



**AI & Partners**

Amsterdam - London - Singapore

# EU AI Act

## *Overcoming Technical Barriers to Trade*

How the novel artificial intelligence (AI) regulation aligns with the WTO's Technical Barriers to Trade Agreement, in ensuring that its regulatory provisions, standards, and conformity assessment procedures are non-discriminatory and do not create unnecessary obstacles to trade.

**November 2025**

AI & Partners

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# AI & Partners

Amsterdam - London - Singapore

**AI & Partners** defends and extends the digital rights of users at risk around the world. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots professional services, regulatory interventions, and participating in industry groups such as AI Commons, we fight for fundamental rights in the artificial intelligence age.

This report was prepared by Sean Donald John Musch and Michael Charles Borrelli. For more information visit <https://www.ai-and-partners.com/>.

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# Who Are We

## *AI That You Can Trust*

### Why Us?

**Stay on the right side of history.** At AI & Partners, we believe AI should unlock potential—not cause harm. We’ve seen the fear and fallout when teams lose control of AI, but also the trust and innovation that follow when it’s handled responsibly. That’s why we exist: to help you build AI you can trust and stand behind—for the long run.

80%

of AI systems  
are unknown

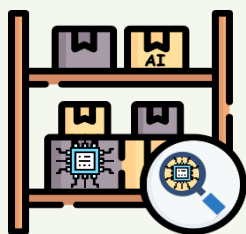
### What Do We Do?

**We enable safe AI usage—for your organization and your clients.** Unknown AI adoption leads to confusion, risk, and reputational damage. We help you take control with tools to identify, monitor, and govern all AI systems—so you're not reacting to AI, you're leading it.

### How Do We Do It?

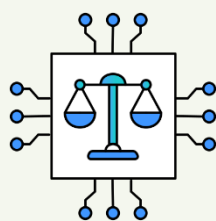
**Do you know what AI systems you have?** Identify all known and unknown AI systems (algorithms, LLMs, prompts, and models) from all internal and external AI vendors, automated by generating your inventory. Overall, 80% of AI inventory is unknown to our clients.

**How do you guarantee ongoing safe AI use?** Continuously monitor deployed AI systems for performance drift, anomalies or failures, real-world impacts, and emerging risks (e.g. data poisoning). Any malfunction of an AI system has severe implications for organisations (e.g. inability to assess online misinformation that leads to widespread public mistrust), so monitoring becomes a matter of urgency.



#### AI Discovery & AI Inventory

Automatically detect all AI systems, including models, algorithms, and prompts, and maintain a live, always-updated register for full visibility and compliance.



#### Responsible AI

Embed fairness, transparency, and control into every stage of AI use—aligning with the EU AI Act and building ‘Trustworthy-by-Design’.



#### Model Monitoring

Continuously track your AI models after deployment to detect drift, bias, or failure—so you stay in control and prevent harm before it happens.



Our analysis reveals that aligning artificial intelligence legislation with the principles of the WTO's Technical Barriers to Trade Agreement fosters an environment where innovation and international trade can thrive. By ensuring that technical regulations, standards, and conformity assessment procedures are non-discriminatory and do not create unnecessary barriers, policymakers provide a foundation for harmonizing AI governance across borders. Such alignment is essential for encouraging trust and cooperation in global AI ecosystems while safeguarding the interests of diverse stakeholders. Moreover, this approach supports the development and deployment of AI systems that reflect fairness, transparency, and accountability. As AI technologies span various industries and sectors, maintaining non-discriminatory practices is crucial to preventing fragmentation in the global market and promoting equitable access to these technologies. Finally, ensuring that high-risk AI applications adhere to well-structured and proportionate regulatory measures minimizes the risk of creating technical or procedural obstacles, thereby fostering inclusive and sustainable AI-driven trade opportunities.

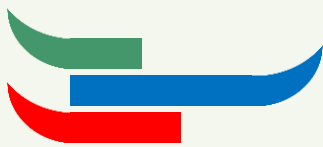
#### About this report

This report is based on market research, publicly available data, and interviews with AI specialists in AI & Partners, financial services organisations, and relevant third-parties. Moreover, quotations provided on specific topics reflect those of AI specialists at AI & Partners to be as representative as possible of real-world conditions. All references to EU AI Act reflect the version of text valid as at 13 June 2024. Accessible [here](#).



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## Executive Summary

The European Union's ("EU") Artificial Intelligence ("AI") Act ("EU AI Act")<sup>1</sup>, which entered into force earlier this year on 1<sup>st</sup> August 2024, regulates how organisations use, develop, deploy, and market AI in the EU. It improves the safety, security, and trustworthiness of AI systems and, among other things, requires organisations to implement risk management systems for high-risk AI systems. It can be difficult and costly to comply with. Penalties for non-compliance can be as high as €35m or 7% of annual global turnover, whichever is higher.

The regulation is set to be supervised and enforced by the national competent authorities ("NCAs") in each member state. The European Data Protection Board ("EDPB"), which is made up of representatives from each EU Member State, AI Office ("AIO"), the European Data Protection Supervisor ("EDPS"), and others ensures that EU AI Act will be applied consistently throughout the EU.

### Overview

The emergence of AI legislation worldwide, including frameworks like the EU AI Act, marks a significant evolution in regulating AI systems' development, deployment, and use. This whitepaper explores how the EU AI Act aligns with the principles of the World Trade Organization's ("WTO") *Technical Barriers to Trade Agreement* ("TBT Agreement")<sup>2</sup>, which seeks to ensure that technical regulations, standards, and conformity assessment procedures are non-discriminatory and avoid creating unnecessary trade barriers.

The EU AI Act aims to balance safeguarding fundamental rights, promoting innovation, and ensuring safety and trust in AI systems, while the TBT Agreement promotes international trade by reducing unnecessary regulatory divergence. The alignment between these objectives is critical to fostering global collaboration, minimizing trade disruptions, and encouraging the harmonization of standards in AI governance.

Specifically, Recital 127<sup>3</sup> of the EU AI Act states that:

*"In line with Union commitments under the **World Trade Organization Agreement on Technical Barriers to Trade**, it is adequate to facilitate the mutual recognition of conformity assessment results produced by competent conformity assessment bodies, independent of the territory in which they are established, provided that those conformity assessment bodies established under the law of a third country meet the applicable requirements of this Regulation and the Union has concluded an agreement to that extent. In this context, the Commission should actively explore possible international instruments for that purpose and in particular pursue the conclusion of mutual recognition agreements with third countries."*

In this sense, a core objective of the EU AI Act is to align with the WTO's TBT Agreement by promoting non-discriminatory practices, using harmonized standards, ensuring transparency, and facilitating international cooperation through mutual recognition agreements. These measures can help to integrate AI systems into the global market while maintaining high standards of safety and compliance. This report focuses on two core aspects: (a) how AI regulations other than the EU AI Act can be designed to comply with the TBT Agreement by ensuring proportionality, transparency, and non-discrimination; and (b) the role of international cooperation in developing standards and conformity assessment mechanisms that facilitate global trade in AI-enabled products and services.

