Council of the European Union
General Secretariat

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Interinstitutional files:
2025/0359 (COD)

Brussels, 11 March 2026

WK 3803/2026 INIT

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
Subject:	Digital Omnibus on AI - MS compiled comments on the third Presidency compromise text - AGS meeting of 9 March 2026

Following the AGS meeting of 9 March, the written comments on the third Presidency compromise text, delegations will find below the MS which contributed in the main Word file: BE, CZ, DE, EE, EL, IE, FI, PL and SI.

Additional MS comments that couldn't be compiled in our Word template, are saved under ADD1 (FR & IT)

Omnibus VII – DIGITAL AI
MS comments and discussions on the 3rd compromise text of the Omnibus AI
Comments received following the AGS meeting of 9 March 2026 (cob)

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BELGIUM
BELGIQUE/BELGIË

Thank you to consider our input on the element regarding article 5, where Belgium reiterates that we must respond to the growing problem of non-consensual images circulating online.

The technical suggestions that could be taken on board regarding article 75.

Furthermore, I would like to repeat our suggestion for recital 6 : The concept of "*strict necessity*" as mentioned in Article 4.2 deserves to be further clarified in the recital by specifying that this refers in particular to the priority use of other technical solutions to detect and correct biases.

We also support the Dutch intervention on AI literacy.

Last, but certainly not least, I would like to reiterate our request to take into account the concerned raised regarding article 5. Those are politically very dear to us.

Thank you for also including our input on the element regarding article 5, where Belgium reiterates that we must respond to the growing problem of non-consensual images circulating online.

Extension of AI office competences (art. 75 and fw.)
Belgium stresses the importance of ensuring adequate cooperation by the Commission with national competent authorities in exercising these powers, and therefore requests strengthening the exchange of information between the Commission and the MSAs, in general but also for specific cases of exercise of powers to start an investigation and to conduct inspection, as it is included in the DSA (see Articles 65.2, 66.4, 67.6, 69.4).

- **Art. 75** – National authorities should be informed when the Commission decides to initiate an investigation against a provider established on their territory (similar to Art. 66(4) and (6) DSA).
- **Art. 75b(4)** – National competent authorities should also be informed in the context of the Commission's exercise of its inspection powers, similar to Art. 69(4) DSA.
- **Art. 75a(2), second subparagraph** – It should be foreseen that an MSA may request the Commission to act (Art. 66(5) DSA).

In addition, it should be clarified, in Article 75.1c, which national competent authority must be contacted. The notion *"the MSA competent for that market of the relevant decision"* does not allow for clear identification. Other parts of the text referred to the 'relevant market surveillance authority'.

BE proposals :

Article 75.1d. 1b. *When making a decision as referred to in Article 75b**(1),** the Commission shall, without undue delay, send a copy of the request or the decision referred to in the first subparagraph to the relevant national competent authority of the Member State in whose territory the operator or its legal representative is situated.*

Article 75a
Enforcement of obligations and starting an investigation in respect of AI systems supervised by the AI Office
2. Where the AI Office has reasonable grounds to suspect non-compliance with this Regulation by a provider or a deployer of an AI system referred to in Article 75(1), it may adopt a decision initiating an investigation into that non-compliance. Upon the initiation of such an investigation, the AI Office shall notify the operator of the AI system concerned.

The AI Office may exercise its investigatory powers on its own initiative or following a complaint received under Article 85 of this Regulation, even before initiating an investigation pursuant to this paragraph.

Where a market surveillance authority has reason to suspect non-compliance with this Regulation by a provider or a deployer of an AI system referred to in Article 75(1), it may send a request to the Commission to assess the matter.

New paragraph 3a : The Commission shall provide the relevant market surveillance authority and the Board with all relevant information about the exercise of the powers referred to in Articles 75 to 75d.

Art. 75b.5. In good time before the inspection, the Commission shall inform the competent market surveillance authority in the territory in which the inspection is to be conducted thereof. *If an on-site inspection provided for in paragraph 4, first subparagraph, point (a), requires authorisation by a judicial authority in accordance with national law, the AI Office shall apply for such an authorisation. The AI Office may also apply for such authorisation as a precautionary measure.*

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CZECHIA

ČESKO

As indicated at the AGS meeting today, we have identified some areas of the AI Omnibus that could be further amended and clarified. Please find our suggestions down below if you find them useful. Please not that these are not redlines nor major obstacles for our support of the text (it is mere suggestion for your consideration).

CZ suggestions for improvement of the text:

- Article 75(1) should be aligned more precisely with the aims of recital 14. This recital argues for clear division of competence. AI Office should have exclusive competence in some cases and national authorities should remain responsible in other, exceptional cases. However, exceptions in Article 75(1)(a) may be understood both as exceptions from exclusivity, or as exceptions from competence. We do not wish for shared competences in these exceptional cases which are related to state law enforcement authorities or critical infrastructure.
- Therefore, we propose a slight revision:
    1. In the first sentence of Article 75(1) to delete „exclusively ".
    2. Change the first sentence of article 75(1) second subparagraph to read:

    *The **~~exclusive~~** competence referred to in the first subparagraph shall **be exclusive** and shall apply to the providers of those systems.*

- Article 75(1a) referring to the obligation of authorities to "cooperate actively and afford the AI Office the necessary assistance." This provision cannot lead to an excessive transfer of supervisory or enforcement responsibilities from the AI Office to national market surveillance authorities. CZ can provide a recital/article adjustment.

