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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) 2024/1689, (EU) 2018/1139 and (EU) 2023/1230 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI)
(first reading)

- Adoption of the legislative act
- Statements

Belgium has requested that the following statement be entered in the Council minutes

Belgium welcomes the significant advancements that have been made in the Digital Omnibus on AI as a result of constructive discussions, and reaffirms its commitment to striking a balance between simplification and the protection of fundamental rights – a balance that this compromise text has managed to achieve, and therefore we support it.

We would especially highlight the importance of the amendment banning AI systems capable of generating non-consensual sexually explicit content. This is an important issue that needs to be addressed, in particular in order to provide adequate proactive protection in this area. Our agreement is contingent on this measure, which is fully in line with European values.

In addition, we would like to return to two points which we feel are still problematic.

Firstly, while we understand that the grace period for labelling AI-generated content is due to technical challenges, we regret the postponement of this obligation. In our view, this raises major questions regarding the protection of individuals and transparency in relation to deepfakes, which are issues that cannot be postponed without considerable risk.

Secondly, we welcome the clarifications on bias detection, but regret that the concept of strict necessity has not been further clarified and that the use of alternative solutions, such as synthetic data, has not been further encouraged in order to ensure a balanced and responsible approach.

The Commission has requested that the following statement be entered in the Council minutes

The Commission welcomes the political agreement reached by the European Parliament and the Council on the Digital Omnibus on AI.

At the same time, the Commission is deeply concerned with the choice of the deadlines attached to two important follow-up tasks entrusted to the Commission. The agreed Regulation foresees, among other things, that the Commission should:

1. adopt delegated acts by 2 August 2027 specifying whether and under what conditions certain AI Act requirements may be limited for high-risk AI systems referred to in Article 6(1) AI Act because sectoral legislation already ensures an equivalent or higher level of protection, and
2. develop guidelines by 1 August 2027 on the interplay between high-risk AI requirements and sectoral legislation.

The Commission fully supports the objective of improving complementarity between the AI Act and sectoral product legislation. Avoiding unnecessary duplication is essential for legal certainty, competitiveness and effective implementation. The Commission notes that the agreement reached on the AI Omnibus is coherent with its proposal for a revision of the Medical Devices Regulations (COM(2025)1023) and therefore it does not affect this proposal.

As regards point 1 above, the Commission considers that the value of this new mechanism lies precisely in its ability to address issues of complementarity on an ongoing basis, as new sector-specific rules relevant for AI systems are adopted under the Union harmonisation legislation listed in Annex I AI Act and concrete overlaps arise. The deadline is therefore problematic, as it risks turning this mechanism into a one-time exercise and may limit the Commission's ability to act where new overlaps are identified after the sector-specific assessment has been carried out by the abovementioned date.

Second, in relation to point 2 above, the development of guidelines on the interplay between high-risk AI requirements and sectoral legislation will require careful analysis, and the outcome must be robust, practical and legally clear. Since the entry into application of high-risk requirements to high-risk AI systems referred to in Article 6(1) AI Act has been postponed to 2 August 2028, a deadline for the adoption of the guidelines on the practical application of some of those requirements a full year before that entry into application may jeopardise the development of reliable support tools for industry and authorities.