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AI Policy Lab
at Umeå University

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AI Act Implementing Act – Articles 75c-75d

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/19292-AI-Act-Implementing-Act-Articles-75c-75d/F33582135_en

The AI Policy Lab at Umeå University welcomes the opportunity to comment on the draft implementing rules under Articles 75c-75d. Consistent with our previous submissions, we advocate purpose-led AI governance: regulation should advance human rights, societal well-being and accountable decision-making, supported by independent, multidisciplinary evidence. We recommend the following: 1) Preserve access to independent expertise. Article 2(3)(c) should clearly delimit the market relationships triggering notification and assurance requirements when external counsel or technical experts subsequently enter employment with the addressee or another undertaking. The reference to undertakings active on the same markets, including during the three years following an investigation, risks uncertainty and may discourage access to suitably qualified experts. Requirements should reflect demonstrable confidentiality and conflict-of-interest risks, rather than impose unnecessarily broad restrictions. Clear criteria should protect confidential information without undermining access to independent legal, economic and technical expertise. 2) Make additional-access deadlines responsive to complexity. Article 2(6) should expressly permit extensions of the one-week period for requesting additional non-confidential documents or extending disclosure arrangements to further experts. Reviewing technically complex AI evidence may reveal information gaps only after substantial analysis. Extensions should be available upon a reasoned request where the files volume or complexity, delayed

access, or other objectively justified circumstances prevent a timely application. Decisions should balance procedural efficiency, confidentiality and the effective exercise of defence rights. 3) Align procedural time limits with substantive participation. Article 7 should explicitly identify the volume, technical complexity and accessibility of evidence, together with the need for independent expert analysis, as factors when setting or extending deadlines. AI evidence, such as model documentation, evaluation logs and training data descriptions, often cannot be assessed meaningfully within standard response periods. We suggest that the Commission publish indicative minimum periods by evidence category, and that technically complex files give rise to a presumption in favour of extension. 4) Clarify interruption of limitation periods. Article 4(2) should specify when an investigative or procedural action interrupts the limitation period, including its connection to the investigation or proceedings concerned. Each interrupting action and its date should be identifiable in the procedural record. Article 4(3) should state unambiguously how the overall maximum period constrains successive interruptions and restarts. These clarifications would improve predictability while preserving effective enforcement. Across these provisions, the objective should be enforceable accountability, not procedural compliance alone. The rules should clarify the position of complainants and affected third parties, including civil society and research organisations, in relation to access to the file and the right to be heard. The AI Offices own use of external experts should be subject to the same confidentiality and conflict-of-interest standards as those applied to addressees. The Commission should document the reasons for its decisions on access, extensions and confidentiality, and make interrupting actions and their dates identifiable in the procedural record. This would strengthen predictability and allow parties to understand how competing interests were balanced. This reflects our wider commitment to transparent, evidence-informed and human-centred AI governance.