In case you need further clarification do not hestiate to reach out.

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GERMANY

DEUTSCHLAND

DE comments regarding the AGS discussion on the third compromise text of Omnibus VII (part AI) on 9 March 2026:

Introduction

We would like to make two critical points at the outset:

First, the Third Compromise Text is not acceptable. It clearly lacks the ambition that both Chancellor Merz as well as president Macron espoused at the Summit on European Souvereingty in November 2025. Only few of Germany's requests for amendments submitted on 24 February 2026 have been included in the Third Compromise Text. In particular, the Third Com-promise Text does not offer an adequate solution to the urgent need for a better alignment of the AI Act with sectoral legislation.

For today's discussions we refer to our paper from 23 October 2025 and our written comments from 24 February 2026, which we uphold in their en-tirety. We also file a scrutiny reservation for the entirety of the Third Com-promise Text as an exhaustive analysis was not possible in the given time.

Second, the German delegation clearly opposes the Presidency's scheduling for this file. Simplification must move swiftly, but not at the ex-pense of proper debate on changes that are essential for the Union's com-petitiveness. Germany has tabled extensive proposals to make the Omni-bus more ambitious; some delegations already support them, others are still assessing them, and they must be discussed before any decision.The Third Compromise Text contains numerous new changes that have not been examined, and delegations have only now been given access to other delegation's comments on the Second Compromise Text. For these rea-sons, we clearly reject adopting a mandate for negotiations with the EP in COREPER this Friday, 13 March. If at all COREPER should only provide substantive guidance for further work in the Group.

General comments on the Third Compromise Text

In its written comments of 26.2.25, Germany made several proposals for what amounts to a Better Alignment Package for the AI Omnibus. These

proposals all serve to ensure coherence between the AI Act and sectoral legislation. It is critical that companies applying both horizontal require-ments of the AI Act as well as sectoral requirements of Union harmonisa-tion legislation can clearly discern applicable requirements.

As stated, the Presidency's text is not acceptable. It does not contain our core proposals, in particular:

preventing duplified obligations through a lex specialis rule

simplifying and clarifying the scope of application of the risk manage-ment requirements with regard to fundamental rights,

Simplifying and streamlining the quality management requirements of the AI Act for those high-risk AI systems that are also regulated the Machinery Regulation,

extending the grace period pursuant to Art. 50 (2) for AI systems for industrial applications by one year to 2 August 2027, regardless of the date being placed on the market, and

ensuring coherence with DORA, cybersecurity legislation as well as with GDPR.

These are critical amendments to ensure smooth practical implementation of the AI Act and, therefore, broader support for it amongst European busi-ness.

We acknowledge that the Presidency has included a new article 96 para 1 lit. g (new) (article 1(28)) in response to our requests. We also acknowledge the clarifications provided in the new recital 19a. Yet, those provisions lack references to accuracy, robustness, cybersecurity (article 15) and human oversight (article 14) and a deadline. Moreover, these amendments are clearly not ambitious enough. They leave most of our re-quests unadressed.

Accordingly, we reiterate our requests for specific amendments:

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Discussion on Compromise Text articles 1 to 5 or 1(1) to 1(5) (recitals 1 to 5)

Article 2 (Scope / Research Exemptions)

Delete "sole" in article 2(6) so the research exemption applies to AI sys-tems put into service for the "intended purpose of scientific research and development" (not only the "sole intended purpose").

Include testing under real world conditions in the research exemption in ar-ticle 2(8) and provide clear criteria for when these exemptions apply; legally clarify that open-sourcing a GPAI model by researchers does not constitute "placing on the market."

Article 3 (Definitions)

We reiterate our request to clarify the definition of "provider" (article 3(3)) and "placing on the market" (article 3(9)) so that making a model available within the same corporate group does not trigger provider status.

Moreover, we request to harmonize the definition of "biometric data" (article 3(34)) with the GDPR definition.

Article 5 (Prohibited Practices)

We support proposals in principle to include new prohibitions relating to AI systems that generate, alter or reproduce non-consensual sexually explicit or nude content, and child sexual abuse material.

We would like to point out that any such provision must be restricted to AI systems that are intended for such purposes. This is critical to prevent unin-tended constraints for AI systems.

Discussion on Compromise Text articles 6 to 27 or 1(6) to 1(9) (recitals 6, 15, 17, 19a)

Article 6

We reiterate our request to improve the registration procedure to offer structured and easily understandable guidance to users who want to regis-ter an AI system. We refer to our written comments from 16 January 2026.

Article 8 (Compliance with Requirements)

We reiterate our request for a new lex specialis rule in article 8(2a): require-ments of Chapter III Sections 2–3 and Chapter IX Sections 1–3 are

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deemed fulfilled where equivalent requirements with the same objective ex-ist in Union harmonisation legislation listed in Annex I Section A. This is necessary to avoid that for the same product multiple rules & requirements are applicable, even where these rules & requirements only differ slightly contextually (e.g. two slightly different quality management systems).

Article 9 (Risk Management)

To ensure that companies are not bogged down by obligations that do not concern risks actually related to their AI systems in practce or that in effect lead to a duplification of efforts, we reiterate our request to insert a new arti-cle 9(11): The obligation to carry out fundamental rights risk management measures does not apply to risks that are obviously not directly affected by the intended purpose of the AI system or that are already addressed in the Union harmonisation legislation listed in Annex I Section A.

