

The Digital Omnibus on AI: What are the key implications for organisations?



With shifting deadlines and new simplification measures, the Digital Omnibus on AI will require organisations to stay agile, work with the tools they already have, and reinforce their AI governance.

§ For the application of the EU AI Act it is sufficient that the **output of an AI system** is used within the EU. Fines for non-compliance can be substantial (up to €35 m or 7% of global annual revenue).

Status quo: As organisations navigate the EU AI Act, they face legal uncertainty arising in part from...

- I. ... unspecified requirements for high-risk AI systems** due to delayed Guidance*.
- II. ... implementation complexity** introduced by novel technology and demanding compliance obligations.
- III. ... delays in the designation of national authorities** and conformity assessment bodies.

Omnibus Proposal: Possible Shift in Implementation Deadlines (FOCUS: HIGH-RISK AI SYSTEMS)

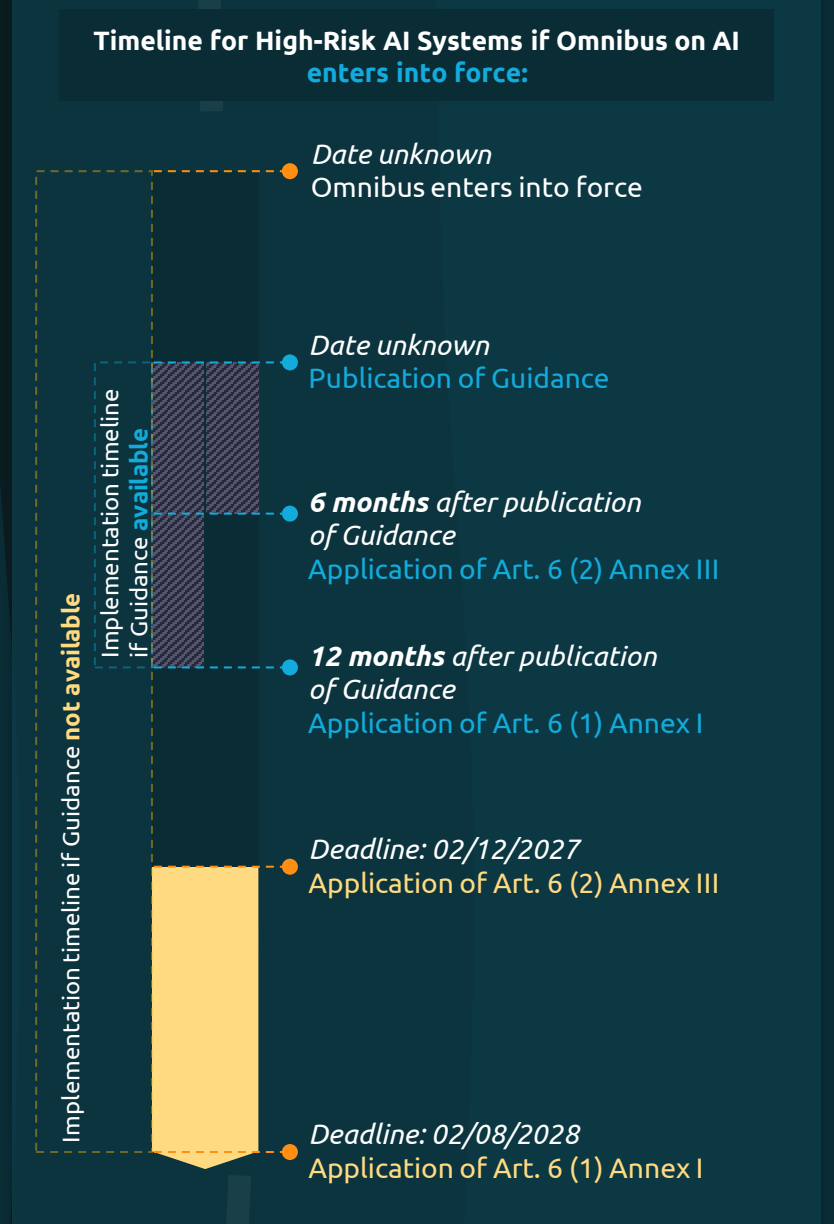
- Final compliance deadlines: 02/12/2027 (for Annex III systems) and 02/08/2028 (for Annex I systems)
- Guidance issued earlier triggers implementation obligations

Omnibus Proposal: Streamlining Regulatory Processes for Increased Flexibility & Efficiency (EXCERPT)

