs and outputs, the training dataset, and the license for the model;
  - (g) instructions of use for the user and, where applicable installation instructions;
2. A detailed description of the elements of the model and of the process for its development, including:
  - (a) the technical means (e.g., underlying infrastructure, tools) required for the general-purpose AI model to be integrated in AI systems;
  - (b) the design specifications; the key design choices including the rationale and assumptions made; what the model is designed to optimise for and the relevance of the different parameters;
  - (c) model architecture and number of parameters;
  - (d) modality (e.g., text, image, etc.) and format of the inputs and outputs and their maximum size (e.g., context window length, etc.);
  - (e) information on the data used for training, testing and validation, where applicable; such information shall be provided in the form of datasheets describing the training methodologies and techniques and the training data used, including the type and provenance of the data, the number of data points, their scope and main characteristics; how the data was obtained and selected; any data curation methodologies (e.g. cleaning, filtering, etc.), where applicable;
  - (f) the computational resources used to train the model (e.g., number of floating point operations – FLOPs-), training time, type of hardware.

3. Detailed description of the evaluation strategies, including evaluation results, on the basis of available public evaluation protocols and tools or otherwise of other evaluation methodologies. Evaluation strategies shall include evaluation criteria, metrics and the methodology on the identification of limitations.
4. Where applicable, detailed description of the measures put in place for the purpose of conducting (internal and/or external) adversarial testing (e.g., red teaming), model adaptations, including alignment and finetuning (e.g., reinforcement learning with human feedback).
5. Where applicable, detailed description of the system architecture explaining how software components build or feed into each other and integrate into the overall processing.

#### **ANNEX XY**

#### **TRANSPARENCY INFORMATION referred to in Article C(1b): technical documentation for providers of general-purpose AI models to downstream providers that integrate the model into their AI system**

The information referred to in Article X(c) shall contain at least the following:

1. A general description of the general-purpose AI model including:
  - (a) the tasks that the model is intended to perform and the type and nature of AI systems in which it can be integrated;
  - (b) acceptable use policies applicable to the model;
  - (c) the date of release of the model;
  - (d) how the model interacts or can be used to interact with hardware or software that is not part of the model itself, where applicable;
  - (e) the versions of relevant software or firmware related to the development and use of the general-purpose AI model, where applicable;
  - (f) the description of all forms in which the model is placed on the market or put into service;
  - (g) the description of hardware on which the model is intended to run;
  - (h) general information about the model type and architecture, the type of inputs and outputs, the training dataset, and the license for the model;
  - (i) instructions of use for the user and, where applicable installation instructions;
2. A description of the elements of the model and of the process for its development, including:
  - (a) the technical means (e.g., underlying infrastructure, tools) required for the general-purpose AI model to be integrated in AI systems.
  - (b) modality (e.g., text, image, etc.) and format of the inputs and outputs and their maximum size (e.g., context window length, etc.);
  - (c) information on the data used for training, testing and validation, where applicable; such information shall be provided in the form of datasheets with targeted information on the training data used, including the type and provenance of the data, the number of data points, their scope and main characteristics; how the data was obtained and selected; any data curation methodologies (e.g. cleaning, filtering, etc.), where applicable.

#### **ANNEX YY**

For the purpose of determining that a general purpose AI model has capabilities or impact equivalent to those of points a) and b) in Article A, the Commission shall take into account the following criteria:

- a. number of parameters of the model or quality or size of the data set, for example measured through tokens;
- b. known or estimated cost of training the model;
- c. performance benchmarks.

**Additional recitals to clarify interplay with DSA (for the risk-management framework and the ‘watermarking’):**

(x) This Regulation regulates AI systems and models by imposing certain requirements and obligations for relevant market actors that are placing them on the market, putting into service or use in the Union, thereby complementing obligations for providers of intermediary services that embed such systems or models into their services regulated by Regulation (EU) 2022/2065. To the extent that such systems or models are embedded into designated very large online platforms or very large online search engines, they are subject to the risk management framework provided for in Regulation (EU) 2022/2065. Consequently, the corresponding obligations of the AI Act should be presumed to be fulfilled, unless significant systemic risks not covered by Regulation (EU) 2022/2065 emerge and are identified in such models. Within this framework, providers of very large online platforms and very large search engines are obliged to assess potential systemic risks stemming from the design, functioning and use of their services, including how the design of algorithmic systems used in the service may contribute to such risks, as well as systemic risks stemming from potential misuses. Those providers are also obliged to take appropriate mitigating measures in observance of fundamental rights.