In the financial sector, the AI Act's requirements on risk management (arti-cle 9) overlap substantially with the existing cybersecurity framework and DORA. It should therefore be clarified that financial institutions can meet the AI Act's obligations by complying with the corresponding requirements under DORA.

Article 14/15 (Human Oversight. Accuracy, Robustness, Cybersecurity)

Insert new article 15(6): Cybersecurity requirements under the AI Act are deemed met if the provider complies with cybersecurity requirements under DORA. The same applies to risk management requirements under article 9 vis-à-vis corresponding DORA obligations.

Article 17 (Quality Management System)

Insert new article 17(5): For providers of AI systems under article 6(1) sub-ject to the Machinery Regulation, the QMS obligation (except article 17(1)(g), (h), (i)) is deemed fulfilled by complying with the conformity as-sessment procedure under Annex IX of the Machinery Regulation.

Article 26 (Obligations of Deployers)

Amend article 26(5) to clarify that financial companies have fulfilled their se-rious incident reporting obligation under the AI Act if they have submitted an incident report under DORA.

Discussion on Compromise Text articles 28 to 50 or 1(10) to 1(15) (recitals 18, 19, 20)

Article 28 (Notifying Authorities)

We reiterate our critical proposals in this context. Delete references in arti-cle 28(8) to a "single application and single assessment procedure" under Union harmonisation legislation, as the referenced legislation does not fore-see such a procedure.

Article 30 (Notified Bodies)

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Delete article 30(2) and Annex XIV. NANDO codes should be established outside the regulation to ensure future flexibility, in line with how fully har-monised product regulations detemine NANDO codes.

Article 43 (Conformity Assessment)
Delete the deadline limitation in article 43(3) sub-para 2, as the provision does not describe an interim or transitional phase.

Discussion on Compromise Text articles 53 to 75e or 1(15) to 1(25) (recital 16)
Article 53 (GPAI Provider Obligations)
Introduce a clear rule specifying that an entity purchasing and fine-tuning a GPAI model becomes a provider if the compute used for modification ex-ceeds one third of the original model's training compute. Clarify that this de-termination is without prejudice to existing copyright law.
Article 75 (Market Surveillance)
We support the changes made by the Presidency to paragraph 1:
First, we support the clarification that AI systems provided by law enforce-ment authorities, border management authorities, judicial authorities as well as the financial sector are exempted from the centralized competence of the AI Office. The wording should be clearer to ensure that the second half
sentence “subject to…” does not relate to authorities. It should be clarified that “border management authorities” also includes migration and asylum authorities, or by explicitly adding these authorities to the list.
Second, we support consolidation of market surveillance for VLOPs/VLO-SEs and AI systems from providers of GPAI models with systemic risk (where not covered by Annex I) at the AI Office.
With regard to the changes now introduced in articles 75a et seq. we must file a scrutiny reservation – the amendments are too extensive to complete the analysis in the alotted time.

Discussion on Compromise Text articles 77 to 113 or 1(26) to 1(31) (Recital 19a)
Article 96 (Guidelines)
As stated above, we appreciate the changes made by the Presidency in ar-ticle 96 and recital 19a. However those changes are not ambitious enough. Commission guidelines should address at least the interplay between the AI Act and the Machinery Regulation article 9 (risk management), article 14 (human oversight), and article 15 (accuracy, robustness, cybersecurity). Moreover, they should be published at least one year before entry into force of article 6(1) obligations.

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Moreover, we request that guidelines are updated in a timely manner to clarify that systems primarily based on simple statistical models (e.g. linear logistic regression) do not qualify as AI systems under the AI Act. Given the past experiences with the AI Office's guidelines, we advocate for stronger involvement of stakeholders and the AI Board to achieve greater legal clar-ity.

Article 111 (Transitional Provisions)

We reiterate our request to amend article 111 to include staggered dead-lines for Article 50(2) (new paras 4a and 4b): AI systems placed on the market before 2 August 2026 must comply by 2 February 2027; AI systems exclusively for industrial applications must comply by 2 August 2027.

ANNEX XIV

We reiterate our requests to delete all NANDO codes and, subsidialrily, to delete the AIH codes. The Presidency Compromise Text has now made new changes to ANNEX XIV, but does not explain them. We must file a scrutiny reservation here. Our preliminary assessment is that these changes are not improvements as they will create dramatic bottlenecks. Our position is that sector-specific notified bodies that are currently able to assess AI e.g. in medical devices, must be able to assess the provisions of the AI Act, too. They should not be forced to become notified to evaluate AI provisions for all sectors.

***

ESTONIA

EESTI

We would be very grateful if you could incorporate them into the revised AI proposal tomorrow. The proposed amendments are highlighted in green.

Thank you for taking into consideration and amending several important articles for as. **Just a few small additional points and questions from our side (suggested amendments are highlighted green):**

I. **Regarding AI literacy** (recital p 5 and Art 4).

Our comment concerns amendment of Art 4 para 1. The proposed texts weakens the development of AI skills. **We consider the development of digital and AI-related skills to be a key policy priority, essential for fostering innovation, competitiveness, and inclusive participation in the digital transformation driven by artificial intelligence**. We therefore welcome the direction of travel towards a more coordinated, public-policy-driven approach to AI literacy at Union and Member State level. However, **we do not support the shifting of responsibilities from providers and deployers. They also have their part in raising AI literacy levels. AI literacy should be understood as a horizontal, long-term capability, embedded in education systems, public administration, and lifelong learning frameworkswhere individual providers or deployers also have an important role to play.** At the same time, we note that AI literacy encompasses different levels of knowledge and skills depending on the target group, ranging from general awareness for citizens to more advanced competencies for public officials, regulators, and professionals working with or overseeing

AI systems. Any future approach should therefore allow sufficient flexibility for Member States to tailor measures to national contexts and existing institutional arrangements.

