THE AI ACT

Transition periods

12 Jul '24 Publication in OJEU
1 Aug '24 Enter into force
2 Aug '26 General Applicability

Exceptions

2 Feb '25 Ch. I (introduction) & Ch. II (prohibitions)
2 Aug '25 Ch. III (NB), Ch. V (GPAI), Ch. VII (governance), Art. 78 (confidentiality), Art. 99 – 100 (penalties)
2 Aug '27 Art. 6(1), ANNEX I & obligations

AIS / GPAIM already placed on the market / put into service

- AIS as components of large-scale IT systems (Annex X) & placed on the market / put into service before **2 Aug '27** comply by **31 Dec '30**.
- All other HRAIS placed on the market / put into service before **2 Aug '26** need to comply **once subject to significant changes**.
  - **Exception**: public authority as provider or deployer - comply by **2 Aug '30**.
- GPAIM placed on the market / put into service before **2 Aug '25** need to comply by **2 Aug '27**.

Responsibilities of the Member States
AI Act Governance

AI governance system on the national level

- Rec. 153 / 154 and Art. 70 underline that Member States (MSs) play a key role in enforcing the AI Act, requiring each MS to designate at least 1 notifying authority and 1 market surveillance authority as national competent authorities (NCA).
  - They should act independently, impartially, and without bias, safeguarding the principles of objectivity.
  - MSs have flexibility in appointing public entities (i.e. competition authorities, data protection authorities, or cybersecurity agencies) to fulfill the roles of the NCA.
- Art. 3 covers definitions of the national implementation and enforcement system.
  - **Notifying authority (NA)**: Authority responsible for setting up and carrying out the necessary procedures for the assessment, designation, and notification of conformity assessment bodies and their monitoring.
  - **Market surveillance authority**: NA carrying out the activities and taking measures pursuant to Regulation (EU) 2019/1020.
  - **NCA**: Notifying authority or market surveillance authority.

Establishing AI Governance System	2 Nov '24	2 Feb '25	2 Aug '25	2 Aug '26
Rec. 37, Art. 5(5): Decide to use a real-time remote biometric identification system for law enforcement in public spaces and notify the EC within 30 days if the MSs choose to do so.		*		
Rec. 81, Art. 18(2): Determine when docs remains avail. to national authorities if a provider or its authorised representative (AR) goes bankrupt or ceases activities before specified period.				
Art. 28(1): Designate/establish at least 1 notifying authority responsible for assessing, designating, and monitoring conformity assessment (CA) bodies. It may also be possible to use a national accreditation body for this purpose, as defined in Reg. (EC) No 765/2008.				
Rec. 123 – 125 & Art. 43(1): Ensure that market surveillance authority (MSA) in Art. 74(8), (9) can act as a notified body (NB) for CA in Annex VII when high-risk AI systems (HRAIS) are intended for use by law enforcement, immigration, asylum authorities, or Union institutions.				
Rec. 138, Art. 57(1-3): Ensure that at least 1 AI regulatory sandbox (Reg SB) is established at nat. level to facilitate the development & testing of AIS under reg. oversight before being available or put into service. Possibility to fulfill requirements by joining existing SB/jointly establish with other MSs. Notify the AI Office and the Board of the sandbox establishment.				
Rec. 138, Art. 57(4): Ensure resources for NCA for the Reg SB to comply with Art. 57. Ensure coop. btw authorities supervising SBs & national competent authorities (NCA).				
Rec. 142: Promote R&D for soc & env. outcomes by allocating resources, incl. public funding. Consider projects addressing accessibility, socio-economic ineq., environ. targets.				
Rec. 148, Art. 64(2): Facilitate AI Office's tasks to support the development of Union expertise & capabilities at the Union level and strengthen the functioning of the digital single market.				
Rec. 149, Art. 65(3): Designate 1 rep. to the AI Board for a 3-yr term, renewable once, from pub. entities with the relevant expertise and authority to facilitate national-level coord.				
Rec. 153 / 154, Art. 70(1-5): Establish/designate at least 1 MSA as NCA to oversee AIA impl., ensuring cybersec. Designate single point of contact for the AI Act and notify the EC thereof.				
Rec. 153 / 154 & Art. 70(2): Publish how NCAs & single points of contact can be contacted.			**	
Rec. 131, Art. 71(1): Support the EC in establishing & maintaining the EU database.				
Rec. 158: NCAs responsible for financial services & other NLFs are designated to supervise AIA implementation, including market surveillance activities related to AIS. They can enforce AIA requirements & conduct post-implementation market surveillance activities.				
Rec. 156, Art. 74(8): Designate MSA as data protection supervisory authorities or authority design. under the same cond.(Arts 41 - 44 Dir. (EU) 2016/680) HRAIS of p. 1, 6, 7, 8 Annex III.				
Rec. 156, Art. 74(10): Facilitate coord. btw. MSA and other relevant NA or bodies that supervise application of UHL (Annex I) or in Union law relevant for the HRAIS of Annex III.				
Rec. 157, Art. 77(2): Identify public authorities or bodies upervising/enforcing obligations under law that protect FR & publish them . Notify EC and MSs and keep the list up to date.	**			
Rec. 170, Art. 85: Create mechanism so that any natural or legal person with grounds to consider that there has been an infringement is entitled to complain to the relevant MSA.				
Rec. 168 / 179, Art. 99, 113: Lay down rules on penalties & enforcement measures, incl. warnings & non-monetary measures appl. to infringements by operators. Notify EC.			**	

