

Statement of the Commission on the AI Act implementation work and cooperation with the Member States

Immediately after the formal adoption of the AI Act, the Commission will set up an expert group composed of Member States' authorities. This expert group should advise and assist the Commission in providing guidance on the AI Act to facilitate its consistent and effective application and implementation. In line with Article 82a the version of the AI Act following political agreement between the co-legislators, this expert group should provide advice on the application of the AI Act within the context of product safety-related EU harmonisation legislation listed in Annex II, such as the Medical Device Regulation (MDR), In Vitro Diagnostic Device Regulation (IVDR) and Machinery Regulation (MR). In this context, the expert group should assist in the development of guidance to avoid duplication of procedures and on the application of key concepts and definitions, such as 'safety component' and 'safety function' for the classification of an AI system as high-risk. This expert group should collaborate closely with the relevant sectoral expert groups and bodies. The Commission shall consult other relevant stakeholders where appropriate.

Furthermore, in order to ensure an appropriate balance between the legitimate need to protect trade secrets and confidential business information and, on the other hand, the need to facilitate the ability of parties with legitimate interests, including copyright holders, to exercise and enforce their rights under Union law, the AI Office should provide a template, as provided for in Article 52c(1)(d) of the AI Act. The AI Office should as a consequence provide detailed guidance for the implementation of the obligation under the AI Act for providers of general purpose AI models to draw up and make publicly available a sufficiently detailed summary of the content used for training the general purpose model. In addition, the Commission, in line with the objectives of the AI Act, will support innovation and ensure a flexible and future-proof legal framework. In particular, while updating the relevant parameters for general purpose AI models, the Commission will take into account that the performance of those models is evolving very rapidly.

Finally, as provided for in, respectively, Article 5(4), Article 29(2) and Article 29(6a) of the AI Act (following political agreement between the co-legislators), Member States may introduce more restrictive laws or additional safeguards on the use of real-time and post remote biometric identification systems and emotional recognition and biometric categorisation systems.