



Federal Ministry
for Economic Affairs
and Energy

Status Update: Germany's national implementation of the EU AI Act

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EU AI Act

1. Legislative Rationale
2. Regulatory Approach
3. General Purpose AI Models
4. Entry into force and transition periods
5. Implementation
 - At national level
 - At European level
6. Standardisation

1. The legislative rationale

- **Product Regulation** to ensure the **functioning of the internal market** by establishing conditions for **trustworthy AI**.
- **Four main objectives:**
 1. Ensuring that AI systems in the EU market are **safe** and **respect the fundamental rights and values of the EU**
 2. Legal certainty to **promote investment and innovation** in AI
 3. Improving **governance and effective enforcement** of fundamental rights and safety requirements for AI systems
 4. Developing an **internal market** for lawful, safe, and trustworthy AI systems and **preventing market fragmentation**

2. Regulatory Approach

A **horizontal, cross-sectoral** and **risk-based** approach providing for 4 levels of risks:

1. **Prohibition** of AI systems with **unacceptable risks** (e.g., social scoring)
2. **Strict requirements** for AI systems posing **high risks** to health, safety, or fundamental rights of natural persons
3. **Transparency obligations** for certain AI applications with **limited risks** (e.g., labeling chatbots)
4. **No need for regulation** of AI systems with **minimal or no risks** (e.g., voluntary codes of conduct).

How does it all work in practice for providers of high-risk AI systems? – pre-market



Once an AI system is on the market...

- **Market surveillance** by competent (national) authorities
- Deployers ensure human oversight and monitoring
- Providers have a **post-market monitoring system** in place
- Providers and deployers will also **report serious incidents and malfunctioning**

3. General Purpose AI Models

Two-tier approach:

1. **Providers of GPAI models**

- Limited obligations (especially transparency obligations, such as technical documentation, copyright transparency obligation and policy)

2. **Providers of GPAI models with systemic risks**

- Additional obligations, such as conducting an attack test to identify and mitigate system risks

In both cases, providers can rely on **Codes of Practice** until harmonised standards are published.

4. Entry into force and transition periods

Entry into force

→ August 1, 2024

- **Transition period** for applicability in general: 24 months after entry into force (in particular: requirements for high-risk AI systems **Annex III**)
→ August 2, 2026
- **Prohibitions**: 6 months
→ February 2, 2025
- **National Governance, Sanctions framework, Obligations for gpai models**: 12 months
→ August 2, 2025
- Requirements for high-risk AI systems **Annex I**: 36 months
→ August 2, 2027

5. Implementation

At European level

- Subgroups of AI Board
- Guidelines, delegated and implementing acts
- Code of Practice

At national level

- Designation of the national AI Governance
- Sanctions
- Establishment of at least one AI regulatory sandbox
- Database for AI systems in the critical infrastructure sector
- Legislation in the field of biometrics (if applicable)

5. Implementation at European level (I)

AI Office/EC

Development of large number of guidelines, implementing and delegated acts

Guidelines (already published):

- Definition of an AI system
- Prohibitions

Further Guidelines in development, e.g.

- High-risk-AI
- GPAI
- Relationship with Union harm. legislation listed in Annex I, as well as other relevant Union law

5. Implementation at European level (II)

AI Board/MS

- Participation and support of EC processes
- Support of sub-working groups on specific provisions/issues of AI Act
- **Actually: 10 ongoing sub-working groups**, i.a. GPAI, Annex III High-risk AI, Interplay MDR/IVDR, Interplay other Union legislation, AI Regulatory Sandboxes, Innovation ecosystem, Prohibitions, Standards, Law Enforcement and Security, Financial Services
- **Further sub-working groups announced**, i.e. market surveillance authorities, notifying authorities

5. National Governance – Existing Structures

Existing administration
re fully harmonized
products

Other
supervisory
authorities

Sectors without
supervisory authorities

Further
expertise

Market surveillance
authorities, notifying
authorities, conformity
assessment bodies

e.g. BaFin

Annex III

- Biometrics
- Critical infrastructure
- AI in the workplace and in educational institutions
- Essential private and public services and benefits
- Law enforcement
- Migration, asylum and border control management
- Justice and democratic processes

e.g. BSI, BfDI,
BKartA

Annex I, e.g.

- medical devices
- machinery
- toys

5. National Governance – Concept I

Integration of existing structures

Governance of EU product regulation
for fully harmonized products



Other supervisory authorities
such as BaFin

Annex I AI Act: i. e. machinery and medical devices

Market
surveillance
authorities
(incl. AI Act)

Notifying
authorities
(incl. AI
Act)