* Depending on the national decision
**To be completed by the day

Responsibilities of the Member States
AI Act National Law & Secondary Legislation

Delegated acts*	2 Aug '25	2 Aug '26
Rec. 23, Art. 2(11): Maintain or introduce laws, regulations or administrative provisions which are more favourable to workers in terms of protecting their rights in respect of the use of AIS by employers or encouraging or allowing the application of collective agreements.	*	*
Rec. 20, Art. 4: Facilitate, in cooperation with the relevant stakeholders & the EC, the development of voluntary codes of conduct to advance AI literacy among those involved in the development, operation, & use of AI.		
Rec. 96, Art. 27(10): Intro. more restrictive laws on using post-remote biometric ident. systems under Union law.	*	*
Rec. 116, Art. 56(3): Coop. with AI Office when it encourages & facilitates drawing up, review, adaptation of CoP.		
Rec. 165, Art. 95: Encourage and facilitate, together with the EC, the drawing up of CoC, incl. governance mechanisms, to foster the voluntary application of AIS other than HRAIS of some or all the req. set out in Ch. III, Sec. 2, cons. available tech solutions & industry best practices allowing for the application of such requirements.		
Art. 96(2): Request the European Commission to update its previously adopted guidelines.	*	*
Rec. 173, Art. 97(4): Consult with the European Commission before it adopts delegated acts.	**	**

- When deemed necessary

** Only if the Commission decides it's necessary

Responsibilities of the Member States
AI Act Enforcement activities (1/2)

