

The EU AI Act after the Digital Omnibus

Changes for AI providers and deployers

★ Delayed compliance deadlines for high-risk AI systems

Delay introduced to accommodate the creation of technical standards

Original AI Act
2 Aug. 2026



After the Digital Omnibus on AI

2 Dec. 2027: For stand-alone, high-risk AI systems referred to in Article 6(2) under Annex III
2 Aug. 2028: For high-risk AI systems embedded in regulated products under Annex I



★ Delayed compliance deadline for watermarking AI-generated content

Generative AI systems on the market before 2 Aug. 2026 are to be watermarked in a machine-readable way by 2 Dec. 2026.

Original AI Act
2 Aug. 2026



After the Digital Omnibus on AI

2 Dec. 2026: Providers of AI systems that generate synthetic content must comply with Article 50(2) transparency requirements.



★ Extended legal basis for processing of sensitive personal data

Extends the legal basis for the processing of sensitive data for purposes of bias detection and mitigation to more deployers

Original AI Act
Legal basis is only applicable to providers of high-risk AI.



After the Digital Omnibus on AI

Legal basis extends to deployers of high-risk AI systems and providers/deployers of other AI systems and models.



★ New category of prohibited AI practices

AI systems that generate or manipulate non consensual intimate images, videos, audio and similar material and child sexual abuse material are banned.

Original AI Act
There is no such provision.



After the Digital Omnibus on AI

2 Dec. 2026: Ban takes effect on AI systems that generate non consensual sexual and intimate content or CSAM.



★ Softer AI literacy requirements

Providers and deployers of AI systems are no longer required to guarantee any specific level of AI literacy amongst their staff.

Original AI Act
Must ensure "a sufficient level of AI literacy"



After the Digital Omnibus on AI

Must "take measures to support the development of AI literacy"



★ Proportionality and relief for SMEs

Small "mid-cap" companies with fewer than 1,000 employees benefit from proportional, capped enforcement penalties, simplified technical documentation requirements and priority access to AI regulatory sandboxes.

Original AI Act
SMEs benefit from proportional, capped enforcement penalties and simplified requirements.



After the Digital Omnibus on AI

SMEs and SMEs benefit from proportional, capped enforcement penalties and simplified requirements.



★ No 'double burden' of EU product safety rules and AI Act

High-risk AI system requirements no longer directly apply to AI-enabled machinery regulated by the Machinery Regulation.

Original AI Act
All high-risk AI system requirements applied to AI systems that were regulated by the EU Machinery Regulation.



After the Digital Omnibus on AI

Only the limited provisions referred to in AI Act Article 2(2) apply to AI-enabled machinery.



★ FRIAs to utilize DPIAs

Article 27 fundamental rights impact assessments may leverage data protection impact assessments conducted under the GDPR or Law Enforcement Directive.

Original AI Act
FRIAs could merely "complement" DPIAs.



After the Digital Omnibus on AI

FRIAs may now "include cross references to ... or include" the relevant sections of a DPIA conducted under the GDPR or LED.



Changes for regulators

★ Expanded scope of oversight by the AI Office

The AI Office has "exclusive competence" over AI systems built on general-purpose AI models as well as AI systems regulated under the Digital Services Act.

Original AI Act
The European AI Office and national regulators shared competence.



After the Digital Omnibus on AI

The European AI Office has exclusive competence.



★ Extended deadline for establishing AI regulatory sandboxes

The deadline for member states to ensure that their competent authorities establish at least one AI regulatory sandbox at the national level is extended by one year.

Original AI Act
2 Aug. 2026



After the Digital Omnibus on AI

2 Aug. 2027



★ Support for AI literacy

The Commission, member states and AI Board must jointly support the efforts of providers and deployers to develop their staff's AI literacy.

Original AI Act
There is no such provision.



After the Digital Omnibus on AI

The Commission is required to publish practical examples, and the AI Board is required to adopt recommendations to promote AI literacy.