(x+1) Furthermore, obligations placed on providers and users of certain AI systems in this Regulation to enable the detection and disclosure that the outputs of those systems are artificially generated or manipulated are particularly relevant to facilitate the effective implementation of Regulation (EU) 2022/2065. This applies in particular as regards the obligations of providers of very large online platforms or very large online search engines to identify and mitigate systemic risks that may arise from the dissemination of content that has been artificially generated or manipulated, in particular risk of the actual or foreseeable negative effects on democratic processes, civic discourse and electoral processes, including through disinformation.

[Placeholder for additional recitals to explain the relationship between AIA and DSA]

**Compromise proposal on governance**

**Index:**

Title V - Governance: AI Board, Advisory Forum, Scientific Panel of independent experts

Title VI:

Chapter 3 – Enforcement in respect of AI systems: possibility for joint enforcement, EU AI testing support (from the General Approach, where it was called ‘Union testing facilities’)

Chapter 3A – Enforcement in respect of general purpose AI models: rules for supervision and enforcement of general purpose AI models

*Recital in relation to the overall governance framework:*

- (X) This Regulation should establish a governance framework that both allows to coordinate and support the application of this Regulation at national level, as well as build capabilities at Union level and integrate stakeholders in the field of artificial intelligence. The effective implementation and enforcement of this Regulation require a governance framework that allows to coordinate and build up central expertise at Union level. **The Commission has established the European [Commission/AI Office] by Commission decision of [...], which has as its mission to develop Union expertise and capabilities in the field of artificial intelligence and to contribute to the implementation of Union legislation on artificial intelligence. Member States should facilitate the tasks of the European [Commission/AI Office] with a view to support the development of Union expertise and capabilities at Union level and to strengthen the functioning of the digital single market.** Furthermore, a European Artificial Intelligence Board composed of representatives of the Member States, a scientific panel to integrate the scientific community and an advisory forum to contribute stakeholder input to the implementation of this Regulation both at national and Union level should be established. The development of Union expertise and capabilities should also include making use of existing resources and expertise, notably through synergies with structures built up in the context of the Union level enforcement of other legislation and synergies with related initiatives at Union level, such as the EuroHPC Joint Undertaking and the AI Testing and Experimentation Facilities under the Digital Europe Programme.

[other recitals to be developed]



## TITLE VI

### GOVERNANCE

#### CHAPTER 0

##### GOVERNANCE AT UNION LEVEL

###### *Article 0* *Governance at Union level*

1. The Commission shall develop Union expertise and capabilities in the field of artificial intelligence.
2. Member States shall facilitate the tasks of the European [Commission/AI Office] established by Commission Decision [...] for this purpose. In this Decision the Commission has entrusted the implementation of this Regulation to the European [Commission/AI Office] without prejudice to the powers of organisation of the Commission.

#### CHAPTER 1

##### EUROPEAN ARTIFICIAL INTELLIGENCE BOARD

Text for the Board is based on Council General Approach.
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###### *Article 56* *Establishment and structure of the European Artificial Intelligence Board*

1. A 'European Artificial Intelligence Board' (the 'Board') is established.
2. The Board shall be composed of one representative per Member State. The European Data Protection Supervisor, the Fundamental Rights Agency and European Union Agency for Cybersecurity shall participate as observers. The Commission shall also attend the Board's meetings without taking part in the votes. Other national and Union authorities, bodies or experts may be invited to the meetings by the Board on a case by case basis, where the issues discussed are of relevance for them.
- 2a. Each representative shall be designated by their Member State for a period of 3 years, renewable once.

