

ANEC Reply to Call for evidence Digital Omnibus (Digital Package on Simplification)

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ANEC contributes to this call for evidence focusing on the possible postponement of the applicability of the AI Act in case the Harmonised Standards for high-risk AI systems would not be ready on time.

Postponing the applicability of the AI Act because the development of harmonized standards is delayed or for any other reason, would undermine both the purpose and credibility of the regulation. The Act was designed to promote innovation and most critically to address urgent risks to safety, fundamental rights, and trust in artificial intelligence. These risks exist today, not at some distant point in the future.

Harmonised Standards are important tools for operationalising compliance, but they are not a precondition for legal obligations as they are voluntary tools. The Act sets out clear principles, risk categories, and obligations that providers and users of AI can already act upon. Companies are accustomed to operating in regulated environments where standards evolve over time; they should not need to wait for prescriptive checklists before taking responsibility.

Delaying enforcement would undermine the credibility of the EU as a global leader in AI governance by signalling that regulatory ambitions can be stalled by technical and standardisation processes. As ANEC, we participate directly in AI standardisation and for the last two years we have voiced our concerns about the real reasons behind the standardisation delays. In addition to the technical complexity of the matter, we witness a lack of understanding and awareness as well as obfuscation about what and how standards have to be drafted, coupled to an inefficient management system.

The urgency of safeguarding consumers' rights and ensuring trustworthy AI far outweighs any inconvenience of working without Harmonised Standards. The AI Act's timelines should be respected. Standards will come - and when they do, they will provide clarity and consistency - but they should complement, not postpone, the enforcement of core obligations.

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