Drafting suggestion for Art 4 para 1:

~~The Commission and Member States shall encourage~~ The *providers and deployers of AI systems* ***~~to~~ shall*** *take measures to ensure a sufficient level of AI literacy of their staff and other persons dealing with the operation and use of AI systems on their behalf, taking into account their technical knowledge, experience, level of education and training and the context the AI systems are to be used in, and considering the persons or groups of persons on whom the AI systems are to be used.* ***The Commission and Member States encourage providers and deployers to take necessary measures.***

II. **Bias mitigation (recital p 6 and Art 4a)**:

Recital point 6 suggests that Article 4a provides a new legal basis for processing data for bias mitigation and, therefore, acts as *lex specialis* to EU data protection framework (GDPR, EUDPR). However, Article 4a does not override the GDPR; it merely refers to it. Therefore, Article 4a only introduces additional requirements (safeguards) for bias mitigation. If a provision simply refers to GDPR rules, it usually does not create an independent nor new legal basis for processing personal data. Such is a case also in this matter. EU legislation often adds requirements for specific contexts (like AI, bias mitigation, research, etc.) while the actual legal basis remains in data protection law. In this case, the legal basis for processing personal data remains in the GDPR (most probably art 9 (2) point g). This was also the opinion of the CLS in the meeting. This should be clearly understood from the recitals, otherwise stakeholders get the wrong idea and implement the articles incorrectly.

Redrafting needed for recital p 6 and para 7:

- *Bias detection and correction constitute a substantial public interest because they protect natural persons from biases' adverse effects, including discrimination.* ***~~Discrimination might result from the bias in AI models and AI systems other than high-risk AI systems for which of~~ For that reason,*** *Regulation (EU) 2024/1689* ***~~already~~*** *provides* ***additional strict safeguards ~~a legal basis~~ while ~~authorising the processing~~ ~~of~~ providers of high-risk AI systems to process*** *special categories of personal data* ***under Article 9(2), point (g), of Regulation (EU) 2016/679 of the European Parliament and of the Council.*** ***~~Given that in certain exceptional cases and subject to strict safeguards.~~ These safeguards ~~legal basis~~ are ~~is~~ linked to those providers' obligation to establish practices concerning the detection, prevention and mitigation of biases likely to affect the health and safety of persons, have a negative impact on fundamental rights or lead to*** *discrimination* ***prohibited under Union law. Nevertheless, biases likely to have those effects*** *might* ***also*** *result* ***~~also from those~~ from the actions of the deployers of high-risk AI systems. Furthermore, such biases could also arise in the case of*** *other AI systems* ***~~and~~ or*** *models.* ***For example, biases in eligibility or risk-scoring tools used to assess applications for various types of public permits or licences can restrict rights or effectively bar certain groups from access to public services, and biased AI-enabled fitness or wellness applications that do not constitute medical devices may,*** ***~~it is therefore appropriate that Regulation (EU) 2024/1689 should~~*** *provide* ***~~for a legal basis for~~ skewed guidance with potential health implications. Accordingly, a substantial public interest exists to permit, exceptionally and where strictly necessary,*** *the processing of special* ***~~categories of~~***

categories of *personal data* ***for the purposes of bias detection and correction*** ~~***. It is therefore necessary to extend the legal basis established***~~ ***under Regulation (EU) 2016/679 so that it also applies to the*** ~~*also by*~~ *providers and deployers of other AI systems and AI* ~~*models as well as deployers of high-risk AI systems. The.*~~ ***That*** ~~*is established in*~~ ***should be subject to the same limitations, conditions and safeguards as apply under the existing Article 10(5), thereby ensuring*** *compliance with Article 9(2), point (g) of Regulation (EU) 2016/679 Article 10(2), point (g) of Regulation (EU) 2018/1725 of the European Parliament and of the Council and Article 10, point (a) of Directive (EU) 2016/680 of the European Parliament and of the Council* ***8*** ~~*provides a**3.*~~ ~~***Whilst the same conditions apply, it is likely that the exceptional circumstances justifying reliance on the new***~~ *legal basis from allowing, where necessary for* ~~***the will arise less frequently in practice, notably given that AI systems that are not high-risk pose lower risks to health, safety and fundamental rights. Furthermore, to enable providers of high-risk AI systems to lawfully undertake bias***~~ *detection and removal of bias, the processing of special categories of personal data by providers and deployers of all AI systems and models, subject to appropriate safeguards that complement Regulations (EU) 2016/679,* ~~***mitigation activities in preparation for compliance with the high-risk requirements, including Article 10(2), points (f) and (g), of***~~ *Regulation (EU) 2018/1725 and Directive (EU) 2016/680, as applicable* ~~***2024/1689, the legal basis***~~ ***The safeguards established by Article 4a should apply from entry into application of this Regulation****.*

- ***Art 1 p 2b (replacement for paragraph 7): '****7. Union law on the protection of personal data, privacy and the confidentiality of communications applies to personal data processed in connection with the rights and obligations laid down in this Regulation. This Regulation shall not affect Regulation (EU) 2016/679 or (EU) 2018/1725, or Directive 2002/58/EC or (EU) 2016/680* ~~***, without prejudice to Article 4a and Article 59 of this Regulation.***~~***'***

III. Use of term „administrative fines"(Art 1(25), amendment of Article 75d, related to Article 99) and proportionality principle.

