

Proposed Amendments to the EC AIA Omnibus proposal

SIMPLIFICATION #1 - Art 50 transparency obligations should	
Suggested Change	Justification
Article 111(4) 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 February 2027. Article 113 This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 2 August 2026. Article 113 This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 2 August 2026.	- To ensure AI systems developers and deployers can effectively implement complex provisions that are not yet finalized, the Omnibus must address unrealistic compliance deadlines. - Specifically, for Article 50 regarding generative AI provenance and transparency, the current proposal only grants six months for compliance, applies only to a small fraction of requirements (Art. 50(2), i.e. the marking obligation), and covers only AI systems already on the market. - Given that the Code of Practice - which is intended to enable the implementation of both Art 50(2) and (4) - is likely to be finalized just weeks before August 2026, this timeline is insufficient. - In particular, the current August 2026 timeline for Article 50(4) - i.e. the deep fake labelling obligation - is impossible from a technical development and implementation point of view. Both providers and deployers will need to understand the specific requirements of what constitutes a “deep fake” first, and the limited time between the conclusion of the Code and compliance date will be insufficient to develop and integrate the right technical tools.

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However: (a) Chapters I and II shall apply from 2 February 2025; (b) Chapter III Section 4, Chapter V, Chapter VII and Chapter XII and Article 78 shall apply from 2 August 2025, with the exception of Article 101; <u>(c) Article 50(2) and (4) shall apply from 2 August 2027.</u> [...]	To provide legal clarity, the Omnibus should therefore extend the compliance period for Article 50 to one year (rather than six months). This extension should apply to new systems as well as those already on the market and must cover both the genAI marking obligation as well as the deep fake labelling required (Article 50(4) in addition to Article 50(2)).
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SIMPLIFICATION #2- The start of HRAIS compliance should be based on predictable fixed dates	
Suggested Change	Justification
Article 113 This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 2 August 2026.	- We support the proposal's mention of December 2027 and August 2028 as compliance milestones for high-risk AI systems. - However, Article 113 currently structures this as a conditional timeline: compliance is triggered 6 months after a Commission decision confirming that 'adequate measures' (standards) are available. If no decision is made, a 'backstop' applies (Dec 2, 2027 for Annex III systems; Aug 2, 2028 for Annex I systems).



However:

(a) Chapters I and II shall apply from 2 February 2025;

(b) Chapter III Section 4, Chapter V, Chapter VII and Chapter XII and Article 78 shall apply from 2 August 2025, with the exception of Article 101;

~~(c) Article 6(1) and the corresponding obligations in this Regulation shall apply from 2 August 2027.~~

~~(cd) Chapter III, Sections 1, 2, and 3, shall apply following the adoption of a decision of the Commission confirming that adequate measures in support of compliance with Chapter III are available, from the following dates:~~

~~(i) 6 months after the adoption of that decision as regards AI systems classified as high-risk pursuant to Article 6(2) and Annex III, and~~

~~(ii) 12 months after the adoption of the decision as regards AI systems classified as high-risk pursuant to Article 6(1) and Annex I.~~

~~In the absence of the adoption of the decision within the meaning of subparagraph 1, or where the dates below are earlier than those that follow the adoption of that decision,~~ Chapter III, Sections 1, 2, and 3, shall apply from:

(i) ~~on~~ 2 December 2027 as regards AI systems classified as high-risk pursuant to Article 6(2) and Annex III, and

(ii) ~~on~~ 2 August 2028 as regards AI systems classified as high-risk pursuant to Article 6(1) and Annex I.

- This dual-trigger mechanism creates a 'moving target' that lacks the firm predictability essential for compliance planning. Leaving this date dependent on administrative decisions lacks clear guardrails and hinders industry readiness (with significant impact on public authorities as well).
- The 'moving target' should be therefore removed and replaced with a simple fixed-date solution of December 2027 (for Annex III) and August 2028 (for Annex I)

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SIMPLIFICATION #3 - Providers must retain choice between different confirmatory assessment bodies	
Suggested Change	Justification
Article 75: Market surveillance and control of AI systems and mutual assistance <u>1c. The Commission is empowered to create an independent conformity assessment body for the purposes of carrying out third-party conformity assessments under Article 43 with respect to high-risk AI systems referred to in paragraph 1. For these purposes, the Commission shall take on the role equivalent to a notifying authority and comply with the requirements for notifying authorities as set out in Section 4 of Chapter 3 <i>mutatis mutandis</i>. Provided the relevant requirements are met, the conformity assessment body shall take on the role equivalent to a notified body and comply with the requirements for notified bodies as set out in Section 4 of Chapter 3 <i>mutatis mutandis</i>, including regarding independence and competence. A provider who is required to carry out a third-party conformity assessment with regards to high-risk AI systems referred to in paragraph 1, may choose to use this conformity assessment body as an alternative to any other competent notified bodies under Section 4 of Chapter 3.</u>	- Under the proposed amendments to Article 75, the Commission is set to become the sole organizer of pre-market conformity assessments for certain high-risk AI systems (namely where based on 1P GPAI models or themselves constituted or integrated into VLOPs and VLOSEs under the DSA) on the top of being the enforcer - While the Commission may entrust existing notified bodies to assist, this is purely at the discretion of the Commission. This creates a single point of failure and potential bottlenecks for high-risk systems that could lead to significant delays in bringing AI innovation to the EU market. - We are also concerned about the lack of safeguards on independence (including from the Commission and AI Office themselves) and quality of the conformity assessment body in the current drafting. Under product safety rules, such bodies are traditionally subject to stringent requirements, as also evident from the rules in Section 4 of Chapter 3 of the AIA. - In addition to applying these rigorous standards equally to the



~~The Commission shall organise and carry out pre-market conformity assessments and tests of AI systems referred to in paragraph 1 that are classified as high-risk and subject to third-party conformity assessment under Article 43 before such AI systems are placed on the market or put into service.~~

~~These tests and assessments shall verify that the systems comply with the relevant requirements of this Regulation and may be placed on the market or put into service in the Union in accordance with this Regulation. The Commission may entrust the performance of these tests or assessments to notified bodies designated under this Regulation, in which case the notified body shall act on behalf of the Commission. Article 34(1) and (2) shall apply mutatis mutandis to the Commission when exercising its powers under this paragraph.~~

~~The fees for testing and assessment activities shall be levied on the provider of a high-risk AI system who has applied for third-party conformity assessment to the Commission. The costs related to the services entrusted by the Commission to the notified bodies in accordance with this Article shall be directly paid by the provider to the notified body.~~

Commission's own conformity assessment body, the law should ensure flexibility for providers to choose from among the different conformity assessors (both at the EU level and in Member States), avoiding a lock-in to the European Commission that could lead to bottlenecks and inconsistencies with EU product safety legislation.

