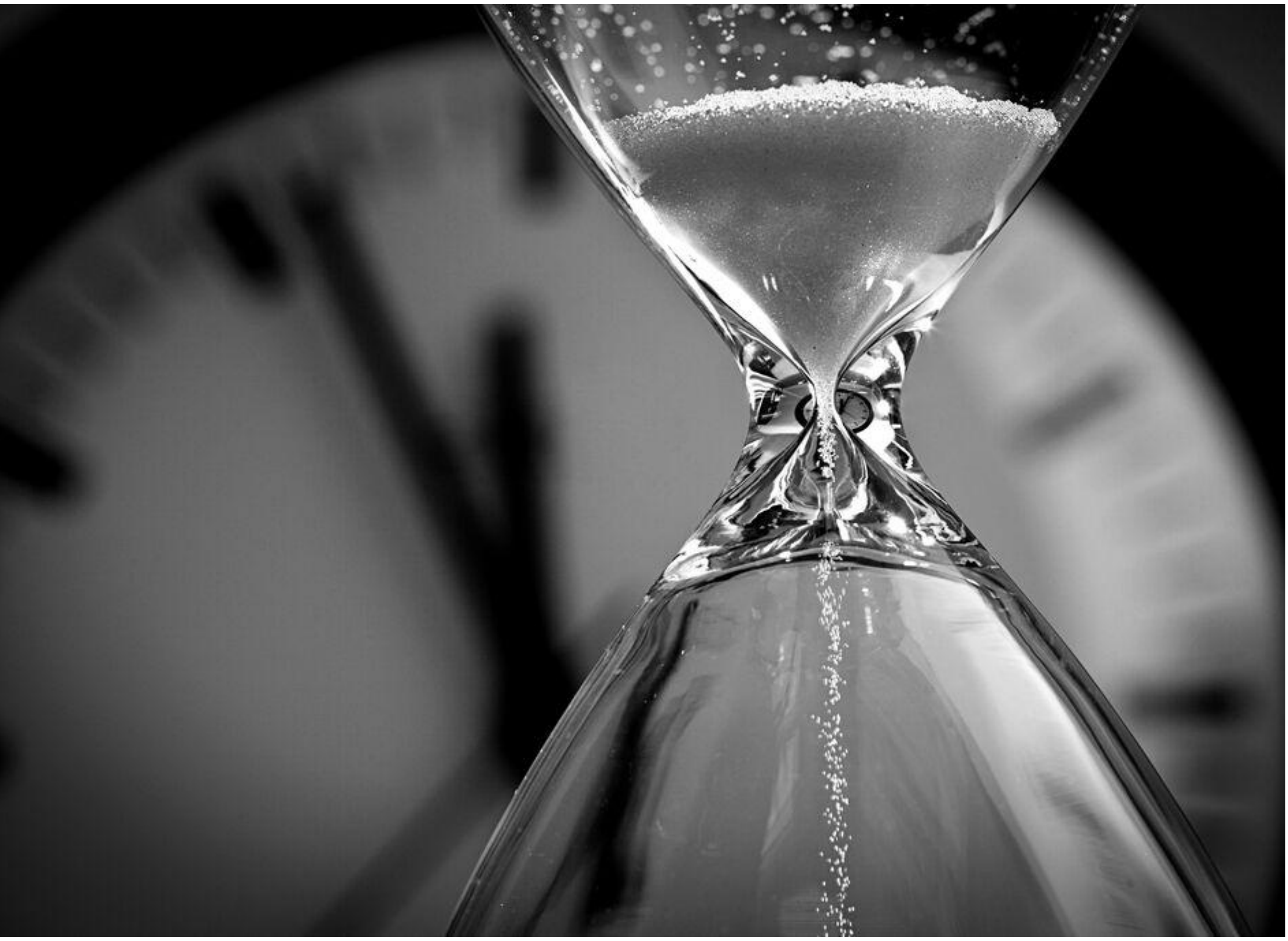
A&O SHEARMAN

EU Digital Omnibus on AI: *The wait is over but the compliance clock is running*

JULY 2026



Contents

Regulation (EU) 2026/1744 of July 8, 2026 amending Regulations (EU) 2024/1689, (EU) 2018/1139 and (EU) 2023/1230 as regards the simplification of the implementation of harmonised rules on artificial intelligence (The Digital Omnibus Regulation on AI) was published in the EU Official Journal on July 24, 2026 and enters into force on July 27, 2026. It amends the EU AI Act, the Aviation Safety Regulation and the Machinery Regulation. The changes from trilogue to final text are mainly technical.

