

14 October 2025

# ACCIS'S INPUT INTO THE DIGITAL OMNIBUS CALL FOR EVIDENCE

SUBMITTED IN ATTACHMENT TO THE CALL FOR EVIDENCE



# ACCIS INPUT TO THE CALL FOR EVIDENCE

## ON THE DIGITAL OMNIBUS (DIGITAL PACKAGE ON SIMPLIFICATION)

ACCIS, the voice of organisations responsibly managing data to assess the financial credibility of consumers and businesses, welcomes the opportunity to contribute to the call for evidence on the Digital Omnibus initiative. We strongly support the initiative's objective to reduce administrative costs and streamline the EU's digital acquis.

In the spirit of simplification and ensuring legal predictability for businesses, we wish to address two critical issues concerning the application of the Artificial Intelligence Act (AI Act) to high-risk systems used in the context of credit scoring and creditworthiness assessments. These systems are fundamental to a functioning credit market, and their effective and proportionate regulation is paramount.

### 1. Verify the Relevance and Necessity of High-Risk AI Requirements

The AI Act designates AI systems used for credit scoring and creditworthiness assessment as high-risk. While we support the goal of trustworthy AI, imposing a new and extensive set of requirements without thoroughly assessing their interplay with existing legislation risks creating **unnecessary complexity and redundant administrative burdens** – the very issues this Digital Omnibus seeks to resolve. A clarification of overlaps between GDPR and the EU AI Act is necessary (for example on use of sensitive data for AI training purposes).

The credit sector is already governed by a robust and mature regulatory framework that addresses many of the risks the AI Act aims to mitigate. As detailed in our previous public consultation response on high-risk AI systems, there are significant overlaps between the AI Act's high-risk obligations and established rules in:

- **Financial Services Law:** Prudential regulations like CRD IV and Solvency II, along with EBA Guidelines, already mandate comprehensive risk and internal control frameworks that overlap with the AI Act's requirements for risk management (Art. 9), quality management (Art. 17), and post-market monitoring (Art. 19).
- **Data Protection Law:** The General Data Protection Regulation provides a strong foundation for data governance, human oversight of automated decisions, transparency, and impact assessments (DPIAs), which directly intersect with the AI Act's obligations, such as data governance (Art. 10), human oversight (Art. 14), transparency (Art. 13), and impact assessments (Art. 27).
- **Consumer Protection Law:** The Consumer Credit Directive 2023/2225 (CCD2) already grants consumers the right to a human review and a "*clear and comprehensible explanation*" for creditworthiness assessments (Art. 18(8) CCD2), mirroring the objectives of the AI Act's transparency and human oversight provisions.
- **Cybersecurity Law:** Legislation such as DORA, NIS2, and the Cyber Resilience Act (CRA) imposes detailed cybersecurity obligations on businesses in various sectors, which overlap with the cybersecurity requirements in Art. 15 AI Act.

#### Recommendations:

- ACCIS urges the Commission to uphold the principles of **better regulation** and **proportionality** by amending the AI Act to eliminate this regulatory duplication. A formal assessment should verify whether the high-risk requirements are necessary and proportionate in the context of credit scoring and creditworthiness assessment tools. This

would help avoid duplicative compliance efforts and contribute to a more streamlined legal framework.

- ACCIS calls for a clarification of the overlaps between GDPR and the EU AI Act in the form of clear Commission-issued guidelines. This would help, for example in the areas of the use of sensitive data for AI training purposes, interdependence of the fundamental rights impact assessment and the Data Protection Impact Assessment (DPIA), to name but a few.

## 2. Postpone Applicability of High-Risk Requirements to Ensure Predictability

A critical misalignment has emerged between the AI Act's legal timeline and the technical timeline for developing its essential implementation tools. This has created a “**predictability gap**” that undermines the Commission's goal of providing legal clarity to businesses.

The high-risk obligations for credit scoring systems are set to apply from **2 August 2026**. However, compliance with these obligations is critically dependent on the harmonised European standards being developed by CEN-CENELEC. Adherence to these standards will provide a “**presumption of conformity**”, which is the primary mechanism for businesses to achieve legal certainty.

These standards have faced significant delays. Initially planned for April 2025 and then August 2025, their finalisation is now expected in **2026** (cf. recent CEN-CENELEC news [here](#) on the standards for AI risk management and AI quality management systems). This leaves businesses an insufficient implementation window of just a few months. Forcing implementation without finalised standards would lead to:

- **Legal Uncertainty:** Companies would be forced to interpret ambiguous legal principles, leading to inconsistent approaches across the EU and defeating the purpose of a harmonised regulation.
- **Faulty and Rushed Implementation:** An unworkable timeline risks superficial compliance efforts, extensive supply chain disputes, and ultimately, a failure to achieve the AI Act's objective of genuinely trustworthy AI.
- **Fragmented Single Market:** Diverging interpretations would create barriers to cross-border trade in AI systems, contrary to the goals of the Digital Single Market.

This concern is shared by other key stakeholders:

- The **ECB** stated in its 2021 opinion on the AI Act proposal ([link](#)) that the entry into effect of these high-risk requirements “*should be delayed until the adoption by the Commission of common specifications on the matter*”.
- The **Danish Presidency of the Council of the European Union**, in its discussion note on the implementation of the AI Act from September 2025 ([link](#)), highlighted that a “*pressing challenge...is the risk that important standards are not available in advance of the application of the obligations to ensure adequate time to adapt to the new rules – as was originally foreseen in the AI Act*”. Several EU Member States have been advocating in favour of an AI Act grace period during Council discussions.

### Recommendations:

- To bridge the “predictability gap”, we recommend the Digital Omnibus introduce a **logical sequencing** to the AI Act's timeline. This is not a request for an indefinite “stop the clock”, but to ensure the **originally intended 24-month transition period** of the AI Act begins only after the necessary compliance tools are finalised.
- Therefore, we propose that the respective obligations for high-risk systems apply **24 months after the Commission publishes the corresponding harmonised standards** in the Official Journal of the European Union. This pragmatic approach ensures legal predictability and a high-quality implementation.



## ACCIS

ACCIS represents the largest group of credit reference agencies in the world. ACCIS brings together 40 members across 28 European countries and 11 associate and affiliate members from all other continents.

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