In Estonia, the legal system does not recognise "administrative fines" as a separate type of sanction. Monetary penalties for violations are generally classified as criminal or misdemeanour penalties and are subject to the corresponding procedural safeguards. Administrative authorities may impose coercive measures, such as penalty payments, but these are intended to ensure compliance rather than to punish.

Therefore, the use of the term "administrative fines" in AI legislation may create legal uncertainty for Member States whose legal systems do not recognise this concept. **For reasons of legal clarity and consistency with national legal systems, it would be preferable to avoid this term or to clearly define its meaning in the legislation. Instead, we suggest to use the term „penalty payments".**

In Art 99 para 1 there is no need to establish that the Member States shall take into account the interests of SMCs and SMEs, including start-ups, and SMCs, and their economic viability when imposing penalties. The penality should be proportionate to violator´s acts and size. Thus, the phrasing should focus instead on proportionality. Under proportionality, one can take into account e.g. the nature, gravity, and duration of the infringement. **Thus, the last sentence is duplicating the idea of the proportionality principle.**

Drafting suggestions for Article 75d:

„A decision of non-compliance may be accompanied by the imposition of penalties pursuant to Article 99(1) and (3)-(7), which shall apply mutatis mutandis to the AI Office in the execution of its supervision and enforcement tasks outlined in Article 75(1) of this Regulation.

In particular, the following shall be subject to ***~~administrative fines~~ penalty payments*** *as referred to in Article 99(4):*

(a) infringement of the relevant provisions of this Regulation;

(b) failure to comply with a decision referred to in Article 75b(1) or (4), or failure to comply with obligations or measures as referred to in Article 14(4) or 16(3) of Regulation (EU) 2019/1020; and

(c) failure to comply with a commitment made binding by a decision pursuant to Article 75c.

Additionally, the supply of incorrect, incomplete or misleading information to the Commission in reply to a request shall be subject to ***~~administrative fines~~ penalty payments*** *as referred to in Article 99(5).“*

Art 99 (5) should be amended accordingly.

Art 1(29a) on Article 99 para 1:

‘1. In accordance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties and other enforcement measures, which may also include ***~~administrative fines~~ penalty payments****, warnings and non-monetary measures, applicable to infringements any infringement of this Regulation by operators, and shall take all measures necessary to ensure that they are properly and effectively implemented, thereby taking into account the guidelines issued by the Commission pursuant to Article 96. The penalties provided for shall be effective, proportionate and dissuasive.* ***~~The Member States shall take into account the interests of SMCs and SMEs, including start-ups, and SMCs, and their economic viability when imposing penalties.’~~****;’*

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IRELAND

ÉIRE

AI Act Article 5 – Prohibited AI practices

As per previous IE obs

Ireland supports consideration of using the Digital Omnibus on AI to incorporate a new prohibition within Article 5 to prohibit AI systems that enable the generation of child sexual abuse material and nonconsensual intimate content of people.

We would caveat this by noting Ireland's support on this item is subject to understanding the views of the European Commission the suitability of the Omnibus and any alternative options for achieving the same objectives, and the need for careful and appropriate drafting to avoid any unintended consequences and to ensure the legislative drafting meets the objective.

Timeline extension

Third Compromise Text: Article 1(17)

Ireland notes the proposed amendment of AI Act Article 57(1) to postpone the deadline for the establishment of AI regulatory sandboxes until 2 December 2027.

Ireland supports the fixed predictable timeline extensions set out in the Third Compromise Text, and considers this approach essential to provide legal certainty for all stakeholders and facilitating a robust regulatory and innovation support system.

AI Literacy

Third Compromise Text: Article 1(4)

Ireland supports the proposal's added clarification that providers and deployers of AI systems continue to have obligations that compliment the proposed amendments regarding AI literacy.

Ireland requests that the proposed replacement of AI Act Article 4, subsection 1a, should also include a reference to the obligations on providers and deployers have under Article 9 (Risk Management system) of the AI Act. This would better reflect the related narrative of complimentary obligations on providers and deployers that is set out in Recital 6 of the Third Compromise Text in relation to AI literacy.

Special Categories of Personal Data

Third Compromise Text: Recital (6) / Article 1(4)

Ireland welcome examples, provided in Recital of where there is processing of special category data in non-high-risk AI systems (or AI models).

Conformity Assessment

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Third Compromise Text: Recital (7) / Article 1(10, 11, 13)

Ireland welcomes Recital 7 and Article 1(10,11) of the Compromise Text which respectively explain and amend AI Act Articles 28 and 29 to use the term "unified" instead of "single" to describe the assessment procedure to which should be available to conformity assessment bodies.

Ireland supports Article 1(13) of the Compromise Text, in relation to conformity assessment and the proposed changes to Article 43 (3).

We would appreciate further clarification as to the applicability of Article 43 (3) and in particular on the deadline for existing notified bodies under Annex I Section A legislation to apply for designation to the AI Act.

We note that Recital (8) of the Proposal notes that existing Annex I notified bodies will "have the power to assess conformity of high-risk AI systems under that Regulation within certain conditions for 18 months from [the entry into application of this Regulation]".

