



UNIVERSITÄT  
DES  
SAARLANDES

INSTITUT FÜR  
RECHTSINFORMATIK

# Draft „Digital Omnibus on AI“ *Phieler*

April 28, 2026 – CARAT Project

# Prof. Dr. Georg Borges



- Chair of Civil Law, Legal Informatics, German and International Business Law and Legal Theory, Saarland University
- Director of the Institute of Legal Informatics, Saarland University
- Judge, Higher Regional Court of Hamm (2012–2015)
- Member of the Hörst-Görtz Institute for IT Security (HGI) (2005–2015)
- Member of the Board, EDV-Gerichtstag e.V. [German Association for eJustice]
- Member of the Board, Stiftung Datenschutz [Data Protection Foundation]
- Member, EU Commission Expert Group on “Liability and new technologies, New technologies formation” (2018–2020)
- Member, EU Commission “Expert Group on B2B Data Sharing” (2022–2025)
- Distinguished Visiting Professor, University of Johannesburg (since 2023)
- Visiting Professor, Keio University, Tokyo (since 2024)



## Lino Phieler, Ass. iur.

- Research associate there since 2025
- lately joined the CARAT project
- interested in computers
- interested in legal issues related to artificial intelligence



# Agenda

## I. Introduction

## II. Selection of key proposed changes

1. The postponement of the application of the rules on high-risk AI systems
2. The registration requirements for non-high-risk AI systems
3. The conceptual shift regarding AI literacy

## III. Conclusion





# I. Introduction

# I. Introduction

- Commission's proposal: November 19, 2025
- Council's position: March 13, 2026
- Parliament's position: March 26, 2026



Brussels, 19.11.2025  
COM(2025) 836 final

2025/0359 (COD)

Proposal for a

## REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EU) 2024/1689 and (EU) 2018/1139 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI)

{SWD(2025) 836 final}

(Text with EEA relevance)



Brussels, 13 March 2026  
(OR. en)

7322/26

Interinstitutional File:  
2025/0359 (COD)

SIMPL 34  
ANTICI 39  
DATAPROTECT 89  
CYBER 118  
TELECOM 123  
CODEC 452

### OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council  
To: Delegations  
Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) 2024/1689 and (EU) 2018/1139 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI) - Mandate for negotiations with the European Parliament

Delegations will find in the [Annex](#) the text of the mandate for negotiations with the European Parliament on the above-mentioned file as agreed by the Committee of Permanent Representatives at its meeting on 13 March 2026.

Changes compared to the Commission proposal are marked in **bold** and deletions in ~~strikethrough~~.

## European Parliament

2024-2029



### TEXTS ADOPTED

P10\_TA(2026)0098

### Simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI)

Amendments adopted by the European Parliament on 26 March 2026 on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) 2024/1689 and (EU) 2018/1139 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI) (COM(2025)0836 – C10-0304/2025 – 2025/0359(COD))<sup>1</sup>

(Ordinary legislative procedure: first reading)

## II. Selection of key proposed amendments

### 1. Postponement of the application of rules on high-risk AI systems

- Art. 113 AI Act: Applicability of the rules on high-risk AI systems
  - pursuant to Art. 6(1) in conjunction with Annex I of the AI Act (product-related AI systems): as of **August 2, 2027**
  - pursuant to Art. 6(2) and (3) in conjunction with Annex III of the AI Act (AI systems posing risks to fundamental rights): as of **August 2, 2026**

	Commission	Council	Parliament
Art. 6(1) (Products)	<ul style="list-style-type: none"><li>- as of <b>August 2, 2028</b>, <u>or</u></li><li>- 12 months after the Commission's decision</li></ul>	<ul style="list-style-type: none"><li>- as of <b>August 2, 2028</b></li><li>- no earlier start</li></ul>	<ul style="list-style-type: none"><li>- as of <b>August 2, 2028</b></li><li>- no earlier start</li></ul>
Art. 6(2)(3) (Rights of personality)	<ul style="list-style-type: none"><li>- as of <b>December 2, 2027</b>, <u>or</u></li><li>- 6 months after the Commission's decision</li></ul>	<ul style="list-style-type: none"><li>- as of <b>December 2, 2027</b></li><li>- no earlier start</li></ul>	<ul style="list-style-type: none"><li>- as of <b>December 2, 2027</b></li><li>- no earlier start</li></ul>