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<sup>1</sup> European Parliament and The Council of the European Union, (2024), 2024/1689 Regulation (EU) 2024/1689 of the European Parliament and of The Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), accessible at [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L\\_202401689](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401689) (last accessed 10th July 2024)

<sup>2</sup> World Trade Organisation (WTO), (2024), "Technical barriers to trade", accessible at: [https://www.wto.org/english/tratop\\_e/tbt\\_e/tbt\\_e.htm](https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm) (last accessed 26th November 2024)

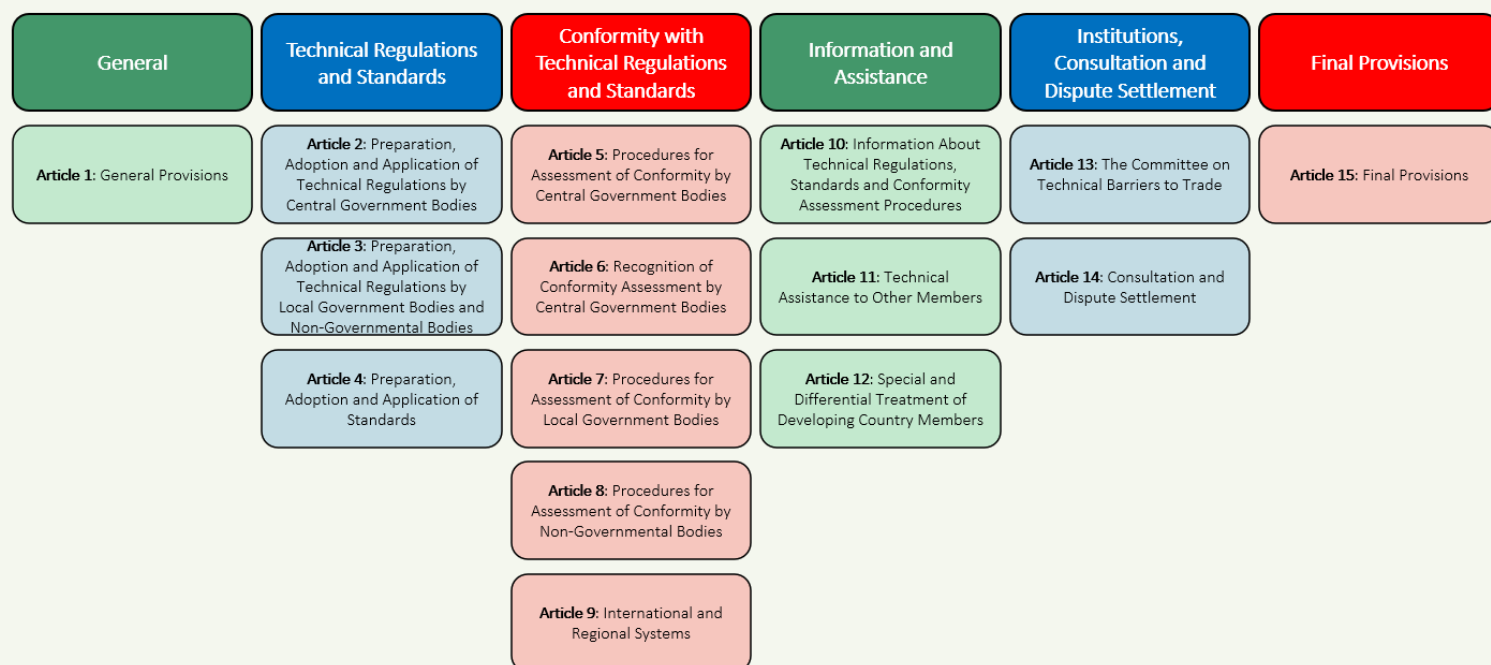
<sup>3</sup> Recital 127

Key findings highlight the potential of AI legislation, such as the EU AI Act, to uphold TBT principles through:

1. **Non-Discrimination:** Preventing AI-related regulations from unfairly favouring domestic over foreign products or services, ensuring a level playing field in global trade.
2. **Proportionality:** Requiring that technical regulations are not more trade-restrictive than necessary to achieve legitimate public policy objectives, such as safety, consumer protection, and privacy.
3. **Transparency:** Encouraging stakeholder engagement and clear notification procedures for new AI-related technical regulations to foster predictability and collaboration.
4. **Harmonization of Standards:** Promoting the use of internationally recognized AI standards to reduce regulatory fragmentation and ensure interoperability across markets.
5. **Capacity Building:** Supporting developing countries to enhance their participation in AI governance and standard-setting processes, aligning with their socio-economic and technological contexts.

This alignment underscores the opportunity for a synergistic relationship between AI regulation and international trade frameworks. By adhering to TBT principles, AI legislation can contribute to a globally cohesive approach to AI governance, fostering innovation, trust, and equitable economic growth.

**Figure 1: Agreement on Technical Barriers to Trade: List of Articles**





# 1. Technical Barriers to Trade

The Technical Barriers to Trade (TBT) Agreement aims to ensure that technical regulations, standards, and conformity assessment procedures are non-discriminatory and do not create unnecessary obstacles to trade. At the same time, it recognises WTO members' right to implement measures to achieve legitimate policy objectives, such as the protection of human health and safety, or protection of the environment. The TBT Agreement strongly encourages members to base their measures on international standards as a means to facilitate trade. Through its transparency provisions, it also aims to create a predictable trading environment.

