

Preparations for Domestic Implementation of the AI Act

23 May 2024

On 21 May 2024, the Department of Enterprise, Trade and Employment launched a consultation ([here](#)) on the domestic implementation of the EU Artificial Intelligence Act (the “AI Act”).

The consultation is intended to inform Ireland’s approach to implementing the AI Act, particularly in relation to the configuration of national competent authorities required for implementation.

The deadline for submissions is **16 July 2024**.

Background

The AI Act aims to foster the development and uptake of safe and trustworthy AI systems by establishing harmonised rules that will apply on an EU-wide basis. The legislation follows a “risk-based” approach, differentiating between how various uses of AI are regulated depending on the level of risk associated with a particular use.

The Council of the EU recently gave its final approval to the AI Act (see [here](#)). The legislation now awaits publication in the Official Journal of the EU. It will enter into force twenty days later. The provisions of the AI Act will apply, in the main, from 24 months after the date of entry into force, with exceptions for certain provisions.

For a detailed overview of the AI Act, in particular in respect of its applicability to the financial services sector, see our recent briefing [here](#).

What Questions are Being Consulted On?

The Department of Enterprise, Trade and Employment invites general submissions on the domestic implementation of the EU AI Act.

Furthermore, the Department invites submissions on the specific questions for consultation, set out below:

For national implementation of the Act, different approaches to the designation of competent authorities could be considered, ranging from a centralised model to a more distributed, sector-based approach. Selecting an approach will likely involve trade-offs. For example, a distributed approach may provide better access to sectoral expertise, but may pose coordination challenges.

Q1. What considerations should the Department have regard to when devising the configuration of national competent authorities for implementation?

The EU has adopted a series of Regulations in recent years designed to protect consumers, strengthen the internal market, and ensure that the EU remains at the forefront of innovation and the adoption of advanced technologies.

Q2. Are there potential synergies between the implementation of AI Act and the implementation of other EU Regulations applying to digital markets, services, and infrastructure?

“Harnessing Digital - The Digital Ireland Framework” establishes the goal for Ireland to be a digital leader at the heart of European and global digital developments. In support of this goal, Ireland is a member of the D9+ Group, an informal alliance of Digital Ministers from the digital frontrunner EU Member States. It also calls for Ireland to be a “centre of regulatory excellence” in Europe. The AI Act will set out a requirement to promote innovation, having regard to SMEs, including start-ups, that are providers or deployers of AI systems.

Q3. How can Ireland’s implementation of the AI Act bolster Ireland’s position as a leading digital economy, increasing investment and accelerating innovation in AI? What would excellence in AI regulation look like?

“AI - Here for Good: National Artificial Intelligence Strategy for Ireland” sets out how Ireland can be an international leader in using AI to benefit our economy and society, through a people-centred, ethical approach to its development, adoption, and use. In recognition of the wide-ranging effect AI will have on our lives, this strategy considers AI from several perspectives: *Building public trust in AI; Leveraging AI for economic and societal benefit; and Enablers for AI.*

Q4. How can Ireland’s implementation of the AI Act drive support and accelerate progress from each of these perspectives while meeting our regulatory obligations?

Next Steps

With a deadline for submissions of **16 July 2024**, the Department’s consultation is a significant opportunity for stakeholders to inform the domestic implementation of the EU AI Act.

If you need assistance with preparations for the entry into force of the EU AI Act, please do not hesitate to get in touch with one of our key contacts below, or your usual McCann FitzGerald contact.

Also contributed to by David O’Keeffe Ioiart