- 2aa. Member States shall ensure that their representatives in the Board:
- (a) have the relevant competences and powers in their Member State so as to contribute actively to the achievement of the Board's tasks referred to in Article 58;
  - (b) are designated as a single contact point vis-à-vis the Board and, where appropriate, taking into account Member States' needs, as a single contact point for stakeholders;
  - (c) are empowered to facilitate consistency and coordination between national competent authorities in their Member State as regards the implementation of this Regulation, including through the collection of relevant data and information for the purpose of fulfilling their tasks on the Board.
3. The designated representatives of the Member States shall adopt the Board's rules of procedure by a two-thirds majority. The rules of procedure shall, in particular, lay down procedures for the selection process, duration of mandate and specifications of the tasks of the Chair, the voting modalities, and the organisation of the Board's activities and its sub-groups.
- 3a. The Board shall establish two standing sub-groups to provide a platform for cooperation and exchange among market surveillance authorities and notifying authorities on issues related to market surveillance and notified bodies respectively.
- The standing sub-group for market surveillance should act as the Administrative Cooperation Group (ADCO) for this Regulation in the meaning of Article 30 of Regulation (EU) 2019/1020.
- The Board may establish other standing or temporary sub-groups as appropriate for the purpose of examining specific issues. Where appropriate, representatives of the advisory forum may be invited to such sub-groups or to specific meetings of those subgroups in the capacity of observers.
- 3b. The Board shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.
4. The Board shall be chaired by one of the representatives of the Member States. The European [Commission/AI Office] shall provide the Secretariat for the Board. convene the meetings upon request of the Chair and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and its rules of procedure.

*Article 58*  
*Tasks of the Board*

1. The Board shall advise and assist the Commission, , and the Member States in order to facilitate the consistent and effective application of this Regulation. For this purpose the Board may in particular:
- (a) contribute to the coordination among [national competent authorities] responsible for the application of this Regulation and, in cooperation and subject to agreement of the

concerned market surveillance authorities, support joint activities of market surveillance authorities referred to in Article 63(7a);

- (b) collect and share technical and regulatory expertise and best practices among Member States;
- (c) provide advice in the implementation of this Regulation, in particular as regards the enforcement of rules on general purpose AI models;
- (d) contribute to the harmonisation of administrative practices in the Member States, including in relation to the derogation from the conformity assessment procedures referred to in Article 47, the functioning of regulatory sandboxes and testing in real world conditions referred to in Article 53, 54 and 54a;
- (e) upon the request of the Commission or on its own initiative, issue recommendations and written opinions on any relevant matters related to the implementation of this Regulation and to its consistent and effective application, including:
  - (i) on the development and application of codes of conduct pursuant to this Regulation *as well as the Commission's guidelines*;
  - (ii) the evaluation and review of this Regulation pursuant to Article 84, including as regards the serious incident reports referred to in Article 62 and the functioning of the database referred to in Article 60, the preparation of the delegated or implementing acts, and possible alignments of this Regulation with the legal acts listed in Annex II;
  - (iii) on technical specifications or existing standards regarding the requirements set out in Title III, Chapter 2,
  - (iv) on the use of harmonised standards or common specifications referred to in Articles 40 and 41,
  - (v) trends, such as European global competitiveness in artificial intelligence, the uptake of artificial intelligence in the Union and the development of digital skills;
  - (via) on the evolving typology of AI value chains, in particular on the resulting implications in terms of accountability of all the entities involved;**
  - (vi) on the potential need for amendment of **Art 5 and** Annex III in accordance with Article 7, taking into account relevant available evidence and the latest developments in technology;
- (f) promote AI literacy, public awareness and understanding of the benefits, risks, safeguards and rights and obligations in relation to the use of AI systems;
- (g) facilitate the development of common criteria and a shared understanding among market operators and competent authorities of the relevant concepts provided for in this Regulation, including by contributing to the development of benchmarks;

- (h) cooperate, as appropriate, with other Union institutions, bodies, offices and agencies, as well as relevant Union expert groups and networks in particular in the fields of product safety, cybersecurity, competition, digital and media services, financial services, cryptocurrencies, consumer protection, data and fundamental rights protection;
- (i) contribute to the effective cooperation with the competent authorities of third countries and with international organisations;
- (j) assist national competent authorities and the Commission, in developing the organisational and technical expertise required for the implementation of this Regulation, including by contributing to the assessment of training needs for staff of Member States involved in implementing this Regulation;
- (j1) assist authorities in the establishment and development of regulatory sandboxes and facilitate cooperation and information-sharing among regulatory sandboxes;
- (j2) organise periodic consultations with the advisory forum, and, where appropriate, public consultations with other stakeholders;
- (j3) promote public awareness and understanding of the benefits, risks, safeguards and rights and obligations in relation to the use of AI systems;
- (k) contribute and provide relevant advice in the development of guidance documents;
- (l) advise the Commission in relation to international matters on artificial intelligence.
- (m) provide opinions to the Commission on the of qualified alerts regarding general purpose AI models.