This section maps the EU AI Act's provisions against those from the WTO's TBT Agreement and analyses how it applies. See Table 1 below for an overview

TBT Section	TBT Article	EU AI Act Reference(s)
General	<b>Article 1:</b> General Provisions	Recitals: 127, 173 Articles: 2 Annexes: -
Technical Regulations and Standards	<b>Article 2:</b> Preparation, Adoption and Application of Technical Regulations by Central Government Bodies  <b>Article 3:</b> Preparation, Adoption and Application of Technical Regulations by Local Government Bodies and Non-Governmental Bodies  <b>Article 4:</b> Preparation, Adoption and Application of Standards	Recitals: 66, 127 Articles: 1, 2, 13, 40, 46 Annexes: - Recitals: - Articles: 2, 20, 28, 30, 38, 39, 57, 99 Annexes: - Recitals: - Articles: 28, 40, 56, 57, 95 Annexes: -
Conformity with Technical Regulations and Standards	<b>Article 5:</b> Procedures for Assessment of Conformity by Central Government Bodies  <b>Article 6:</b> Recognition of Conformity Assessment by Central Government Bodies  <b>Article 7:</b> Procedures for Assessment of Conformity by Local Government Bodies  <b>Article 8:</b> Procedures for Assessment of Conformity by Non-Governmental Bodies  <b>Article 9:</b> International and Regional Systems	Recitals: - Articles: 28, 31, 41, 43, 45 Annexes: - Recitals: - Articles: 29, 32, 39 Annexes: - Recitals: - Articles: 31, 37, 39, 43 Annexes: ANNEX VII Recitals: - Articles: 8, 32, 39 Annexes: - Recitals: - Articles: 9, 28, 39, 40, 41, 43 Annexes: -
Information and Assistance	<b>Article 10:</b> Information About Technical Regulations, Standards and Conformity Assessment Procedures  <b>Article 11:</b> Technical Assistance to Other Members  <b>Article 12:</b> Special and Differential Treatment of Developing Country Members	Recitals: - Articles: 39, 40, 70 Annexes: - Recitals: - Articles: 11, 32, 39, 43 Annexes: ANNEX IV Recitals: - Articles: 39, 40, 41, 57, 62, 66 Annexes: -
Institutions, Consultation and Dispute Settlement	<b>Article 13:</b> The Committee on Technical Barriers to Trade  <b>Article 14:</b> Consultation and Dispute Settlement	Recitals: 149 Articles: 65, 68 Annexes: - Recitals: - Articles: 65, 67, 68 Annexes: -
Final Provisions	<b>Article 15:</b> Final Provisions	Recitals: - Articles: 30, 112 Annexes: -

## Article 1: General Provisions

**Article 1: General Provisions** establishes the framework for applying standardization and conformity assessment terms, primarily using internationally recognized definitions while deferring to specific terms defined in Annex 1 of the Agreement. It applies universally to all products, industrial and agricultural, but excludes government procurement specifications, which fall under a separate agreement, and sanitary or phytosanitary measures, which are governed by another specific agreement. The article ensures that references to technical regulations, standards, and conformity procedures include future amendments and additions, provided they are significant in scope.

### EU AI Act Application

#### 1. Purpose and Scope (Recital 127)<sup>4</sup>:

The EU AI Act aims to enhance the internal market's functioning and promote the adoption of human-centric and trustworthy AI. It ensures a high level of protection for health, safety, and fundamental rights, including democracy, the rule of law, and environmental protection.

#### 2. Harmonized Rules (Article 2)<sup>5</sup>:

The Act establishes harmonized rules for the market placement, service provision, and use of AI systems within the EU. It includes prohibitions on certain AI practices and specific requirements for high-risk AI systems.

#### 3. Transparency and Market Monitoring (Article 2)<sup>5</sup>:

The Act sets harmonized transparency rules for certain AI systems and outlines measures for market monitoring, surveillance, governance, and enforcement.

#### 4. Support for Innovation (Recital 173)<sup>6</sup>:

The regulation includes measures to support innovation, particularly focusing on small and medium-sized enterprises (SMEs) and startups.

### “Enabling international trade without restricted market access”

*"The EU AI Act is shaping not only compliance requirements but also the flow of international trade. Technical barriers from data protection standards to transparency obligations can restrict market access if companies fail to align with evolving rules. Clear regulatory guidance fosters trust, interoperability, and responsible innovation. Commercial progress and regulatory oversight must therefore go hand in hand: businesses gain the confidence to scale globally, while regulators ensure AI systems are safe, ethical, and aligned with public interest."*

Michael Boevink, *Founder*, Boevink Group



<sup>4</sup> Recital 127  
<sup>5</sup> Article 2 Scope  
<sup>6</sup> Recital 173



## Technical Regulations and Standards

### Article 2: Preparation, Adoption and Application of Technical Regulations by Central Government Bodies

**Article 2: Technical Regulations by Central Governments** outlines the principles for creating, adopting, and implementing technical regulations to ensure fair and transparent trade practices. It mandates equal treatment for imported and domestic products and prohibits technical regulations that unnecessarily restrict trade. Regulations must address legitimate objectives like national security, health, safety, environmental protection, or preventing deceptive practices. Where international standards exist, they should form the basis of regulations unless impractical. Members must notify others of significant regulatory changes, provide explanations, and consider feedback. In emergencies, members can bypass standard procedures but must notify and justify their actions promptly. Regulations must be published and provide exporters adequate time to comply, especially benefiting developing countries.

#### *EU AI Act Application*

##### 1. Non-Discriminatory Treatment of Imported Products (Article 2)<sup>5</sup>

**Equal Treatment:** Article 2 of the EU AI Act ensures that AI systems, whether imported or domestically produced, are subject to the same regulations when placed on the EU market. This aligns with the TBT Agreement's requirement that imported products receive treatment no less favorable than domestic products.

##### 2. Prevention of Unnecessary Trade Obstacles (Article 1 and Recital 66)<sup>78</sup>

**Focus on Legitimate Objectives:** The EU AI Act aims to prevent unnecessary trade barriers by focusing on legitimate objectives such as health, safety, and fundamental rights. It ensures that technical regulations are not more trade-restrictive than necessary, aligning with the TBT Agreement's principles.

##### 3. Use of International Standards (Article 40 and Recital 127)<sup>910</sup>

**Harmonization with International Standards:** The EU AI Act promotes the use of harmonized standards and conformity assessments that align with international standards, facilitating global cooperation and reducing trade barriers. This is consistent with the TBT Agreement's emphasis on using international standards as a basis for technical regulations.

#### *'ISO 42001 helps demystify trustworthiness requirements', Ina Schöne*

AI is a technology they proceed data elements to create new information. We cannot catch them, when the data flows cross national borders. A same understanding of trustworthiness in AI is crucial for future, while different Stakeholders from different countries are part of the AI-Life-cycles. ISO/IEC42001 Artificial Management Systems is the guiding light to unfold a same understanding. Supplemented by the requirements of EU AI-Act as high level standards allows us to follow an ethical way with the autonomous systems. ISO/IEC 22989 Artificial intelligence concepts and terminology is the first step to have the same wording with AI.

