FESI Position Paper

AI OMNIBUS PROPOSAL

February 2026

Summary:

1. Delayed Deadlines for High-Risk AI ("Stop the Clock" – Article 113)

2. AI Literacy (Article 4)

3. Registration of non-high-risk AI systems (Art. 6(3)-(4))

4. Implementing Acts vs Guidance (Articles 50, 56, 72)

Introduction

FESI (the European Federation of the Sporting Good Industry) warmly welcomes the European Commission's proposal for a Regulation amending Regulations (EU) 2024/1689 and (EU) 2018/1139 as regards the simplification of the implementation of harmonised rules on artificial intelligence (Digital Omnibus on AI1). For the sporting goods industry, where connected devices, wearables, data- driven services and AI applications are increasingly central to both product development and consumer experiences, legal clarity and proportionate compliance obligations are crucial.

In this context, we would like to propose the following recommendations.

1. Delayed Deadlines for High-Risk AI ("Stop the Clock" – Article 113)

The current proposal delays the application of high-risk AI systems rules to 6–12 months after Commission confirmation that adequate compliance support measures are available, but not later than 2 December 2027 (Annex III) or 2 August 2028 (Annex I).

While FESI welcomes that the Commission acknowledges the challenges posed by delays in the publication of standards and other support tools for the implementation of the AI Act, and appreciates the intention to introduce flexibility to support timely compliance, the current wording remains too vague and lacks sufficient clarity for businesses.

Recommendations:

– FESI strongly supports the introduction of clear, fixed deadlines instead of relying on guidance or the future availability of support tools.

– We propose aligning the deadlines for Annex I and Annex III high-risk AI systems to ensure consistency and predictability, suggesting the current Annex I deadline of 2 August 2028 be applied to both Annexes.

– Additionally, we propose that the Digital Omnibus on AI emphasise the prioritisation of specific guidelines supporting compliance with Chapter III of the EU AI Act. In particular, these guidelines should be adopted without undue delay and published well before the suggested date of application (2 August 2028) in order to ensure legal certainty and enable stakeholders to prepare effectively ahead of the relevant dates of application:

- practical application of the high-risk classification;
- practical application of the transparency requirements under Article 50 AI Act;
- reporting of serious incidents by providers of high-risk AI systems;
- a template for the fundamental rights impact assessment;
- practical application of rules for responsibilities along the AI value chain
- AI Act's interplay with other Union legislation, e.g. with GDPR, CRA, Machinery Regulation; competences and designation procedure

Justification:

– Clear deadlines provide legal certainty for AI developers and deployers.
– Conditional timelines tied to support tool availability risk delays and inconsistent implementation across Member States.
– Alignment between Annex I and Annex III deadlines avoids administrative complexity and facilitates compliance planning.
– Secondary legislation and guidelines are essential for businesses to prepare and meet their obligations under the EU's AI Act and moreover is of utmost importance for the Act's effective implementation.

---

2. AI Literacy (Article 4)

FESI welcomes that the proposal shifts the obligation from a direct duty on AI providers and deployers to a softer requirement for the Commission and Member States to "encourage" AI literacy.

Recommendations:

– FESI welcomes this proposal and recommends keeping this amendment.

Justification:

– This approach is more flexible and proportionate, while still promoting awareness and responsible AI use.

3. Registration of non-high-risk AI systems (Art. 6(3)-(4))

The current proposal removes the registration obligation for AI systems where the provider has determined that the system does not pose a significant risk, even where such systems fall under Annex III, while maintaining an obligation to retain the underlying risk assessment documentation and make it available to authorities upon request.

While formal obligations under the AI Act remain risk-tiered, the Omnibus proposal expands authorities' access to technical documentation and datasets in ways that may also affect AI systems not classified as high-risk, including in the context of risk classification assessments, complaint-driven investigations, or incident-related inquiries.

Recommendations:

FESI therefore calls on EU policymakers to ensure that enforcement under the Omnibus and the AI Act is guided by clear principles of proportionality and robust confidentiality safeguards. In particular, access to technical documentation, datasets, and other sensitive information should be strictly limited to what is necessary for the specific supervisory purpose, and should minimize unnecessary disclosure and disproportionate response burdens, particularly for SMEs.

Justification:

From a risk and competitiveness perspective, greater clarity on the limits and safeguards applicable to enforcement actions is essential for innovation-driven and SME-heavy sectors. Without such safeguards, there is a risk that sensitive technical information may be accessed in circumstances where AI systems are not intended to fall within Annex III, potentially discouraging innovation and creating uncertainty for smaller operators.

4. Implementing Acts vs Guidance (Articles 50, 56, 72)

The proposal removes the European Commission empowerments in Articles 50, 56 and 72 of the AI Act to adopt implementing acts giving give codes of practice for general purpose AI models and transparency obligations for certain AI systems general validity in the Union.

Recommendations:

FESI supports this shift towards general guidance from the European Commission, based on the Codes of Practice.

Justification:

Guidance is inherently more flexible, and cand be updated quickly as technologies and use cases evolve. This flexibility ensures that practical compliance measures remain relevant and aligned with the fast-moving AI landscape, while still providing clarity and support for providers and deployers.