

The AI Act is a done deal. Or is it?

By Gian Volpicelli · Dec 11, 2023, 6:41 PM · [View in your browser](#)

BRUSSELS — Negotiations on the European Union's pioneering [Artificial Intelligence Act](#) have barely ended — but some are already wondering whether they will stealthily continue.

Friday night's [announcement](#) that the European Parliament, EU member countries represented by the Council, and the European Commission had reached a political agreement on the bloc's AI rulebook [came with a caveat](#): "Work will continue at [the] technical level." In other words, some of what was agreed still needs to be put down on paper.

Carme Artigas, the Spanish digital secretary who led negotiations on behalf of Madrid's Council presidency, hastened to emphasize that the negotiations had been clinched for real.

"This is not an eIDAS 2," Artigas said in a late-night Friday presser, referring to a European law infamous for its prematurely announced approval. "[For] every single one of almost 90 different articles we have agreed on a legal description, a legal wording, or legal texts."

Speaking to reporters Monday, a European Commission official, granted anonymity to speak freely about the process, said that it was "mostly the recitals that still have to be reworked: In terms of the actual text, it's very limited. Mostly we'll have to make sure that the wording [in the newly agreed articles] is aligned with other articles and it's consistent." Recitals are interpretative clauses appended at the top of the law's legal text.

Brando Benifei, one of the two European lawmakers who led negotiations on Parliament's side, said that what was left to pin down was "little and secondary. "

That does not mean that getting the AI Act across the real finish line will happen quickly. Just this week, parliamentary assistants and staffers from the Council and the Commission are to sit down for four technical meetings focused on nailing down the outstanding text.

“Plenty of details remain to be sorted,” said Kris Shrishak, senior fellow at the Irish Council for Civil Liberties. “I expect the technical details to take many weeks. It will not be a surprise if the last details are not completed even in January.”

Daniel Leufer, a senior policy fellow at digital rights NGO Access Now, concurred on the importance of what at face value are just routine meetings. “While they will claim to be just ironing out details in technical meetings, decisions will be made on definitions, exceptions and scope that will have a huge impact on how this law actually functions,” Leufer said.

That is also the view of some European governments, which will have to green-light any text coming out of technical meetings. A diplomat from a major EU country underlined that they were suspending their judgment until they saw a final text on AI and law enforcement. “Are we just going through the negotiations’ second act?” the diplomat asked, rhetorically.

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