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<sup>7</sup> Article 1 Subject matter

<sup>8</sup> Recital 66

<sup>9</sup> Article 40 Harmonised standards and standardisation deliverables

<sup>10</sup> Recital 127

## ‘International standards critical for cross-border data flows’

*"AI is a processing of data in high speed and cannot derivate any national border. International Standards are essential when we use AI globally and reduce technical barriers."*

*Ina Schöne, Lead Auditor ISO/IEC42001 and Founder, Data Privacy & AI*



### 4. Transparency and Notification (Articles 13 and 46)<sup>11,12</sup>

Transparency Requirements: The EU AI Act mandates transparency for high-risk AI systems, requiring clear communication about their capabilities and limitations. This aligns with the TBT Agreement's requirement for transparency in technical regulations and the need to notify other members of significant changes.

### 5. Handling Urgent Situations (Article 46)<sup>12</sup>

Flexibility for Urgent Issues: The EU AI Act allows for derogations from conformity assessment procedures in urgent situations related to public security or health, similar to the TBT Agreement's provisions for urgent problems.

### 6. Publication and Implementation (Recital 46)<sup>13</sup>

Timely Publication: The EU AI Act ensures that all adopted regulations are published promptly, allowing interested parties to become acquainted with them, in line with the TBT Agreement's requirements for publication and reasonable intervals before entry into force.

### Article 3: Preparation, Adoption and Application of Technical Regulations by Local Government Bodies and Non-Governmental Bodies

**Article 3: Technical Regulations by Local and Non-Governmental Bodies** establishes that WTO Members must ensure local and non-governmental bodies within their territories comply with the principles in Article 2. While local governments must notify others of their technical regulations, exceptions apply if the content is similar to existing central government regulations. Members are encouraged to handle communication through their central governments and must not encourage local bodies to act against

<sup>11</sup> Article 13 Transparency and provision of information to deployers

<sup>12</sup> Article 46 Derogation from conformity assessment procedure

<sup>13</sup> Recital 46



Article 2 provisions. Ultimately, Members are responsible for compliance across all levels and must implement measures to support adherence to Article 2 standards.

### *EU AI Act Application*

#### **1. Compliance by Local and Non-Governmental Bodies (Articles 2 and 28)<sup>514</sup>**

**Member State Responsibilities:** The EU AI Act requires Member States to designate notifying authorities responsible for overseeing the compliance of conformity assessment bodies with the Act's requirements. This ensures that local and non-governmental bodies adhere to the same standards as central government bodies.

**Exemptions from Notification Obligations:** The Act does not apply to AI systems used exclusively for military, defence, or national security purposes, nor to AI systems used by public authorities in third countries under international cooperation agreements.

#### **2. Notification of Technical Regulations (Articles 30 & 39)<sup>1516</sup>**

**Notification Procedures:** Notifying authorities must notify the Commission and other Member States of each conformity assessment body, ensuring transparency and compliance with EU standards. This aligns with the TBT Agreement's requirement for notifying technical regulations.

**Harmonization with International Standards:** The EU AI Act encourages the use of international standards as a basis for technical regulations, promoting harmonization and reducing trade barriers.

#### **3. Central Government's Role in Communication (Articles 28 and 38)<sup>1417</sup>**

**Coordination and Oversight:** Central government bodies, through notifying authorities, are responsible for setting up procedures for the assessment, designation, and monitoring of conformity assessment bodies. This ensures that technical regulations are not more trade-restrictive than necessary and align with legitimate objectives such as safety and environmental protection.

**Facilitating Communication:** The Commission facilitates coordination and cooperation between notified bodies, ensuring consistent application of standards across Member States.

#### **4. Consistency with Article 2 Provisions (Article 2)<sup>5</sup>**

**Non-Discriminatory Treatment:** The EU AI Act ensures that AI systems, whether imported or domestically produced, are subject to the same regulations, aligning with the TBT Agreement's requirement for non-discriminatory treatment.

**Avoidance of Trade Barriers:** By focusing on legitimate objectives such as health and safety, the Act prevents unnecessary obstacles to trade, consistent with the TBT Agreement.

#### **5. Support for Observance of Article 2 (Articles 57 & 99)<sup>1819</sup>**

**Positive Measures and Mechanisms:** The EU AI Act supports innovation through AI regulatory sandboxes, allowing for the testing and development of AI systems in a controlled environment while ensuring compliance with safety and fundamental rights.

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<sup>14</sup> Article 28 Notifying authorities


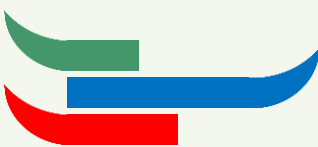
<sup>15</sup> Article 30 Notification procedure

<sup>16</sup> Article 39 Conformity assessment bodies of third countries

<sup>17</sup> Article 38 Coordination of notified bodies

<sup>18</sup> Article 57 AI regulatory sandboxes

<sup>19</sup> Article 99 Penalties



Enforcement and Penalties: Member States are responsible for implementing effective, proportionate, and dissuasive penalties for non-compliance, ensuring adherence to the Act's provisions.

#### Article 4: Preparation, Adoption and Application of Standards

**Article 4: Preparation, Adoption, and Application of Standards** requires WTO Members to ensure that their central government standardizing bodies follow the **Code of Good Practice** outlined in Annex 3. Members must also promote compliance with this Code by local, non-governmental, and regional standardizing bodies and avoid actions that contradict it. Compliance is required even if a standardizing body has not formally accepted the Code. Bodies adhering to the Code are recognized as meeting the Agreement's principles, promoting consistent and fair international standards.

#### *EU AI Act Application*

##### 1. Central Government Compliance (Article 40)<sup>20</sup>

**Harmonization and Standards:** The EU AI Act emphasizes the use of harmonized standards to ensure compliance with AI regulations. Central government bodies are expected to align their technical regulations with these standards to facilitate consistency and reduce trade barriers. This aligns with the TBT Agreement's requirement for central government standardizing bodies to comply with the Code of Good Practice.

##### 2. Local and Regional Government Compliance (Article 28)<sup>14</sup>

**Adherence to Central Standards:** Local and regional government bodies are required to follow the standards set by central authorities, ensuring that their regulations do not conflict with or create unnecessary obstacles to trade. This is in line with the TBT Agreement's emphasis on non-discrimination and the avoidance of trade barriers.

**Notification and Transparency:** Local governments must notify relevant authorities of any new technical regulations, ensuring transparency and allowing for feedback and adjustments as necessary. This aligns with the requirement for open communication and coordination in the Code of Good Practice.