However, the proposed replacement text for Article 43 (3) itself still contains the deadline for conformity assessment:

"Without prejudice to Article 28, such notified bodies which have been notified under the Union harmonisation legislation in Section A of Annex I, shall apply for designation in accordance with Section 4 at the latest [18 months from the entry into application of this Regulation]."

Timeline extension

Third Compromise Text: Article 1(17)

Ireland notes the proposed amendment of AI Act Article 57(1) to postpone the deadline for the establishment of AI regulatory sandboxes until 2 December 2027.

Ireland supports the fixed predictable timeline extensions set out in the Third Compromise Text, and considers this approach essential to provide legal certainty for all stakeholders and facilitating a robust regulatory and innovation support system.

Registration

Third Compromise Text: Article 1(32)

Ireland notes that, Article 1(32) of the Third Compromise Text remains unchanged from the Second Compromise Text and proposes that to amend Annex VIII, section B, such that points 7 and 9 are deleted – thus removing the obligation on providers to register their explanation on what grounds

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they have concluded their Annex III system is not high-risk, also it removes their obligation to register the Member State in which the system is deployed/placed on market etc.
IE supports measures to streamline compliance and reduce associated costs while maintaining public accountability.
IE believes the information provided for in Annex VIII, section B, points 7 and 9 of the AI Act is helpful for effective market surveillance and public accountability. In that regard, IE welcomes Recital (9) of the Third Compromise Text which points to the obligations that remain on those providers, under the AI Act, to maintain and provide such information on request, irrespective of registration requirements.

Reference – Recital (9)
"Furthermore, a provider who considers that an AI system falls under applying Article 6(3) remains obligated to document its assessment before that system is placed on the market or put into service. This assessment may be requested by national competent authorities."

High-risk AI systems – Clarification on Regulations Interplay
Third Compromise Text – Recital (19a)
Ireland notes and supports the new Recital 19a.
We note in this regard that the text of the proposed amendment to Article 96 "(g) the practical implementation of Articles 8(2), 9(10) and 17(3) in line with the principle of complementarity and proportionality.;" does not appear to limit the application of these Guidelines to high-risk AI systems covered in Annex I (apart from Article 8(2)) and we recommend that it is made clear in the Recital that Guidelines will encompass both Annex I and Annex III high-risk AI systems. This is on the basis that while Article 8(2) only refers to Annex I, we note that Article 9(10) and Article 17(3) also apply to high-risk AI systems under Annex III.

AI Office Supervision of AI Systems
Third Compromise Text – Article.1(25)
Exceptions list (financial institutions)
Ireland notes and supports the modification to the proposed amendment to Article 75 providing greater clarity on the exceptions where national authorities remain competent.
With regard to proposed amendment to AI Act Article 75(a)(iii), while we note that the term "financial institutions subject to requirements regarding their internal governance, arrangements or processes under Union financial services law" is used elsewhere in Regulation EU 2024/1689, in order to ensure regulatory alignment of mandates assigned to relevant national authorities

responsible for the financial supervision of institutions under Union financial services law, Ireland recommends that the wording of this exception align to that of Article 74(6) of Regulation (EU) 2024/1689 which refers to "financial institutions regulated by Union Financial Services law". For ease of readability, we would also recommend that this reference to financial institutions be inserted as a separate point (iv) under Article 75(1)(a).

Role of National Competent Authorities

Ireland also requests consideration of observations and proposed amendments to the Third Compromise Text with regard to Article 75 proposals as outlined below, with specific detail provided in Annex I of this document.

More generally, in relation to the Third Compromise Text and Article 75, as outlined below, Ireland believes it is necessary to have prior notification to the relevant national competent authorities of any actions under consideration in the member state territory. The relevant national competent authorities should be consulted on matters relating to the application and enforcement of this regulation within their member states.

Additionally, Ireland believes that there should be an ability for national competent authorities in relation to Article 75, to request engagement and possible action of the AI Office when there is a suspicion or concern that there has been a possible infringement of this regulation at a member state level. In order to ascertain information relating to possible infringement(s), it is necessary for relevant national authorities to have the ability to issue requests for information.

More broadly, Ireland believes there are a range of areas in which a Member State's authority's first response may be most appropriate. To that end please find below, in Annex I of this document, detailed observations and proposed amendments to the Third Compromise Text with regard to Article 75 proposals.

High-risk AI systems – Interplay between Annex I (A/B) and Annex III

In general, the Digital Omnibus on AI provides helpful clarity on how systems that fall simultaneously under Annex III (High-Risk AI System categories) and Annex I(A) (sectoral Union harmonisation legislation) should be handled. If the MDR amending regulation proceeds and moves MDR/IVDR from Annex I(A) to Annex I(B), early assessment will be essential to understand how situations should be managed where an AI system could fall under both Annex III and Annex I(B).

Annex I – Proposed Modifications to Third Compromise Text (Re: Article 75)

Advance Notification of National Competent Authorities

PUBLIC

Article 75:
Under 75b(1) where the AI Office sends requests for info to operator concerned, Ireland would propose that this is extended to notifying relevant National Competent Authority ahead of time, and same in respect of inspections etc., (under 75b (3), (4) (5).)

Ireland therefore considers that the Third Compromise Text should be amended to say [amendments in bold italics]

75b(1) . In order to carry out the tasks assigned to it under this Section, the AI Office may, by simple request or by decision, require an operator subject to its competence under Article 75(1) to provide information that is necessary for the purpose of assessing compliance of that operator with this Regulation. Relevant national competent authorities shall receive prior notification in relation to actions corresponding to 75 b(1), (3), (4), (5).