The final text preserves the main trilogue compromises of May 2026, including the fixed delays for high-risk AI obligations (replacing the Commission's readiness-linked stop-the-clock mechanism), the revised AI literacy obligation (obligation of means rather than a purely voluntary model), the new bias-detection legal basis for special-category data (new Article 4a), targeted NCII/CSAM prohibitions, a narrower safety-component/high–risk classification architecture, AI value-chain cooperation obligations (Article 25), DPIA/FRIA alignment (Article 27), Cyber Resilience Act alignment (Article 15), the AI Office's expanded exclusive competence and enforcement powers (Articles 75–75d), and the targeted machinery-sector solution, as previously announced in our latest alerts.

- **European Commission announces Digital Omnibus proposal**
- **Digital Omnibus on AI: What is really on the table as Trilogues begin?**
- **Digital Omnibus Package: How will these changes affect your business?**
- **Digital Omnibus on AI: The trilogue deal is done – what made it, what didn't, and what changed?**

This alert focuses on what the Digital Omnibus Regulation on AI means for your compliance planning.

The Digital Omnibus Regulation on AI: A trigger to move from monitoring to implementation

August 2, 2026 remains an important EU AI Act milestone, but it is no longer the date on which the full high-risk AI system regime starts. It is the date on which the EU AI Act begins to apply to the remaining provisions that were not already in force and have not been pushed back by the Digital Omnibus Regulation on AI (Article 113).

In practice, the main new compliance focus for August 2, 2026 is transparency: providers and deployers of certain AI systems must comply with the EU AI Act's transparency obligations, including the rules on informing users and marking AI-generated or AI-manipulated content (Chapter IV; Article 50). There is, however, a specific four-month grace period for providers of systems already on the market before August 2, 2026 that generate synthetic audio, image, video or text content: they have until December 2, 2026 to comply with the Article 50(2) marking obligation.

By contrast, several major parts of the EU AI Act were already applicable before August 2, 2026, including the introductory and prohibited-practices chapters from February 2, 2025 (with the exception of the new NCII/CSAM prohibitions under Article 5(1), points (ba) and (bb), and Articles 5(1a) and 5(1b), which apply from December 2, 2026), and the governance, GPAI, penalties and confidentiality framework from August 2, 2025, subject to the existing exception for Article 101 (Article 113).

KEY DATES TO KEEP IN MIND

- Organisations should now confirm which AI systems fall within scope, which deadlines apply, and which teams own the next steps.
- The revised timetable gives more time than the original EU AI Act calendar, but preparation must start now.
- Systems, contracts and governance frameworks due in 2027–2028 will require classification, supplier engagement, documentation, testing and budget planning well in advance.

DATE	WHAT HAPPENS	WHAT THIS MEANS
From now	The Digital Omnibus Regulation on AI enters into force on July 27, 2026. Articles 102 to 109 require the Commission to take the EU AI Act's high–risk requirements into account when adopting future delegated or implementing acts under sectoral legislation (e.g. aviation safety, motor vehicles, machinery). This means that future sectoral technical rules will progressively integrate the EU AI Act requirements. Article 110 also applies, adding the EU AI Act to the list of legislation under which consumer organisations can bring collective representative actions.	- Update EU AI Act compliance roadmaps. - Companies operating under sectoral legislation should expect future delegated acts over time. - Ensure that the EU AI Act compliance documentation (transparency notices, risk assessments, conformity records) is robust enough to defend against both collective claims and regulatory inquiries.
December 2, 2026	New Article 5 prohibitions apply to AI systems generating or manipulating non-consensual intimate material and child sexual abuse material.	- Map image, video, audio and synthetic-content tools against the new prohibited-practice rules, including intended use, foreseeable misuse and available safeguards.
December 2, 2026	Providers of covered AI systems, including general-purpose AI systems, that generate synthetic audio, image, video or text content and were placed on the market before August 2, 2026 must comply with Article 50(2) marking obligations.	- Review whether machine-readable marking obligations apply to existing generative AI systems and prioritise implementation in content-generation pipelines.