##### 3. Non-Governmental Bodies (Article 95)<sup>21</sup>

**Voluntary Codes of Conduct:** The EU AI Act encourages non-governmental bodies to develop and adhere to voluntary codes of conduct that align with the Act's standards. These codes are intended to foster compliance and innovation while ensuring that AI systems are developed responsibly.

**Stakeholder Engagement:** Non-governmental bodies are encouraged to involve various stakeholders, including industry and civil society, in the development of standards and codes of conduct. This ensures a balanced representation of interests and aligns with the principles of the Code of Good Practice.

##### 4. Overall Compliance and Coordination (Articles 56 & 57)<sup>22,18</sup>

**Role of the AI Office:** The AI Office plays a crucial role in facilitating the development and adoption of standards, ensuring that all levels of government and non-governmental bodies comply with the EU AI Act. This includes monitoring and evaluating the effectiveness of codes of practice and standards.

**Support for Innovation:** The Act supports innovation through AI regulatory sandboxes, allowing for the testing and development of AI systems in a controlled environment while ensuring compliance with safety and fundamental rights.

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<sup>20</sup> Article 40 Harmonised standards and standardisation deliverables

<sup>21</sup> Article 95 Codes of conduct for voluntary application of specific requirements

<sup>22</sup> Article 56 Codes of practice



## Conformity with Technical Regulations and Standards

### Article 5: Procedures for Assessment of Conformity by Central Government Bodies

**Article 5: Conformity Assessment by Central Governments** ensures that conformity assessment procedures for verifying compliance with technical regulations or standards are fair, transparent, and do not unnecessarily restrict trade. Procedures must treat foreign and domestic products equally and be no stricter than needed to ensure compliance. They should be processed promptly, with clear timelines and reasonable fees, while safeguarding confidentiality and minimizing inconvenience. International standards should guide these procedures unless unsuitable due to specific national concerns. Members must notify and consult other Members on significant new procedures, allowing time for comments and adaptations, especially for developing countries. In emergencies, expedited procedures are allowed but require justification and immediate communication. All adopted procedures must be published and accessible.

#### *EU AI Act Application*

##### **1. Non-Discriminatory Access and Fair Treatment (Article 28)<sup>14</sup>**

**Equal Treatment:** The EU AI Act ensures that conformity assessment procedures for high-risk AI systems are applied equally to both domestic and imported products. This aligns with the TBT Agreement's requirement that suppliers of like products from other Members receive treatment no less favorable than that accorded to domestic suppliers.

##### **2. Avoidance of Unnecessary Trade Obstacles (Article 28)<sup>14</sup>**

**Proportionality and Necessity:** The EU AI Act mandates that conformity assessment procedures are not more stringent than necessary to ensure compliance with technical regulations, thus preventing unnecessary obstacles to international trade. This is consistent with the TBT Agreement's emphasis on avoiding overly restrictive measures.

##### **3. Efficiency and Transparency in Procedures (Article 45)<sup>23</sup>**

**Expeditious Processing:** The Act requires that conformity assessments are conducted efficiently, with clear communication of processing times and results. This ensures that procedures are completed as quickly as possible, similar to the TBT Agreement's provisions for expeditious processing.

**Transparency and Information Sharing:** Notified bodies must provide comprehensive information about conformity assessment activities, ensuring transparency and allowing for corrective actions if necessary. This aligns with the TBT Agreement's requirement for transparency in conformity assessment procedures.

##### **4. Confidentiality and Equitable Fees (Article 45)<sup>23</sup>**


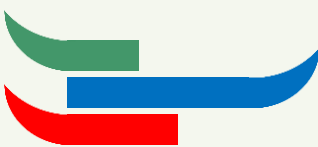
**Confidentiality:** The EU AI Act ensures that information obtained during conformity assessments is kept confidential, protecting commercial interests. This is in line with the TBT Agreement's provisions for confidentiality.

**Equitable Fees:** Fees for conformity assessments must be fair and equitable, reflecting the costs involved without discrimination against foreign suppliers. This aligns with the TBT Agreement's requirement for equitable fees.

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<sup>23</sup> Article 45 Information obligations of notified bodies





## 5. Use of International Standards (Article 43)<sup>24</sup>

Harmonization with International Standards: The EU AI Act promotes the use of harmonized standards that align with international standards, facilitating global trade and cooperation. This is consistent with the TBT Agreement's emphasis on using international standards as a basis for conformity assessment procedures.

## 6. Handling of Urgent Situations (Article 41)<sup>25</sup>

Flexibility for Urgent Issues: The Act allows for derogations from standard procedures in urgent situations related to public security or health, similar to the TBT Agreement's provisions for urgent problems.

## 7. Publication and Implementation (Article 31)<sup>26</sup>

Timely Publication: The EU AI Act requires that all adopted conformity assessment procedures are published promptly, allowing interested parties to become acquainted with them. This aligns with the TBT Agreement's requirements for publication and reasonable intervals before entry into force.

## Article 6: Recognition of Conformity Assessment by Central Government Bodies

**Article 6: Recognition of Conformity Assessment** encourages WTO Members to accept results from conformity assessment procedures in other countries if those procedures provide equivalent assurance of compliance with technical regulations or standards. This acceptance can depend on prior consultations to confirm the technical competence and reliability of the exporting country's assessment bodies. Members are urged to negotiate mutual recognition agreements and to allow foreign conformity assessment bodies to participate in their processes on equal terms with domestic bodies. These measures aim to facilitate trade by reducing duplication and fostering trust in cross-border compliance systems.

### *EU AI Act Application*

## 1. Acceptance of Conformity Assessment Results (Articles 29, 32, and 39)<sup>27,28,16</sup>

Framework for Recognition: The EU AI Act provides a framework for recognizing conformity assessments conducted by notified bodies, which are designated by Member States. These bodies must meet specific criteria to ensure their assessments are reliable and consistent with EU standards.

Third-Country Bodies: Conformity assessment bodies from third countries can be authorized to act as notified bodies under the EU AI Act if the Union has an agreement with the third country and the bodies meet the requirements laid down in Article 31 or ensure an equivalent level of compliance. This ensures that assessments from these bodies are accepted under the same conditions as those conducted within the EU.

## 2. Conditions for Recognition Articles 29, 32, and 39)<sup>16,27,28</sup>

Technical Competence: The EU AI Act requires that conformity assessment bodies demonstrate technical competence, often verified through accreditation, to ensure confidence in their assessment results. This aligns with the TBT Agreement's emphasis on the technical competence of assessment bodies.