Text for advisory forum is based on the Parliament proposal.
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*Article 58a*  
*Advisory forum*

1. An advisory forum shall be established to advise and provide technical expertise to the Board and the [Commission/AI Office] to contribute to their tasks under this Regulation.
2. The membership of the advisory forum shall represent a balanced selection of stakeholders, including industry, start-ups, SMEs, civil society and academia. The membership of the advisory forum shall be balanced with regard to commercial and non-commercial interests and, within the category of commercial interests, with regards to SMEs and other undertakings.

3. The Board shall appoint the members of the advisory forum, in accordance with the criteria set out in the previous paragraph, among stakeholders with recognised expertise in the field of AI.
4. The term of office of the members of the advisory forum shall be two years, which may be extended by up to no more than four years.
5. The European Committee for Standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC), and the European Telecommunications Standards Institute (ETSI) shall be permanent members of the advisory forum.
6. The advisory forum shall draw up its rules of procedure. It shall elect two co-chairs from among its members, in accordance with criteria set out in paragraph 2. The term of office of the co-chairs shall be two years, renewable once.
7. The advisory forum shall hold meetings at least two times a year. The advisory forum may invite experts and other stakeholders to its meetings.
8. In fulfilling its role as set out in paragraph 1, the advisory forum may prepare opinions, recommendations and written contributions upon request of the Board or the [Commission/AI Office].
9. The advisory forum may establish standing or temporary subgroups as appropriate for the purpose of examining specific questions related to the objectives of this Regulation.
10. The advisory forum shall prepare an annual report of its activities. That report shall be made publicly available.

## **CHAPTER 2A**

### **SCIENTIFIC PANEL OF INDEPENDENT EXPERTS**

#### *Article 58b*

#### *Scientific panel of independent experts*

1. The Commission shall, by means of an [implementing act], make provisions on the establishment of a scientific panel of independent experts (the ‘scientific panel’) intended to support the enforcement activities under this Regulation. Those [implementing acts] shall be adopted in accordance with the examination procedure referred to in Article 74(2).
2. The scientific panel shall consist of experts selected by the Commission on the basis of up-to-date scientific or technical expertise in the field of artificial intelligence necessary for the tasks set out in paragraph 3, and shall be able to demonstrate meeting all of the following conditions:

- (a) particular expertise and competence and scientific or technical expertise in the field of artificial intelligence;
- (b) independence from any provider of AI systems or general purpose AI models or systems;
- (c) carries out its activities diligently, accurately and objectively.

The Commission, in consultation with the AI Board, shall determine the number of experts in the panel in accordance with the required needs and shall ensure fair gender and geographical representation.

3. The scientific panel shall advise and support the European [Commission/AI Office], in particular with regard to the following tasks:
  - (a) the implementation and enforcement of this Regulation as regards general purpose AI models and systems, in particular by
    - (i) alerting the European [Commission/AI Office] of possible systemic risks at Union level of general purpose AI models, in accordance with Article [*Alerts of systemic risks by the scientific panel*];
    - (ii) contributing to the development of tools and methodologies for evaluating capabilities of general purpose AI models and systems, including through benchmarks;
    - (iii) providing advice on the classification of general purpose AI models with systemic risk;
    - (iiii) providing advice on the classification of different general purpose AI models and systems;
    - (iv) contributing to the development of tools and templates.
  - (b) support the work of market surveillance authorities, at their request;
  - (c) support [cross-border market surveillance investigations as referred to in Article 63(7a) and (7b)], without prejudice of the powers of market surveillance authorities;
  - (d) support the European [Commission/AI Office] when carrying out its duties in the context of the safeguard clause pursuant to Article 66;
4. The experts shall perform their tasks with impartiality, objectivity and ensure the confidentiality of information and data obtained in carrying out their tasks and activities. They shall neither seek nor take instructions from anyone when exercising their tasks under paragraph 3. Each expert shall draw up a declaration of interests, which shall be made publicly available. The European [Commission/AI Office] shall establish systems and procedures to actively manage and prevent potential conflicts of interest.
5. The implementing act referred to in paragraph 1 shall include provisions on the conditions, procedure and modalities for the scientific panel and its members to issue alerts and request the assistance of the European [Commission/AI Office] to the performance of its tasks.

## TITLE VIII

### POST-MARKET MONITORING, INFORMATION SHARING, MARKET SURVEILLANCE

[...]