August 1, 2027	Commission guidance on integrating EU AI Act obligations with sectoral product-compliance processes is due by August 1, 2027.	• Product manufacturers, regulated-sector clients and SMEs/SMCs should monitor guidance as part of implementation planning.
August 2, 2027	One national AI regulatory sandbox must be operational by August 2, 2027.	• Monitor sandbox opportunities for priority access.
	The Commission must adopt delegated acts specifying which high-risk AI system requirements or obligations under Chapter III, Sections 2 and 3, may be limited where Union harmonisation legislation listed in Section A of Annex I provides an equivalent or higher level of protection (new Article 2(13))	• Monitor these delegated acts closely, as they may reduce the scope of overlapping EU AI Act obligations
September 2, 2027	The Commission must publish guidance, including a voluntary template, for post–market monitoring plans.	• Align post-market monitoring, incident escalation and documentation processes with the forthcoming guidance.
December 2, 2027	Chapter III, Sections 1–3 apply to stand-alone high–risk AI systems classified under Article 6(2) and Annex III, except Article 6(5).	• Confirm classification, build technical documentation, prepare QMS and assess conformity-assessment needs.
January 28, 2028	Relevant notified bodies under Annex I Section A sectoral legislation must apply for EU AI Act designation within the transition period where relevant.	• Confirm notified-body assessment capacity early, particularly where AI-specific requirements must be assessed before market placement.
August 2, 2028	Chapter III, Sections 1–3 apply to high-risk AI systems classified under Article 6(1) and Annex I, except Article 6(5).	• Integrate EU AI Act requirements into product safety, QMS and conformity-assessment workflows.
August 2, 2028	Machinery-sector delegated acts must apply by this date to reflect relevant EU AI Act requirements in the Machinery Regulation.	• Monitor delegated acts and align AI–enabled machinery compliance with the revised sectoral architecture.
August 2, 2030	Providers and deployers of high–risk AI systems intended to be used by public authorities must take the necessary compliance steps by this date.	• Build this longer deadline into procurement, contracting, governance and deployment planning.

Practical compliance priorities

Refresh your EU AI Act roadmap	Replace scenario-based planning with a final-date implementation plan distinguishing between prohibited practices, transparency, stand-alone high-risk systems, product-embedded high-risk systems and public-authority use cases.
Reassess high-risk classification	The revised “safety component” definition (Article 3(14)) focuses on whether the AI system fulfils a safety function or whether its failure would endanger health and safety. Systems used solely for convenience, automation, optimisation or quality control do not qualify unless failure creates health/safety risks. Products undergoing third-party conformity assessment solely for non-health/safety risks (e.g. radio spectrum or EMC) do not satisfy Article 6(1)(b), potentially reducing the scope of high-risk obligations for certain product categories.
Map prohibited practices	Identify systems capable of generating or manipulating intimate, sexualised or CSAM-related content and assess whether safeguards (refusal training, output controls, content filtering, usage restrictions, abuse detection, notice-and-action) are adequate.
Update AI value-chain agreements	Under the amended Article 25, where a high-risk AI system is modified or integrated by another provider, the initial provider is no longer considered the provider but must cooperate closely and provide documentation, known limitations, and technical access for testing/validation. Reflect this in supplier, integration, reseller and intra-group arrangements.
Align AI governance with data protection and cybersecurity	The FRIA/DPIA alignment (Article 27) and CRA presumption of compliance for Article 15 cybersecurity requirements mean AI governance should not be built in isolation from privacy, cybersecurity, product safety and incident-response processes.
Leverage the bias-detection legal basis (Article 4a)	Providers and deployers may exceptionally process special-category personal data where strictly necessary for bias detection/correction, subject to safeguards (pseudonymisation, no onward disclosures, deletion after use, documentation). For non-high-risk systems this is limited to narrowly defined high-impact scenarios and does not create an obligation to conduct bias detection.

Monitor guidance, sandboxes and sectoral measures	Commission guidance (due 1 August 2027), post-market monitoring templates (due 2 September 2027), national sandboxes (operational by 2 August 2027) and machinery-sector delegated acts (by 2 August 2028) are key implementation inputs.
Assess AI Office exclusive competence (Articles 75–75d)	The AI Office has exclusive supervisory and enforcement powers over AI systems based on GPAI models (where model and system originate from the same provider/undertaking) and over systems constituting or integrated into VLOPs/VLOSEs (subject to carve-outs). Affected providers should prepare for centralised enforcement, including on-site inspections, binding commitments and administrative fines.
Track these measures as part of EU AI Act readiness, particularly for regulated-product, industrial, public-sector, SME and SMC use cases.	