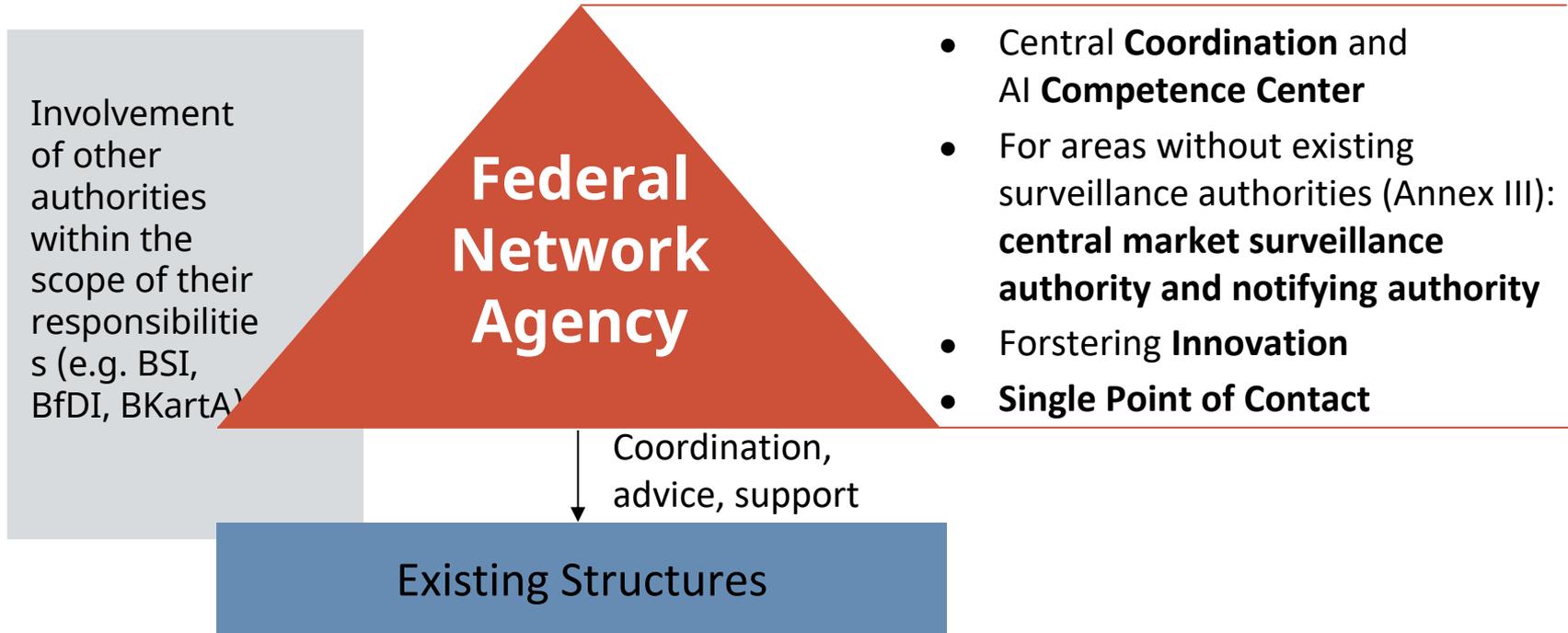
Conformity
assessment
bodies
(such as DEKRA /
TÜV)

Federal and regional authorities

Challenges

- Ressources: AI know-how/ experts
- uniform interpretation of AI Act

5. National Governance – Concept II



5. National Governance – Timeline



5. National Governance – Timeline

1. Aug. 2024

2. Aug. 2025

2. Aug. 2026

2. Aug. 2027

Inkrafttreten
KI-VO

National AI Governance Bill

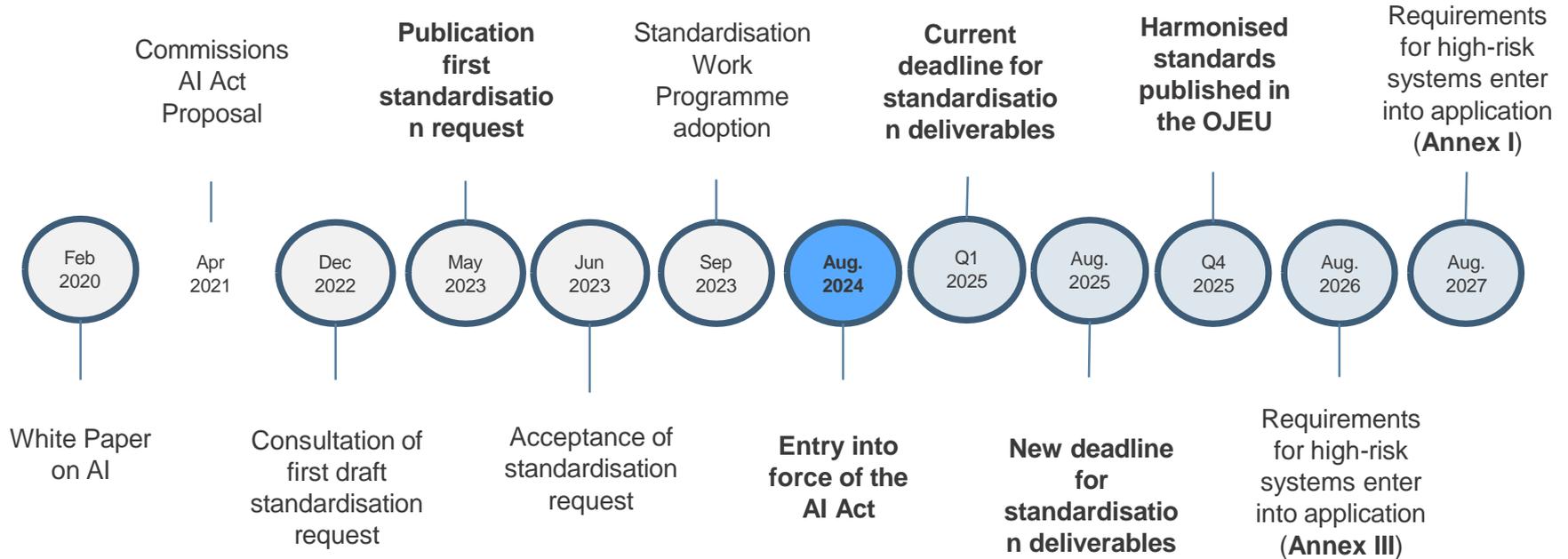


Deadline AI governance = 12 months

Applicability of the AI Act in general = 24 months

High-risk obligations (Annex I, incl. third-party conformity assessment) = 36 months

6. Standardisation – Timeline



Source: AI Office

-> Other standardisation requests may be published in the future



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Thank you!

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