#### CHAPTER 3

##### ENFORCEMENT IN RESPECT OF AI SYSTEMS

Text highlighted in grey has been taken from the initial COM proposal without changes, only **to visualize how the relevant modifications fit into the existing provisions**. This does not mean that further changes are rejected.

##### *Article 63*

##### *Market surveillance and control of AI systems in the Union market*

1. Regulation (EU) 2019/1020 shall apply to AI systems covered by this Regulation. However, for the purpose of the effective enforcement of this Regulation:
  - (a) any reference to an economic operator under Regulation (EU) 2019/1020 shall be understood as including all operators identified in Title III, Chapter 3 of this Regulation;
  - (b) any reference to a product under Regulation (EU) 2019/1020 shall be understood as including all AI systems falling within the scope of this Regulation.
2. The national supervisory authority shall report to the Commission on a regular basis the outcomes of relevant market surveillance activities. The national supervisory authority shall report, without delay, to the Commission and relevant national competition authorities any information identified in the course of market surveillance activities that may be of potential interest for the application of Union law on competition rules.
3. For high-risk AI systems, related to products to which legal acts listed in Annex II, section A apply, the market surveillance authority for the purposes of this Regulation shall be the authority responsible for market surveillance activities designated under those legal acts.
4. For AI systems placed on the market, put into service or used by financial institutions regulated by Union legislation on financial services, the market surveillance authority for

the purposes of this Regulation shall be the relevant authority responsible for the financial supervision of those institutions under that legislation.

5. For AI systems listed in point 1(a) in so far as the systems are used for law enforcement purposes, points 6 and 7 of Annex III, Member States shall designate as market surveillance authorities for the purposes of this Regulation either the competent data protection supervisory authorities under Directive (EU) 2016/680, or Regulation 2016/679 or the national competent authorities supervising the activities of the law enforcement, immigration or asylum authorities putting into service or using those systems.
  6. Where Union institutions, agencies and bodies fall within the scope of this Regulation, the European Data Protection Supervisor shall act as their market surveillance authority.
  7. Member States shall facilitate the coordination between market surveillance authorities designated under this Regulation and other relevant national authorities or bodies which supervise the application of Union harmonisation legislation listed in Annex II or other Union legislation that might be relevant for the high-risk AI systems referred to in Annex III.
- 7a. Market surveillance authorities shall be able to propose joint activities, including joint investigations, that have the aim of promoting compliance, identifying non-compliance, raising awareness and providing guidance in relation to this Regulation with respect to specific categories of high-risk AI systems that are found to present a serious risk across several Member States in accordance with Article 9 of the 2019/1020. The [Commission/AI Office] shall provide coordination support for joint investigations.

[...]

#### *Article 68a*

##### *EU AI testing support structure the area of artificial intelligence*

1. The Commission shall designate one or more EU AI testing support structure to perform the tasks listed under Article 21(6) of Regulation (EU) 1020/2019 in the area of artificial intelligence.
2. Without prejudice to the tasks referred to in paragraph 1, EU AI testing support structure shall also provide independent technical or scientific advice at the request of the Board, [Commission/AI Office], or market surveillance authorities.



## CHAPTER 3A

### SUPERVISION, INVESTIGATION, ENFORCEMENT AND MONITORING IN RESPECT OF PROVIDERS OF GENERAL PURPOSE AI MODELS

#### *Article A*

##### *Enforcement of obligations on providers of general purpose AI models*

1. The Commission shall have exclusive powers to supervise and enforce Chapter/Title [general purpose AI models] **and shall entrust the implementation of these tasks to the European [Commission/AI Office] without prejudice to the powers of organisation of the Commission.**
2. Market surveillance authorities may request to the Commission to exercise the powers laid down in this Chapter, where this is necessary and proportionate to assist their tasks under this Regulation.

#### *Article B*

##### *Monitoring actions*

1. For the purposes of carrying out the tasks assigned to it under this Chapter, the European [Commission/AI Office] may take the necessary actions to monitor the effective implementation and compliance with this Regulation by providers of general purpose AI models or general purpose AI models with systemic risk, including adherence to approved codes of practice.
2. Providers of AI systems that are in contractual relationships with a provider of a general purpose AI model or of a general purpose AI model with systemic risk ('downstream provider') shall have the right to lodge a complaint alleging an infringement of this Regulation. A complaint shall be duly reasoned and at least indicate:
  - (a) the point of contact of the provider of the general purpose AI model or general purpose AI model with systemic risk concerned;
  - (b) description of the relevant facts, the provisions of this Regulation concerned and the reason why the downstream provider considers that the provider of the general purpose AI model or general purpose AI model with systemic risk concerned infringed this Regulation;
  - (c) any other information that the downstream provider that sent the request considers relevant, including, where appropriate, information gathered on its own initiative.