Enforcement activities	2 Aug '25	2 Aug '26
Rec. 36, Art. 5(4): Receive & register notification about using a 'real-time' remote biometric identification system in publicly accessible spaces for law enforcement purposes nationally.	■	
Rec. 53, Art. 6(3-8): Request & receive docs & ass. by provider considering their AIS isn't HR bc Art. 6(3).		■
Rec. 81, Art. 20(2): Receive & register a notification by provider that becomes aware that the HRAIS presents a risk as Art. 79(1).		■
Rec. 82, Art. 22: Request & register a copy of the mandate by AR. Receive notifications by AR that mandate was terminated as they believe that the provider acted contrary to its obligations under AIA.		■
Rec. 83, Art. 23: Receive notifications by importer, who consider that an HRAIS is not in conform with AIA, falsified, or is accompanied by falsified docs, where the HRAIS presents a risk as Art. 79(1).		■
Rec. 91 – 95, Art. 26(5): Receive & register notif. by deployer where there is reason to consider that using the HRAIS results in AIS presenting risk as in Art. 79 (1) or where deployer identified serious incident.		■
Rec. 91 – 95, Art. 26(10): Request & register a notification from the deployer in the relevant police file about using an HRAIS for post-remote biometric identification.		■
Rec. 96, Art. 27(3): Receive & register notifications from deployers regarding their FR IA.		■
Rec. 126, Art. 29–31: Receive and assess applications for notification from CA bodies meeting Art. 31. Provide necessary docs & inform EC & MSs using electronic notification tool if a decision to notify CA body has been made. Other MSs may object to notification procedure as per Art. 30(4/5).	■	
R**ec. 126, Art. 33(4)**: Receive and assess the relevant documents concerning the assessment of the subcontractor or subsidiary's qualifications and the work carried out by them under AIA.	■	
Rec. 126, Art. 34(3): Receive & assess relevant doc., incl. providers' docs, to allow assessment, designation, notification, & monitoring activities to facilitate the assessment outlined in Art 29-39.	■	
Rec. 126, Art. 36: Changes to NB notification must be communicated to EC & MSs using the electronic notification tool. If NB ceases its activity or fails to meet requirements, its designation may be restricted, suspended, or withdrawn based on the severity of the issue. Impact on issued certificates must be assessed and documented, and EC and MSs must be notified, with the suspension of certificates.	■	
Rec. 126, Art. 37: Provide EC, with info on notification or maintenance of competence of the NB. Receive & assess EC's findings on NB that does not meet the notification requirements. Take necessary corrective measures, incl. suspending or withdrawing the notification.	■	
Rec. 126, Art. 38: Ensure that the bodies notified participate in the work of the group referred to in Art. 38(1), directly or through designated representatives.	■	
Rec. 121, Art. 41(6): If it was assessed that the common specification does not meet the requirements of sections 2 & 3 of the HR chapter, inform EC with a detailed explanation.		■
Art. 45(1): Request & assess the information notified bodies provide based on Art. 45(1).		■
Rec. 130, Art. 46: AISs can be authorized for market placement or service without a CA if there are exceptional reasons. EC & MSs to be informed of authorization granted. EC can withdraw authorization.		■
Art. 47(1): Receive & register the copy of the EU declaration of conformity submitted by providers.		■
Rec. 101, Art. 53(1a): Request the technical documentation from the provider of a GPAI model.	■	
Rec. 115, Art. 55(1c): Receive notification from provider of a systemic GPAIM if their development or use causes a serious incident, including information on the incident & possible corrective measures.	■	
Rec. 137/138, Art. 57(6): Provide guidance, supervision, support to identify risks related to FR, health, safety, testing, mitigation measures. Guidance outlines reg. expectations for meeting AIA requirements.		■
Rec. 137 / 138, Art. 57(7): Provide provider with written proof of completed activities in the SB. Submit exit reports detailing the activities, results, and learning outcomes. With explicit agreement from both parties, the exit report may be published as in Art. 57.		■
Rec. 137 / 138, Art. 57(10): Ensure relevant Nat. CA are involved in the supervision of innovative AI systems processing personal data or falling under their remit, as per their tasks and powers.		■
Rec. 137 / 138, Art. 57(11): React to significant risks in AIS development and testing by requesting mitigation. Inform AI Office & exercise supervisory powers to support AI innovation in the Union.		■
Rec. 137 / 138, Art. 57(14): Coordinate activities & cooperate with MSs within the board's framework.		■
Rec. 139, Art. 58(4): Agreement on T&C, incl. participant safeguards, for real-world testing. It should be authorized under supervised conditions within the framework of Reg SB, coop. NCA.		■
Rec. 140, Art. 59: Assess the safeguards cooperating with prospective providers in the AI Reg SB that want to use personal data, incl. by issuing guidance & monitoring the mitigation of any significant risks to safety, health, & FR that may arise during the development, testing, & experimentation in that SB.		■
Rec. 141, Art. 60(4): Providers & prospective providers must provide real-world testing plans before conducting activities. If approved, testing can be extended for up to 6 mo, with prior notification.		■
Rec. 141, Art. 60(6): Conduct unannounced remote or on-site inspections to ensure safe testing in real-world conditions. Utilize these powers to oversee the testing process effectively.		■
Rec. 141, Art. 60(7/8): Receive notifications about serious incidents identified during testing in real-world conditions and assess notifications about the suspension or termination of testing outcomes.		■
Rec. 143, Art. 62(1a): SMEs & start-ups with a registered office or branch in EU have priority access to Reg SBs if they meet eligibility & selection criteria. Other providers can access SB under same conditions.		■
Rec. 143, Art. 62(1b/c): Organize awareness-raising & training on AIA tailored to needs of SMEs, start-ups. Utilize channels for communicating with SMEs, start-ups, & public authorities, ensure guidance.		■
Rec. 143, Art. 62(1d): Facilitate participation of SMEs & stakeholders in the standardisation development.		■
Rec. 149, Art. 66(o): Send opinions to AI Board on qualified alerts regarding GPAIM, national experiences, and practices regarding monitoring & enforcement of AISs, systems integrating GPAIM.	■	
Rec. 151, Art. 68 / 69: Request support from experts const. scientific panel for enforcement activities.	■	