75(a) 2: Where the AI Office has reasonable grounds to suspect non-compliance with this Regulation by a provider or a deployer of an AI system referred to in Article 75(1), it may adopt a decision initiating an investigation into that non-compliance. Upon the initiation of such an investigation, the AI Office shall notify the operator of the AI system concerned and issue prior notification to the relevant national competent authorities.

75(1)b: 1b. In the process of making a decision as referred to in Article 75b(1), the Commission shall coordinate with the relevant national competent authority of the member state prior to action being taken. when making a decision as referred to in Article 75b(1), the Commission shall, without undue delay, send a copy of the request or the decision referred to in the first subparagraph to the relevant national competent authority of the Member State in whose territory the operator or its legal representative is situated.

75 (1)c. Before taking a decision that would have the effect of prohibiting or restricting the AI system being made available or put into service on a national market, or a decision to withdraw or recall the AI system from the market, the AI Office shall, without undue delay, notify the market surveillance authority competent for that market of the relevant decision. In order to assist with the decision-making process, the AI Office shall may consult the authorities involved in the application of this Regulation, where appropriate, on any matter relating to the application and enforcement of this Regulation.'

PUBLIC

Ireland also suggests for consideration that in order for relevant MS national competent authorities to assist the AI Office, that these relevant authorities have the power to request the AI Office to engage/take action. Further to this, in order to support and assist the AI Office, relevant member states should have the ability issue Requests For Information to the relevant entities. To that end, Ireland therefore considers that the Third Compromise Text should be amended to say [amendments in bold italics]

75b, (7): At the request of the AI Office, the competent authority of a Member State may in its own territory carry out any investigation, inspection or other fact-finding measure on behalf and for the account of the AI Office in order to establish whether there has been an infringement of this Regulation. The officials of the competent authorities of the Member States who are responsible for conducting these investigations, inspections, or fact-finding measures as well as those authorised or appointed by them shall exercise their powers in accordance with their national law. When the competent authority of a Member State has a suspicion or concern that an infringement of this Regulation has occurred, the relevant competent authority of a Member State may issue a request to the AI Office to carry out an investigation, inspection or other fact-finding measure in that territory. To assist with such requests, Member State authorities shall have the ability to issue requests for information to operators in line with the provisions under Article 75b(3).

Rationale and Examples

Ireland believes that in order to support the application of this regulation, in relation to AI systems integrated into, or which are, VLOPs and VLOSEs, there are a range of areas in which a Member State's authority's first response may be most appropriate. Member State national competent authorities are best placed in identifying member state nuance, the understanding of potential national level harms and risks posed to users, and in respect of national competent authorities' role, have existing competencies and skills that support the application of this regulation.

Member states are best placed to identify member state nuance. Identifying prohibited practices that are isolated to one Member State, or a small cohort of Member States, where local knowledge of culture, language and customs will be key e.g. in respect of prohibited practices (Article 5(1)(b)). By way of example, and noting the Prohibited Practices guidelines focus on the interplay between socioeconomic factors with race and ethnicity, the targeting of older people from specific ethnic or indigenous groups by AI systems embedded in VLOPs with deceptive advertising may cause a group of people, or a person significant harm, that will not pose a broader systemic risk across MS,

but significant harm to a specific group of people in one MS. It is unlikely that without specific local knowledge, these practices would come to the attention of the AI Office, but could appropriately and more swiftly be dealt with by NCAs, in taking effective supervisory and enforcement measures.

Applying supervisory risk-ratings in respect of Article 5(1)(a)

Supervisory risk-ratings applied to certain practices may vary across Member States, and ultimately the EU AI Office, with finite resources, will need to prioritise its supervisory and enforcement focus.

This may lead to an imbalance in how significant harms are addressed across Member States. By way of example, chatbots/chatbot assistants deployed by VLOPs, and encouraging harmful behaviour in the form of the promotion of eating/feeding disorders, may cause far greater degrees of harm in individual Member States that have less clinical support and appropriate protocols in place than in others, and ensuring supervisory action is initiated in that MS, may lead to a) a more expeditious investigation, or indeed resolution, that is, for example by way of the issuance of a contravention or prohibition notice (per Art 65 of Act which obliges MSAs to take corrective action where a system is non-compliant or poses serious risk), or b) equip NCAs to undertake supervisory work that informs wider EU AI Office enforcement, and the ultimate success of such enforcement.

Enforcement against a range of issues, especially in respect of mechanical, as opposed to systemic issues,

In order for Digital Service Coordinators (DSC), under the DSA, to most effectively and comprehensively assist the AI Office, by way of example, enforcement of obligations on deployers under Article 50(3) & (4) of the EU AI Act, which help lay down technical requirements in respect of transparency are coherent with DSCs' shared responsibilities in enforcing advertising transparency (per Article 26 of the DSA) in respect of VLOPs and VLOSEs, and in respect of the transparency obligations regarding political advertising under the TTPA, responsibility for which falls to, or is shared with other competent authorities, by a number of DSCs.

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GREECE

ELLÁDA

Further to the AGS meeting this morning, please find below the EL comments, as received, in Greek language.

We apologise for that, but if we should send them in English, we could provide them by cob.