*Article C*  
*Alerts of systemic risks by the scientific panel*

1. The scientific panel may provide a qualified alert to the European [Commission/AI Office] where it has reason to suspect that
  - (a) a general purpose AI model poses concrete identifiable risk at Union level; or
  - (b) a general purpose AI model meets the requirements referred to in Article [Classification of general purpose AI models with systemic risk...].
2. Upon such qualified alert, the Commission, through the European [Commission/AI Office] and after having informed the AI Board, may exercise the powers laid down in this Chapter for the purpose of assessing the matter. The European [Commission/AI Office] shall inform the Board of any measure according to Articles [D-H].
3. A qualified alert shall be duly reasoned and at least indicate:
  - (a) the point of contact of the provider of the general purpose AI model with systemic risk concerned;
  - (b) a description of the relevant facts and reasons for the suspicion of the scientific panel;
  - (c) any other information that the scientific panel considers relevant, including, where appropriate, information gathered on its own initiative.

*Article D*  
*Power to request documentation and information*

1. The [Commission/AI Office] may request the provider of the general purpose AI model or general purpose AI model with systemic risk concerned to provide the documentation drawn up by the provider according to Article [Obligations for providers of general purpose AI models] and [Obligations on providers of general purpose AI models with systemic risk] or any additional information that is necessary for the purpose of assessing compliance of the provider with this Regulation.
2. Before the request for information is sent, the European [Commission/AI Office] may initiate a structured dialogue with the provider of the general purpose AI model or general purpose AI model with systemic risk.
3. Upon a duly substantiated request from the scientific panel, the [Commission/AI Office] may issue a request for information to a provider of a general purpose AI model or general purpose AI model with systemic risk, where the access to information is necessary and proportionate for the fulfilment of the tasks of the scientific panel according to Article [Scientific panel](2).
4. The request for information shall state the legal basis and the purpose of the request, specifying what information is required and set the period within which the information is to be provided, and the fines provided for in Article [fines] for supplying incorrect, incomplete or misleading information.

5. The provider of the general purpose AI model or of the general purpose AI model with systemic risk concerned or their representatives and, in the case of legal persons, companies or firms, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of the provider of the general purpose AI model or general purpose AI model with systemic risk concerned. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.

#### Article E

##### *Power to conduct ex-post evaluations*

1. The European [Commission/AI Office], after consulting the Board, may conduct ex-post evaluations of the general purpose AI model or general purpose AI model with systemic risk concerned
  - (a) to assess compliance of the provider with the obligations under this Regulation, where the information gathered pursuant to Article D [*Power to request information*] is insufficient; or
  - (b) to investigate systemic risks at Union level of general purpose AI models with systemic risk, in particular following a qualified report from the scientific panel in accordance with point (c) of Article [*Enforcement of obligations on providers of general purpose AI models and general purpose AI models with systemic risk*](3) .
2. The European [Commission/AI Office] may decide to appoint independent experts to carry out evaluations on its behalf, including from the scientific panel pursuant to Article [*scientific panel of independent experts*]. All independent experts appointed for this task shall meet the criteria outlined in Article 58b, paragraph 2.
3. For the purpose of paragraph 1, the [Commission/AI Office] may request access to the general purpose AI model or general purpose AI model with systemic risk concerned through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.
4. The request for access shall state the legal basis, the purpose and reasons of the request and set the period within which the access is to be provided, and the fines provided for in Article [*fin*es] for failure to provide access.
5. The providers of the general purpose AI model or general purpose AI model with systemic risk concerned and, in the case of legal persons, companies or firms, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall provide the access requested on behalf of the provider of the general purpose AI model or of the general purpose AI model with systemic risk concerned.
6. The modalities and the conditions of the evaluations, including the modalities for involving independent experts and the procedure for the selection of the latter, shall be set out in [implementing acts]. Those [implementing acts] shall be adopted in accordance with the examination procedure referred to in Article 74(2).

