

Keep AI Act National Implementation On Track

Dear Ms. Henna Virkkunen, Executive Vice-President,
Tech Sovereignty, Security and Democracy
Dear EU Heads of State and Government,

Given that the deadline for Member States to enact the AI Act and designate national competent authorities has expired, and considering the impending giving of opinions of Member States via the AI Board on the "Stop the Clock" mechanism, we the undersigned 31 organisations are highly concerned **that almost no Member State has fulfilled these critical obligations**.

This widespread failure to meet AI Act requirements demands immediate and decisive action from the European Commission and the AI Office to use the measures at their disposal to ensure that Member States to follow through on timely implementation, and to champion good implementation and strong enforcement. Every further delay risks undermining both the protection of people's rights under the AI Act and the credibility of the EU as a proponent of rights respecting AI regulation. This becomes clear with GPAI obligations and prohibitions being in force in the absence of enforcement authorities and the ongoing delay of their designation.

The Commission's actions are now effectively becoming a roadblock to the national implementation of the AI Act, severely disrupting both national legislative and governance processes. Pressure to 'stop the clock', the looming risk of deregulation of the AI Act¹, and the lack of responsiveness by the Commission on the enforcement of the biometric surveillance prohibitions of the AI Act by Hungary², fuel hesitation among national governments. They fear their efforts may be wasted should the Act be delayed or amended, which has led to a stalled national implementation process. It is also important to note that it is largely industry that has delayed standards and called to 'stop the clock'. The Commission has a responsibility to take alternative measures to ensure the timely implementation of the AI Act rather than letting industry set the agenda³.

At the same time, Member States that are delaying their national implementing legislation, as well as the designation and resourcing of national competent authorities, in contradiction to their legal obligations, are hindering the timely and good implementation of the AI Act and fuelling the 'stop the clock' debate.

This vicious cycle of delays has real-life consequences for the protection of people's rights.

The stakes are high. If competent national authorities, comprising Market Surveillance Authorities and Notifying Authorities, are not empowered and well-resourced, they cannot carry out their legal responsibilities. Further, the lack of Member States passing national implementing legislation creates gaps in enforcement and legal certainty. Without these crucial steps by the Commission and Member States, it becomes impossible to effectively prevent and address AI-related harms under the AI Act.

1. <https://edri.org/our-work/open-letter-european-commission-must-champion-the-ai-act-amidst-simplification-pressure/>
2. <https://edri.org/our-work/open-letter-the-european-commission-must-act-now-to-defend-fundamental-rights-in-hungary/>
3. <https://corporateeurope.org/en/2025/01/setting-rules-their-own-game-how-big-tech-shaping-ai-standards>

Concretely, this means:

- Already in force provisions, such as GPAI obligations and the prohibitions on unacceptable uses of AI, cannot be enforced, which risks severely undermining the legitimacy of the AI Act and calling into question the Commission's commitment to it.
- People's fundamental rights which are protected by the AI Act are put at risk, as individuals and in particular marginalised groups lack meaningful avenues to exercise their rights, seek redress, and submit complaints in the absence of functioning authorities.
- Without designated notifying authorities, which form the cornerstone of the AI Act's governance framework, the conformity assessment process cannot operate, and systematic market oversight or enforcement becomes impossible^{4,5}.
- Without national legislation on penalties passed in time, there are no applicable laws on penalties for companies or other operators that violate the AI Act. This creates a gap in enforcement where violations of the AI Act cannot be redressed.
- Gaps in rights protections have broader, systemic consequences: they undermine public trust and the credibility of EU institutions, which depend on the ability to translate passed law into practical, enforceable rights. The EU's leadership in digital regulation is, to a large extent, measured by its capacity to guarantee both access to rights and effective institutional implementation.

In short, the rights enshrined in the AI Act remain hollow promises until the Commission and Member States act decisively and immediately to ensure the timely national implementation of the AI Act now.

We urge the EU Commission to:

- 1. Maintain their commitment to the AI Act, including ensuring the timely implementation and enforcement, both EU and national, without delaying or reopening the Act.**
- 2. Exercise their oversight powers to press Member States** to pass implementing laws and designate and sufficiently resource national competent authorities without further delay.

We urge Member States to:

- 1. Prioritise national implementation and pass implementing legislation this year** to ensure the protection of people's rights in the EU.
- 2. Ensure that national AI governance structures are well-resourced, officially designated, and civil society is actively engaged and embedded as soon as possible,** to ensure well-functioning oversight and enforcement of the AI Act.

We remain at your disposal for dialogue and urge you to ensure that the EU sets the gold standard by putting people and trust at the heart of its AI rules.

Kind regards,

4. https://www.tic-council.org/application/files/7117/5152/7483/TIC_Council_Statement_-_Let_the_Clock_Run_Ensuring_the_AI_Acts_Legal_Certainty.pdf
5. <https://www.tic-council.org/news-and-events/news/tic-council-stresses-need-timely-action-ai-act-governance-readiness>

List of signatories:

AccessNow	Epicenter.works
AI Accountability Lab	EuroMed Rights
Algorights	Federación de Consumidores y Usuarios (CECU)
Alternatif Bilisim	Fundación Ciudadana Civio
Article 19	Health Action International
Asociația pentru Tehnologie și Internet	Hermes Center
Alogrithm Watch	Homo Digitalis
Bits of Freedom	Irídia Association, Human Rights Research Centre
Center of Democracy and Technology Europe (CDT)	Lafede - justícia global
Defesa dos Direitos Digitais (D3)	Liga voor Mensenrechten
Danes je nov dan	Panoptikon
Digitalcourage	Politiscope
European Center for Non-Profit Law (ECNL)	Rete per i Diritti Umani Digitali
European Disability Forum (EDF)	SHARE Foundation
European Digital Rights (EDRi)	Statewatch
Elektronisk Forpost Norge (EFN)	