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<sup>24</sup> Article 43 Conformity assessment


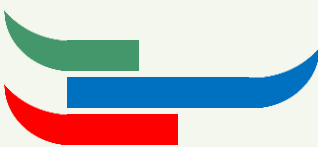
<sup>25</sup> Article 41 Common specifications

<sup>26</sup> Article 31 Requirements relating to notified bodies

<sup>27</sup> Article 29 Application of a conformity assessment body for notification

<sup>28</sup> Article 32 Presumption of conformity with requirements relating to notified bodies





Designated Bodies: The Act limits the acceptance of conformity assessment results to those produced by designated bodies, ensuring that only qualified entities conduct assessments.

### 3. Encouragement of Mutual Recognition Agreements (Article 39)<sup>16</sup>

Mutual Recognition: The EU AI Act encourages the establishment of mutual recognition agreements to facilitate the acceptance of conformity assessment results from bodies in third countries. This is particularly relevant for high-risk AI systems, where conformity assessments are crucial for ensuring compliance with EU standards.

Participation of Foreign Bodies: The Act allows foreign conformity assessment bodies to participate in the EU market if they are authorized under an agreement between the EU and their home country, provided they meet the necessary requirements.

### 4. Practical Implications

Facilitating Trade: By allowing foreign conformity assessment bodies to operate as notified bodies, the EU AI Act facilitates international trade and cooperation, reducing barriers for high-risk AI systems entering the EU market.

Ensuring Standards: The requirement for these bodies to meet EU standards ensures that high-risk AI systems comply with the necessary safety and ethical guidelines, maintaining the integrity of the EU market.

Streamlining Processes: The mutual recognition agreements and the structured application process for foreign bodies streamline the conformity assessment procedures, making it easier for international companies to comply with EU regulations.

### Article 7: Procedures for Assessment of Conformity by Local Government Bodies

**Article 7: Conformity Assessment by Local Governments** ensures that local government bodies adhere to the same principles as central governments under Articles 5 and 6, promoting fair and transparent assessment of product conformity. Members must take reasonable measures to ensure local governments comply, though notification requirements may be waived if procedures are substantially the same as those already reported by central bodies.

Communication with other Members can be routed through the central government, and Members must avoid encouraging local governments to act against the agreement. Members are ultimately responsible for compliance and must implement measures to support adherence by local entities.

#### EU AI Act Application


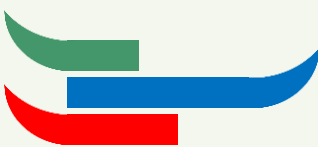
#### 1. Compliance by Local Government Bodies (Articles 39 and 43, and ANNEX VII)<sup>162629</sup>

##### *Ensuring Compliance with Articles 5 and 6:*

The EU AI Act requires Member States to ensure that local government bodies comply with conformity assessment procedures. This involves applying procedures that are non-discriminatory and do not create unnecessary obstacles to trade, ensuring that both domestic and imported AI systems are assessed under equivalent conditions.

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<sup>29</sup> ANNEX VII Conformity based on an assessment of the quality management system and an assessment of the technical documentation



Local government bodies must recognize conformity assessments conducted by other Members, provided they meet equivalent standards. This includes verifying the technical competence of assessment bodies and potentially entering into mutual recognition agreements to facilitate trade.

## 2. Notification and Coordination (Article 39)<sup>16</sup>

### *Notification Procedures:*

Local governments must notify relevant authorities of any new conformity assessment procedures, ensuring transparency and allowing for feedback and adjustments as necessary. This aligns with the requirement for open communication and coordination in the TBT Agreement.

Notifications are not required for procedures that are substantially the same as those previously notified by central government bodies, reducing redundancy and streamlining processes.

## 3. Role of Central Government (Article 31)<sup>26</sup>

### *Facilitating Communication and Compliance:*

Central government bodies play a crucial role in coordinating between local and international bodies to ensure compliance with the EU AI Act. They are responsible for setting up and maintaining communication channels, ensuring that local bodies are informed of and adhere to international standards and agreements.

Central governments are tasked with overseeing the implementation of conformity assessment procedures and ensuring that local bodies have the necessary resources and guidance to comply with the Act. This includes providing training and support to enhance the technical competence of local bodies.

## 4. Observance and Support (Article 37)<sup>30</sup>

### *Positive Measures and Mechanisms:*

Members are responsible for formulating and implementing positive measures to support the observance of Articles 5 and 6 by local government bodies. This includes developing mechanisms to ensure that local bodies adhere to the standards and procedures set by central authorities.

Members must ensure that local government bodies do not act in a manner inconsistent with the provisions of Articles 5 and 6, maintaining consistency and avoiding unnecessary trade barriers.

### *'Reducing duplication to lay down frictionless trade opportunities', Lisa Ventura*

The EU AI Act aligns closely with WTO Technical Barriers to Trade principles by promoting non-discrimination, proportionality, and transparency. Through harmonised standards, mutual recognition agreements, and regulatory sandboxes, it reduces duplication, facilitates compliance, and ensures safe, trustworthy AI deployment, balancing innovation with accountability while supporting global cooperation and equitable trade.

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<sup>30</sup> Article 37 Challenge to the competence of notified bodies

## ‘Promoting inclusive international trade’

*"The EU AI Act demonstrates how risk-based, transparent, and globally aligned regulation can safeguard rights, enable innovation, and promote fair, inclusive international trade while avoiding unnecessary technical barriers."*

Lisa Ventura, *Chief Executive and Founder, Cyber Security Unity*



### Article 8: Procedures for Assessment of Conformity by Non-Governmental Bodies

**Article 8** outlines the responsibilities of Members regarding non-governmental bodies conducting conformity assessments. Members must take reasonable steps to ensure these bodies comply with Articles 5 and 6, which govern the transparency and fairness of conformity assessments, except for the obligation to notify proposed procedures. Additionally, Members must avoid actions that directly or indirectly encourage non-compliance with these provisions. When central government bodies rely on assessments by non-governmental entities, they must ensure these entities adhere to Articles 5 and 6, maintaining integrity and consistency in conformity assessment practices.

#### *EU AI Act Application*

##### **1. Compliance with Articles 5 and 6 (Articles 8, 32 and 39)<sup>311628</sup>**

**Ensuring Compliance:** The EU AI Act requires that non-governmental bodies conducting conformity assessments for high-risk AI systems comply with the provisions outlined in Articles 5 and 6. This includes ensuring that conformity assessment procedures are non-discriminatory, do not create unnecessary obstacles to trade, and are conducted efficiently and transparently.