7. Prior to requesting access to the general purpose AI model or general purpose AI model with systemic risk concerned, the [Commission/AI Office] may initiate a structured dialogue with the provider of the general purpose AI model or general purpose AI model with systemic risk to gather more information on the internal testing of the model, internal safeguards for preventing systemic risks, and other internal procedures and measures the provider has taken to mitigate such risks.

#### *Article F*

##### *Power to request measures*

1. Where necessary and appropriate, the [Commission/AI Office] may request providers to
  - (a) take appropriate measures to comply with the obligations set out in Title/Chapter [*Obligations for provider of general purpose AI models*];
  - (b) require a provider to implement mitigation measures, where the evaluation carried out in accordance with Article [*Power to conduct evaluations*] has given rise to serious and substantiated concern of a systemic risk at Union level, including restricting the making available on the market, withdrawing or recalling the model.
2. Before a measure is requested, the European [Commission/AI Office] may initiate a structured dialogue with the provider of the general purpose AI model or general purpose AI model with systemic risk.
3. If, during the structured dialogue under paragraph 2, the provider of the general purpose AI model with systemic risk offers commitments to implement mitigation measures to address a systemic risk at Union level, the [Commission/AI Office] may by decision make these commitments binding and declare that there are no further grounds for action.

#### *Article G*

##### *Fines*

1. The Commission may impose on the provider of the general purpose AI model or general purpose AI model with systemic risk fines not exceeding [X]% of its total worldwide turnover in the preceding financial year. Fines should be imposed [one year] after the necessary implementing acts are published in order to allow providers sufficient time to adapt when the Commission finds that the provider intentionally or negligently:
  - (a) infringes the relevant provisions of this Regulation;
  - (b) fails to comply with a request for document or information pursuant to Article [*Power to request documentation and information*], or supply of incorrect, incomplete or misleading information;
  - (b) fails to comply with a measure requested under Article [*Power to request measures*];
  - (c) fails to make available to the Commission access to the general purpose AI model or general purpose AI model with systemic risk with a view to conduct an evaluation pursuant to Article [*Power to conduct evaluations*].

In fixing the amount of the fine or periodic penalty payment, regard shall be had to the nature, gravity and duration of the infringement, taking due account of the principles of proportionality and appropriateness. The Commission shall also take into account commitments made in accordance with Article F(3) or in relevant codes of practice in accordance with Article [*Codes of practice*].

2. Before adopting the decision pursuant to paragraph 1 of this Article, the Commission shall communicate its preliminary findings to the provider of the general purpose AI model or general purpose AI model with systemic risk and give opportunity to be heard.
3. The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby the Commission has fixed a fine. It may cancel, reduce or increase the fine imposed.
4. The Commission shall adopt [delegated/implementing acts] concerning the modalities and practical arrangements for the proceedings in view of possible adoptions of decisions pursuant to paragraph 1. Those [delegated/implementing acts] shall be adopted in accordance with the examination procedure referred to in Article 74(2).

**List of cases of delegated acts/implementing acts where the co-legislators' positions are divergent**

1. Art.53(6b): delegated act/implementing act detailing the modalities for the establishment, development, implementation, operation and supervision of the AI regulatory sandboxes;
2. Art. A(4) [*potential new provisions on general purpose AI models, as set out in Annex I to this note*]: delegated act/implementing act to update the FLOP threshold in order to designate general purpose AI models with systemic risk;
3. Art. G(4) [*potential new provisions on governance for general purpose AI models, as set out in Annex II to this note*]: delegated act/implementing act detailing the modalities and practical arrangements for the proceedings in view of possible adoptions of decisions on fines which the Commission may impose on the provider of the general purpose AI model or general purpose AI model with systemic risk for infringements of the Regulation.
4. Art. B(4) [*potential new provisions on governance for general purpose AI models, as set out in Annex II to this note*]: delegated act/implementing act to specify and update the criteria in Annex YY to be used by the Commission for designating a general-purpose AI model as presenting systemic risks.
5. Art E(8) [*potential new provisions on governance for general purpose AI models, as set out in Annex II to this note*]: delegated act/implementing act for approving the codes of practice.
6. Art. Z(2) [*potential new provisions on governance for general purpose AI models, as set out in Annex II to this note*]: delegated act/implementing act for specifying and adapting the application of the high-risk requirements for GPAI systems.