Responsibilities of the Member States
AI Act Enforcement activities (2/2)

Enforcement activities	2 Aug '25	2 Aug '26
Rec. 153 / 54, Art. 70(5): Act under the confidentiality obligations in Art. 78, when performing its tasks.		
Rec. 153 / 154, Art. 70(8): Provide guidance and advice on implementing AI, esp. for SMEs & start-ups. Ensure to consult relevant authorities when offering guidance on AIS reg. in other Union laws.		
Rec. 155, Art. 73: HRAIS providers must promptly report serious incidents to national authorities and notify the EC immediately about any serious incident by Regulation (EU) 2019/1020.		
Rec. 156 / 160, Art. 74(11-14): Propose joint activities with MSA or EC to promote compliance and identify non-compliance with HRAISs. Request access to HRAIS documentation, training, and source code for conformity assessment, handling all obtained information confidentially by regulations.		
Rec. 161, Art. 75(2/3): Provide guidance and advice on implementing AIA. Ensure that relevant authorities are consulted when offering guidance on AIS reg. in other Union laws. AIS providers must report serious incidents to NA and notify the EC immediately about any serious incidents by Regulation (EU) 2019/1020.		
Art. 76: Ensure testing in real-world conditions to follow AIA. It allows for deviation from the conditions set out in Art. 60(4) (f &g) and mandates suspension or termination of testing or requiring modifications in case of a serious incident or non-compliance with testing conditions. Grounds for decisions or rejections should be communicated. AIS testing plan should be communicated to the MSA of other MSs.		
Rec. 157, Art. 77: Ensure accessible documentation under AIA is available upon request for fulfilling obligations within the relevant jurisdiction. Notify MSA of any requests. If documentation can't determine violations of Union laws protecting fundamental rights, organise HRAIS testing with technical means involving the requesting public authority within a reasonable time.		
Rec. 167, Art. 78(3): Confidential information should be exchanged with regulatory authorities of 3rd countries as per bilateral or multilateral confidentiality arrangements, ensuring adequate level of confidentiality. MSAs should have immediate access to documentation (Art. 74(8 & 9)).		
Article 79: When concerns arise about the risk by AIS, it must be evaluated for compliance. Attention to be given to AIS with risks to vulnerable groups. Corrective actions to be taken if non-compliance is found, relevant authorities to be informed. Actions & decisions to be communicated to EC & MSs.		
Rec. 158: Report any relevant information found during market surveillance activities to the European Central Bank as soon as possible.		
Rec. 159: The supervisory authority to have the power to access personal data & information rel. to biometric systems in law enforcement, migration, asylum, border control, justice administration. Access to be independent, any limits on sensitive data access should not affect authority's powers. Authority to disclose data to DPAs without impacting current or future powers beyond the scope of this Regulation.		
Art. 80: Evaluation of AIS to determine high-risk class.. Providers ensure compliance with AIA req., impl. actions if misclassified. Non-compliance results in fines. MSA to use EU database to monitor compliance.		
Art. 81(1/2): If an objection is received within 3 months of receiving the notification in Art. 79(5) or within 30 days in the case of non-compliance with the prohibition of the AI practices mentioned in Art. 5 by MSA, restrictive measures must be taken, incl. requiring AIS removal from market, & informing EC. If EC deems the measure taken by MS to be justified, then the objection is considered not justified.		
Art. 81(1/2): Consult with the EC after receiving an objection from other MSs. Withdraw the measure and inform the EC accordingly if the EC considers the national measure unjustified.		
Art. 82: Require operator to take measures to ensure that the AIS concerned, when placed on the market or put into service, no longer presents that risk without undue delay, where, having evaluated Art. 79, after consulting the public authority (Art. 77(1)), it is being found that although an HRAIS complies with AIA, it nevertheless presents a risk to the health or safety of persons, to FR, or other aspects of public interest protection. Inform EC and MSs of a finding (Art. 82(1)). Information to include data necessary for AIS identification, origin, AIS supply chain, nature of the risk, nature & duration of nat. measures taken.		
Art. 83: Require relevant provider to end the non-compliance concerned if it is assessed that (a) CE marking has been affixed in violation of Art. 48; (b) CE marking has not been affixed; (c) EU DoC of Art. 47 has not been drawn up; (d) EU DoC of conformity has not been drawn up correctly; (e) registration in EU database (Art. 71) has not been carried out; (f) where applicable, no AR has been appointed; (g) technical documentation is unavailable. Take appropriate measures to restrict or prohibit the HRAIS being made available on the market or to ensure that it is recalled or withdrawn from the market without delay where the non-compliance referred to in Art. 83(1) persists.		
Art. 84: Request support via Union AI testing support structures, providing ind. tech or scientific advice.		
Art. 85: Receive complaints from any natural or legal person who has grounds to consider that there has been an infringement of the provisions of AIA. Complaints should also be systematically considered when conducting MSA and handled per the established procedures.		
Rec. 162, Art. 88: Request from the AI Office to exercise the powers of enforcing against providers of GPAI models where necessary proportionate to assist with fulfilling their tasks under AIA.		
Rec. 168, Art. 99 / 100: Take all measures necessary to ensure that the fines are properly and effectively implemented, thereby considering the guidelines issued by the EC under Art. 96.		