For your organisation, the Digital Omnibus Regulation on AI does not remove EU AI Act compliance work but:

- makes the path clearer, and
- provides the basis for a practical workplan: classify systems, confirm deadlines, update governance, review contracts and prepare for the next wave of guidance and sectoral measures.

Digital Omnibus Regulation on AI : key deadlines for EU AI Act compliance planning

VISUAL TIMELINE

2024

June 13, 2024
- Adoption of the EU AI Act

August 1, 2024
- Entry into force

2025

February 2, 2025
- Prohibited AI practices and AI literacy general provisions Chapter I.

August 2, 2025
- Governance and enforcement framework Notified bodies/conformity assessment infrastructure
- Penalties regime
- Obligations on general - purpose AI Models

November 19, 2025
- Digital Omnibus on AI Proposal

2026

July 24, 2026
- Digital Omnibus Regulation on AI published in EU Official Journal

July 27, 2026
- Entry into force of the Digital Omnibus Regulation on AI
- Arts 102–110 apply (sectoral integration, collective actions)

August 2, 2026
- Transparency obligations Art. 50 (except Art 50(2))
- Enforcement of the EU AI ACT at national and EU level for general - purpose AI model, prohibitions, transparency rules and AI literacy.

December 2, 2026
- 4-month transition for Art 50(2) synthetic-content marking for existing systems placed on the market before August 2, 2026
- New prohibited practices for NCII and CSAM

2027

August 1- 2, 2027
- Commission guidance on sectoral integration
- National AI regulatory sandbox operational
- Delegated acts on high-risk limitation Art. 6(1)

September 2, 2027
- Commission guidance & template for post-market monitoring plans

December 2, 2027
- High-risk system obligations Article 6(2) Annex III, except Art. 6(5)

Incl. risk management, data governance, documentation, transparency, human oversight, provider/deployer obligations

2028

January 28, 2028
- Notified bodies (Annex I(A) sectoral legislation): deadline for AI Act designation

August 2, 2028
- High-risk AI obligations: Art. 6(1) / Annex I, except Art. 6(5)
- Machinery Regulation delegated acts apply

2029

2030

August 2, 2030
- Public authority high-risk AI: final compliance deadline

Contacts

Laurie-Anne Ancenys
Partner, France

Tel + 33140065502
laurie-anne.ancenys
@aoshearman.com

Livio Bossotto
Partner, Italy

Tel +39 02 2904 9815
livio.bossotto@aoshearman.com

Catherine Di Lorenzo
Partner, Luxembourg

Tel +352 44 44 5 5508
catherine.dilorenzo@aoshearman.com

Catharina Glugla
Partner, Germany

Tel +49 211 2806 7306
catharina.glugla@aoshearman.com

Jens Matthes
Partner, Germany

Tel +49 211 2806 7312
jens.matthes@aoshearman.com

Peter Van Dyck
Partner, Belgium

Tel +32 2 780 2455
peter.vandyck@aoshearman.com

Filip Van Elsen
Partner, Belgium

Tel +3232877329
filip.vanelsen@aoshearman.com

Prokop Verner
Partner, Czech Republic

Tel +420 222 107 153
prokop.verner@aoshearman.com

Laur Badin
Counsel, Spain

Tel +34 91 782 9992
laur.badin@aoshearman.com

Justyna Ostrowska
Counsel, Poland

Tel +48 22 820 6123
justyna.ostrowska@aoshearman.com

Nicole Wolters Ruckert
Counsel, Netherlands

Tel +31 20 674 1620
nicole.woltersruckert
@aoshearman.com

Zuzana Hecko
Counsel, Slovak Republic

Tel +421259202485
zuzana.hecko@aoshearman.com

Authors

Virginie Liebermann
CE Knowledge Counsel

Tel +352 44 44 5 5140
virginie.liebermann
@aoshearman.com

Carmela Marquina
Policy Advisor

Tel +32 2 780 2435
carmela.marquina@aoshearman.com

Global presence

A&O Shearman is an international legal practice with nearly 4,000 lawyers, including some 800 partners, working in 29 countries worldwide. A current list of A&O Shearman offices is available at aoshearman.com/en/global-coverage.