Subject: Απ: Διαβίβαση Γ' Συμβιβαστικού Κειμένου - Digital Omnibus on AI
Καλησπέρα σας,

Ενόψει της αυριανής συζήτησης του Antici Group επί του Γ' συμβιβαστικού κειμένου και των επιμέρους εθνικών θέσεων (DE, ES-FR, PL) που έχουν προωθηθεί, από πλευράς μας, διατυπώνονται οι εξής θέσεις:

Η Ελλάδα διατηρεί ορισμένες στοχευμένες παρατηρήσεις επί του τρέχοντος συμβιβαστικού κειμένου του Omnibus, ενώ στηρίζει τη συνολική προσπάθεια για ταχεία ολοκλήρωση των διαπραγματεύσεων.

1. Παράταση υποχρέωσης – άρθρο 111 (νέα παρ. 4)
Παρά τις παρεμβάσεις μας σε προγενέστερες εκδόσεις του κειμένου, η παρ. 30β της πρότασης, η οποία αφορά το άρθρο 111 (νέα παρ. 4), παραμένει στο συμβιβαστικό κείμενο.
Η διάταξη αυτή αποτελεί τη μοναδική κόκκινη γραμμή που έχει θέσει εξαρχής η Ελλάδα.
Παραμένουμε της άποψης ότι δεν θα πρέπει να προβλεφθεί περαιτέρω παράταση, δεδομένου ότι πρόκειται για υποχρέωση μείζονος σημασίας, άμεσα συνδεδεμένη με την εμπιστοσύνη στην πληροφορία και την προστασία της δημοκρατικής διαδικασίας.
Στο πνεύμα εποικοδομητικής διαπραγμάτευσης, η Ελλάδα θα μπορούσε να εξετάσει συμβιβαστική διατύπωση, στη βάση των προτάσεων που έχουν κατατεθεί από Γερμανία ή Πολωνία, υπό την προϋπόθεση περαιτέρω διαβούλευσης επί της ακριβούς διατύπωσης.

2. Παρέμβαση Γερμανίας
Η Ελλάδα συμφωνεί επί της αρχής με αρκετά από τα ζητήματα που αναδεικνύει η παρέμβαση της Γερμανίας, ιδίως όσον αφορά τα σημεία 5, 7 και 8, τα οποία θεωρούμε ότι κινούνται προς την κατεύθυνση της βελτίωσης της σαφήνειας και της αποτελεσματικής εφαρμογής του πλαισίου.

3. Πρόταση Γαλλίας - Ισπανίας
Η Ελλάδα στηρίζει την πρωτοβουλία Γαλλίας και Ισπανίας σχετικά με τις απαγορευμένες πρακτικές ΤΝ για τη δημιουργία μη συναινετικού σεξουαλικού και προσωπικού περιεχομένου ή υλικού σεξουαλικής κακοποίησης παιδιών. Παράλληλα, θεωρούμε σημαντικό να αναζητηθεί η καταλληλότερη νομική και τεχνική διατύπωση, ώστε η σχετική προσθήκη να μην καθυστερήσει την ταχεία ολοκλήρωση του Omnibus.

Παραμένουμε στη διάθεσή σας για κάθε περαιτέρω πληροφορία ή διευκρίνιση και σας ευχαριστούμε για τη συνεργασία.

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FRANCE
FRANCE
See table (ADD1)

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ITALY

ITALIA

Please see the attached file that includes the Italian comments on the III compromise proposal.

We would appreciate to receive an answer on the questions and comments in order to be able to properly clarify these issues to our National Authorities.

See ST document with comments (WK file ADD1)

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POLAND

POLSKA

With regard to our comments made at today's AGS please find below PL drafting proposals for Article 75 of AI Act.

Article 75(1ab)

"The reporting of a serious incident to the AI Office pursuant to this paragraph shall be deemed to fulfil the reporting obligation laid down in Article 73. The AI Office promptly transmits the relevant information to the competent national market surveillance authorities."

Additionally, Poland proposes supplementing list of exclusions in Article 75(1) by adding a new following point:
"(iv) AI systems referred to in Annex III, point (8)."

Drafting suggestions concerning Article 111, that will be in line with my intervention today, will follow very
soon.

As announced please find below PL compromise proposal concerning Article 111:

Article 111
Providers of AI systems, including general-purpose AI systems, generating synthetic audio, image, video or text content, that have been placed on the market before 2 August 2026 shall take the necessary steps in order to comply with Article 50(2) by 2 November 2026. They shall not be subject to the penalties and other enforcement measures referred to in Chapter XII for non-compliance with Article 50(2) by 2 February 2027.

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SLOVENIA

SLOVENIJA

Especifically on Article 1(17).

SI comment on the Digital Omnibus for AI – Article 1(17)

1 (17) Postponement of the deadline for the establishment of AI regulatory sandboxes by competent authorities at national level until 2 December 2027.

SI does not agree with such a long delay. The sandbox should be available long before the start of the foreseen supervision. The purpose of sandbox is testing of a system in a safe environment before being placed on the market. We are in favour of keeping the same date as in AIA or at most extending it until 2. 12. 2026.

We could accept extending the deadline to the extent that implementing act will be adopted by the Commission and model documents will be prepared as foreseen in the programme of the subgroup on regulatory sandboxes. It is also necessary to adopt guidelines for the classification of high-risk AI systems - AIA art 6(5), deadline: 2. 2. 2026, where the commission is already late. We propose the deadline for Commission to prepare implementing act and guidelines no later than **2. September 2026**.

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FINLAND
SUOMI

We just wanted to inform you that FI can lift the scrutiny reserve concerning the sanctions issue we flagged in the WP today (AIA Article 99).

However, we still have a waiting reserve due to internal procedures.

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