# II. Selection of key proposed amendments

## 2. Registration requirements for non-high-risk AI systems

- Art. 49(1) in conjunction with Annex VIII: High-risk AI systems within the meaning of Art. 6(2) in conjunction with Annex III
- Art. 49(2) in conjunction with Annex VIII: “Non-high-risk AI systems” within the meaning of Art. 6(3) in conjunction with Annex III

Commission	Council	Parliament
No registration requirement for non-high-risk AI systems	Registration requirement for non-high-risk AI systems	Registration requirement for non-high-risk AI systems
<ul style="list-style-type: none"><li>➤ Elimination of the registration requirement</li><li>➤ In particular, no obligation to provide information for „Art. 6(3)“ AI systems</li></ul>	<ul style="list-style-type: none"><li>➤ Simplified procedure (Provision of less information)</li><li>➤ In particular, no obligation to justify why there is no high risk</li></ul>	<ul style="list-style-type: none"><li>➤ Simplified procedure (Provision of less information)</li><li>➤ In particular, no obligation to justify why there is no high risk</li></ul>

## II. Selection of key proposed amendments

### 3. Conceptual shift regarding AI literacy

- Art. 4 AI Act: Obligation of providers and deployers of AI systems to ensure that its staff has "AI literacy" ("**shall take measures to ensure**")

Commission	Council	Parliament
<ul style="list-style-type: none"><li>- No longer a genuine obligation for providers/deployers</li><li>- The Commission and the Member States „<b>shall encourage providers and deployers</b>“ to take measures</li></ul>	<ul style="list-style-type: none"><li>- No longer a genuine general AI literacy obligation for providers/deployers (<b>equally</b>)</li><li>- Obligation for providers/deployers of high-risk AI systems to provide training in accordance with Art. 17(1) point (m) and Art. 26(2)</li></ul>	<ul style="list-style-type: none"><li>- Providers/deployers „<b>shall take measures to support the improvement</b>“ of their staff's AI literacy</li><li>- Commission guidelines on practical implementation</li><li>- Promotion of AI literacy in society and among the general public by the Commission and Member States</li></ul>
➤ Elimination of the obligation	➤ Elimination of the obligation	➤ Relaxation of the obligation

## IV. Conclusion

### 1. The postponement of the application of rules on high-risk AI systems

- Political consensus to postpone
- Current timeline not feasible
- Postponement urgently needed



### 2. The registration requirements for non-high-risk AI systems

- Use of many AI systems in the areas covered by Annex III
- Use often poses no risk to fundamental rights
- Heavy bureaucratic burden due to the requirement to provide justification



### 3. The conceptual shift regarding AI literacy

- Should there be a genuine obligation?
- Correct addressees of the current obligation?
- Benefits of a watered-down obligation?





# Thank you very much for your attention!



**Prof. Dr. Georg Borges**

georg.borges@uni-saarland.de | [www.rechtsinformatik.saarland](http://www.rechtsinformatik.saarland)

**Ass. iur. Lino Phieler**

lino.phieler@uni-saarland.de



## Further reading:

***Borges, G.: Toward Better AI Legislation via the Omnibus? – On the Reform of AI Regulation in the so-called “Digital Omnibus” Package, CR 2026, 131 ff.***



**Autor:** Georg Borges  
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**Die vollständige Zitierweise ist:** CR 2026, 131 ff. (Borges, iur. Inform., Anzeiger für Rechtswissenschaften)

**Georg Borges**  
 Die Arbeit gibt einen Überblick über die Rechtslage zum 1.1.2026 und die zentralen Regelungsgegenstände der Art. 17 Abs. 1 und 2 des Gesetzes zur Neuordnung des Urheberrechts vom 1.1.2026.  
 1. Einleitung und Fragestellung  
 2. Die Neuordnung des Urheberrechts  
 3. Die Neuordnung des Urheberrechts  
 4. Die Neuordnung des Urheberrechts  
 5. Die Neuordnung des Urheberrechts  
 6. Die Neuordnung des Urheberrechts  
 7. Die Neuordnung des Urheberrechts  
 8. Die Neuordnung des Urheberrechts  
 9. Die Neuordnung des Urheberrechts  
 10. Die Neuordnung des Urheberrechts