- Provides companies with greater flexibility and simplified processes
- Enhances legal clarity on key procedures, including conformity assessment

Omnibus Proposal: Innovation-friendliness & Increased AI Office Powers (EXCERPT)

- Expands access to AI regulatory sandboxes and real-world testing, including sectors like automotive
- Enhances the powers of the AI Office



Impact of Omnibus on AI:

- Removal of registration requirement for exempt AI:** Removal of the obligation for providers to register AI systems (Annex III) in the EU high-risk AI database when the provider has concluded that they are not high-risk.
- Improved efficiency for Conformity Assessment:** Clarification of conformity assessment procedures to avoid duplicate reporting.
- Processing personal data for bias detection:** Clarified legal basis for processing of special categories of personal data under certain conditions for providers and deployers of all AI systems to detect and correct bias.
- Clarified interplay with GDPR and Cyber Resilience Act (CRA):** Clarified legal basis for the processing of special categories of personal data; High-risk AI systems that fulfill requirements in the CRA deemed to comply with cybersecurity requirements.
- Shift of AI literacy requirements:** AI literacy obligation is partially shifted from companies to the European Commission and the Member States.
- Added Exemptions for SMCs:** Extension of the exemptions and privileges for SMEs and start-ups to small mid-cap enterprises (SMCs).

Increase in Innovation-friendliness

Complex compliance requirements slow down product development and innovation; controlled testing can facilitate AI innovation and regulatory advancements

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- Possibility of an **EU-level AI sandbox** and strengthening cooperation between Member States (in addition to Member State sandboxes)
- Voluntary real-world testing agreements outside AI regulatory sandboxes** that define the requirements for testing AI products covered by harmonisation legislation listed in Annex I Section A and Section B

AI Office Powers

Consistent implementation of the EU AI Act demands coordinated national efforts and shared technical expertise; the AI office monitors GPAI models and contributes to overall AI governance

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Expansion of AI Office powers:

- Centralises the **supervision of GPAI systems** in cases where the provider of the system and the underlying model is identical
- Intends to address **delays in the designation of the responsible national authorities** (Art. 70 EU AI Act)

Impact on EU AI Act Implementation in Organisations: Scenarios and Implications**

Delayed Timeline/ Timely Guidance	Delayed Timeline/ No Guidance	Original Timeline/ No Guidance
<ul style="list-style-type: none"> Omnibus on AI enters into force before 02/08/2026 and Guidance is available prior High-risk AI obligations take effect 6 months (Art. 6 (2)) or 12 months (Art. 6(1)) after publication of Guidance 	<ul style="list-style-type: none"> Omnibus on AI enters into force before 02/08/2026 and Guidance is not available prior High-risk AI obligations apply from 02/12/2027 (Article 6(2)) and 02/08/2028 (Article 6(1)) 	<ul style="list-style-type: none"> Omnibus on AI does not enter into force and Guidance is not available prior to 02/08/2026 Article 6(2) applies from 02/08/2026, and Article 6(1) from 02/08/2027
<ul style="list-style-type: none"> + Higher legal certainty + More time to comply 	<ul style="list-style-type: none"> - Lower legal certainty + More time to comply 	<ul style="list-style-type: none"> - Lower legal certainty - Less time to comply
<p>Use Guidance in combination with other standards (e.g., ISO) where necessary to achieve comprehensive compliance</p>	<p>Implement other standards (e.g., ISO) during transition phase, monitor and implement Guidance once available</p>	<p>Implement other standards (e.g., ISO) during legal uncertainty, monitor and implement Guidance once available</p>

Why organisations should act now:

- Enhance employee and stakeholder trust
- Safely adhere to EU AI Act requirements
- Improved adoption rates and ability to operationalise and scale AI
- Build and retain investor confidence
- Competitive advantage and differentiation
- Generate customer trust & gain public trust and safety
- Reduce uncertainties and create space for innovation
- Boost employee commitment & attract talents

GO BEYOND EU AI ACT COMPLIANCE AND ACHIEVE A SUSTAINABLE PATH TO AI INNOVATION.

* Guidance can include harmonised standards, common specifications and alternative guidance (Recital 22 Digital Omnibus on AI)
 ** The scenarios and implications described are illustrative only and, like the rest of this publication, do not constitute legal advice. Actual obligations and impacts will depend on each organisation's specific context. Please consult with qualified legal professionals before making decisions based on this document.