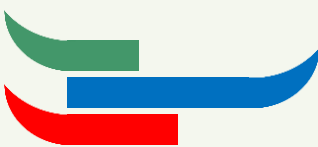
**Technical Competence and Standards:** Non-governmental bodies must demonstrate technical competence and adhere to harmonized standards to ensure their assessments are reliable and consistent with EU requirements. This aligns with the TBT Agreement's emphasis on the technical competence of assessment bodies.

##### **2. Role of Non-Governmental Bodies (Articles 8 and 39)<sup>3116</sup>**

**Integration into the Conformity Assessment Process:** While the EU AI Act primarily relies on notified bodies for conformity assessments, non-governmental bodies can be involved if they meet the necessary criteria and are designated as notified bodies. This ensures that their assessments are recognized and trusted within the EU framework.

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<sup>31</sup> Article 8 Compliance with the requirements



Development of Voluntary Codes of Conduct: Non-governmental bodies can support compliance by developing voluntary codes of conduct and best practices, which can help ensure that AI systems meet the required standards and facilitate the sharing of knowledge and expertise.

### **3. Reliance by Central Government Bodies (Articles 32 and 39)<sup>2816</sup>**

Conditions for Reliance: Central government bodies can rely on conformity assessments conducted by non-governmental bodies only if these bodies comply with the rigorous standards set out in Articles 5 and 6. This reliance is contingent on the bodies demonstrating technical competence and adherence to harmonized standards.

Facilitating Trade and Compliance: By allowing non-governmental bodies to participate in the conformity assessment process, the EU AI Act facilitates international trade and cooperation, reducing barriers for high-risk AI systems entering the EU market while maintaining high standards of compliance and reliability.

### **Article 9: International and Regional Systems**

Article 9 emphasizes the use of international and regional systems for conformity assessment to promote consistency and efficiency. Members are encouraged to adopt and participate in such systems whenever feasible, ensuring they align with Articles 5 and 6, which require transparency and impartiality in conformity assessments. Members must avoid actions that encourage or lead these systems to deviate from these principles. Additionally, central government bodies should rely on international or regional systems only if they comply with Articles 5 and 6, ensuring trustworthiness and alignment with global standards.

#### ***EU AI Act Application***

### **1. Formulation and Adoption of International Systems (Articles 39, 40, 41 and 43)<sup>9162524</sup>**

Harmonized Standards and Common Specifications: The EU AI Act emphasizes the use of harmonized standards and common specifications to ensure that conformity assessment procedures are consistent and reliable across Member States. This approach facilitates the integration of international standards into the EU framework, promoting global cooperation and reducing trade barriers.

Role of Notified Bodies: Notified bodies play a crucial role in the conformity assessment process. They are responsible for evaluating high-risk AI systems to ensure compliance with EU standards. These bodies must demonstrate technical competence and adhere to harmonized standards, which aligns with the TBT Agreement's emphasis on using international standards as a basis for conformity assessment procedures.

### **2. Compliance with Articles 5 and 6 (Articles 9 and 28)<sup>1432</sup>**

Ensuring Compliance: The EU AI Act requires that international and regional systems for conformity assessment comply with the provisions of Articles 5 and 6. This includes ensuring that conformity assessment procedures are non-discriminatory, do not create unnecessary obstacles to trade, and are conducted efficiently and transparently.

Risk Management System: Article 9 of the EU AI Act mandates that high-risk AI systems must have a robust risk management system in place. This system is designed to identify, evaluate, and mitigate risks associated with the AI system throughout its lifecycle, ensuring compliance with Articles 5 and 6.

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<sup>32</sup> Article 9 Risk management system



### 3. Reliance on International and Regional Systems (Articles 39 and 40)<sup>916</sup>

**Mutual Recognition Agreements:** The EU AI Act encourages the establishment of mutual recognition agreements with third countries to facilitate the acceptance of conformity assessment results. This is particularly relevant for high-risk AI systems, where conformity assessments are crucial for ensuring compliance with EU standards.

**Participation in Standardization Processes:** The Act supports the participation of EU Member States in international standardization processes, ensuring that EU standards are aligned with global best practices. This involvement helps to harmonize conformity assessment procedures on a wider scale, promoting consistency and reducing trade barriers.

## Information and Assistance

### Article 10: Information About Technical Regulations, Standards and Conformity Assessment Procedures

**Article 10** establishes requirements for Members to provide transparent and accessible information about technical regulations, standards, and conformity assessment procedures. Each Member must set up at least one enquiry point to handle inquiries from other Members and interested parties, providing relevant documents or guidance on where to find them. These enquiry points cover regulations, standards, assessment procedures, participation in international systems, and publication locations. If multiple points exist, their responsibilities must be clearly defined, and misdirected inquiries must be forwarded appropriately. Members should also ensure that requested documents are supplied equitably, and developed Members are encouraged to provide translations or summaries in English, French, or Spanish when requested. Notifications of agreements affecting trade must be shared through the Secretariat, and Members must designate a central authority to manage notification procedures, ensuring clarity and consistency in their implementation.

#### *EU AI Act Application*

### 1. Establishment of Enquiry Points (Article 70)<sup>33</sup>

**Role of Enquiry Points:** The EU AI Act requires Member States to establish national competent authorities, including notifying authorities and market surveillance authorities, which serve as enquiry points. These authorities are responsible for providing information about technical regulations, standards, and conformity assessment procedures. This aligns with the TBT Agreement's requirement for enquiry points to answer reasonable enquiries and provide relevant documents.


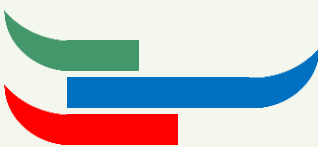
**Centralized Information Access:** Member States must ensure that these enquiry points can provide comprehensive information on technical regulations and standards adopted or proposed within their territories, as well as on conformity assessment procedures. This facilitates transparency and accessibility for other Members and interested parties.

### 2. Coordination and Communication (Article 70)<sup>33</sup>

**Central Government Authority:** The EU AI Act mandates that Member States designate a single central government authority responsible for implementing notification procedures at the national level<sup>7</sup>. This ensures clear communication and coordination, aligning with the TBT Agreement's requirement for a central authority to manage notifications.

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<sup>33</sup> Article 70 Designation of national competent authorities and single points of contact



Handling Multiple Enquiry Points: If multiple enquiry points exist, Member States must provide clear information on the scope of each point's responsibilities and ensure that enquiries are directed to the correct point 7. This prevents confusion and ensures efficient information dissemination.