Responsibilities of the Member States

AI Act Ex-post evaluation

Ex-post evaluation	2 Aug '25	2 Feb '26	2 Aug '26	2 Aug '27	2 Aug '28	2 Aug '29	2 Aug '30
Rec. 36, Art. 5(4/6): Submit annual report on using real-time biometric identification systems to EC.		*					
Rec. 91 – 95, Art. 26(10): Receive & assess the annual reports from deployers on their use of post-remote biometric identification systems, excl. disclosure of sensitive operational data related to law enforcement.							
Rec. 138, Art. 57(16): Submit annual reports to the AI Office & AI Board, incl. a final report. Reports to incl. progress results of the implementation of reg. SB, best practices, incidents, lessons learnt, recommendations on their setup, where relevant, on the application, and possible revision AIA, incl. its delegated, implementing acts, the application of other Union law supervised by the NCA within the SB. Publish reports or abstracts.				**			
Rec. 153 / 154, Art. 70(3): Assess / update NCA's competencies and resource requirements referred to in Art. 70(3) on an annual basis.	x		***				
Rec. 153 / 154, Art. 70(6): Report to EC on the national competent authorities' financial and human resources status, assessing their adequacy.							
Rec. 156, Art. 74(2): Report annually to the EC and relevant nat. comp. auth. info identified during market surveillance activities that may be of potential interest for applying Union law on competition rules. The EC to be informed about use of prohibited practices during that year and the measures taken.				****			
Rec. 168, Art. 99(11): Report to EC about admin. fines issued during the year under Art. 99, about any related litigation or judicial proceedings.							
Rec. 168, Art. 99(11): Receive & assess from MSs annually the reports on admin fines issued during year & any related litigation or judicial proceedings.			***				
Rec. 174, Art. 112(8): Provide EC with information upon request, without undue delay, for the evaluation tasks in Art. 11*****							

* First annual report by Member States should be published on 2 Feb '26.
** First report has to be finalized on 2 Aug '27 and every year thereafter until the regulatory sandbox is terminated.
*** First annual assessment by Member States should be done by 2 Aug '26.
**** First report has to be finalized on 02 August 2027 and every year thereafter.
***** Only if requested by the EC.