### 3. International and Regional Cooperation (Articles 39 and 40)<sup>1620</sup>

Participation in International Systems: The EU AI Act encourages Member States to participate in international and regional standardization processes and conformity assessment systems 4. This supports the TBT Agreement's emphasis on harmonizing standards and facilitating global trade.

Mutual Recognition Agreements: The Act supports the establishment of mutual recognition agreements, allowing for the acceptance of conformity assessment results from foreign bodies, which enhances international cooperation and reduces trade barriers.

### 4. Provision of Documents and Translations (Article 70)<sup>33</sup>

Equitable Access to Documents: The EU AI Act ensures that documents related to technical regulations and conformity assessments are accessible to interested parties, aligning with the TBT Agreement's requirement for equitable pricing and availability.

Language and Translation Requirements: While the Act does not specifically address language requirements, it aligns with the TBT Agreement's provision for translations of documents upon request, particularly for developed country Members.

## Article 11: Technical Assistance to Other Members

**Article 11** emphasizes the importance of technical assistance to support other Members, particularly developing and least-developed countries, in implementing technical regulations, standards, and conformity assessments. Members are encouraged to provide advice and assistance upon request, under mutually agreed terms, to help establish regulatory and standardizing bodies, participate in international systems, and meet technical requirements effectively. This includes guiding producers on accessing conformity assessment systems and assisting with the legal and institutional frameworks needed for international participation. Members must prioritize the needs of least-developed countries while encouraging relevant bodies within their territories to offer support in these areas.

### *EU AI Act Application*

#### 1. Advising on Technical Regulations (Article 11 and ANNEX IV)<sup>3435</sup>

EU AI Act's Role: The EU AI Act emphasizes the importance of harmonized standards and conformity assessments for high-risk AI systems. While the Act itself does not explicitly mention advising other Members on technical regulations, it supports the development of a consistent regulatory framework that could serve as a model for other countries


#### 2. Establishment of Standardizing Bodies (Article 39)<sup>16</sup>

Participation in International Bodies: The EU AI Act encourages Member States to participate in international standardization processes, which can facilitate the sharing of best practices and support the establishment of national standardizing bodies in developing countries.

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<sup>34</sup> Article 11 Technical documentation

<sup>35</sup> ANNEX IV Technical documentation referred to in Article 11(1)



### 3. Establishment of Regulatory and Conformity Assessment Bodies (Preamble and Article 43)<sup>3624</sup>

Notified Bodies and Conformity Assessment: The Act outlines the role of notified bodies in conducting conformity assessments for high-risk AI systems. These bodies must meet specific criteria to ensure their assessments are reliable and consistent with EU standards. This framework can be shared with developing countries to help them establish their own regulatory and conformity assessment bodies.

### 4. Access to Conformity Assessment Systems (Article 11 and ANNEX IV)<sup>3435</sup>

Technical Documentation and Compliance: The EU AI Act requires comprehensive technical documentation for high-risk AI systems, which can serve as a guide for producers in developing countries seeking access to EU conformity assessment systems.

### 5. Participation in International Systems (Article 32)<sup>28</sup>

Mutual Recognition Agreements: The Act supports the establishment of mutual recognition agreements, allowing for the acceptance of conformity assessment results from foreign bodies. This can facilitate the integration of developing countries into international conformity assessment systems.

### 6. Encouragement of International Cooperation (Article 39)<sup>16</sup>

International Cooperation and Assistance: The EU AI Act encourages international cooperation and the harmonization of standards, which can benefit developing countries by integrating them into global AI governance frameworks. This cooperation might include sharing best practices and aligning regulatory approaches to facilitate smoother trade relations.

### 7. Prioritization of Least-Developed Countries (Article 39)<sup>16</sup>

Focus on Capacity Building: While the Act does not explicitly prioritize least-developed countries, the principles of international cooperation and mutual recognition can be leveraged to support these countries in building the necessary infrastructure and expertise to comply with international standards.

## Article 12: Special and Differential Treatment of Developing Country Members

**Article 12** ensures special and differential treatment for developing country Members, recognizing their unique challenges and needs in implementing technical regulations, standards, and conformity assessment procedures. Members must account for these countries' developmental, financial, and trade circumstances to avoid creating unnecessary barriers to exports and to support their participation in international systems. Developing countries are not obligated to adopt international standards that are unsuitable for their socio-economic or technological conditions. Technical assistance should address their specific needs, and time-limited exceptions may be granted to help them meet obligations under the Agreement. Periodic reviews ensure the effectiveness of these measures.

### *EU AI Act Application*

#### 1. International Cooperation and Harmonization (Articles 40 and 41)<sup>925</sup>

Harmonized Standards and International Participation: The EU AI Act emphasizes the importance of harmonizing standards and conformity assessment procedures with international norms. This approach facilitates global trade and cooperation, which can benefit developing countries by integrating them into international markets and reducing trade barriers 1. The Act encourages participation in international standardization processes, which can help developing countries align their regulations with global best practices.

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<sup>36</sup> Preamble





## 2. Technical Assistance and Capacity Building (Articles 57, 62, and 66)<sup>183738</sup>

Support for Developing Countries: While the EU AI Act does not explicitly mention special and differential treatment for developing countries, its principles of international cooperation and mutual recognition can be leveraged to provide technical assistance and capacity building. This support can help developing countries establish regulatory bodies and conformity assessment systems that meet international standards.

AI Regulatory Sandboxes: The Act includes provisions for AI regulatory sandboxes, which can serve as a platform for developing countries to experiment with AI technologies in a controlled environment. This can facilitate innovation and capacity building, allowing these countries to develop their AI capabilities.

## 3. Addressing Special Needs and Challenges (Articles 39, 40, and 41)<sup>162025</sup>

Consideration of Development Needs: The EU AI Act's emphasis on harmonized standards and international cooperation indirectly supports the integration and capacity building of developing countries in the AI sector. By aligning with international standards, developing countries can better address their special development, financial, and trade needs.

Mutual Recognition Agreements: The Act supports the establishment of mutual recognition agreements, allowing for the acceptance of conformity assessment results from foreign bodies. This can facilitate the integration of developing countries into international conformity assessment systems, making it easier for their products to access the EU market.

## 4. Encouragement of International Standardizing Bodies (Article 41)<sup>25</sup>

Participation in International Systems: The EU AI Act encourages Member States to participate in international standardization processes, which can facilitate the sharing of best practices and support the establishment of national standardizing bodies in developing countries.

## Institutions, Consultation and Dispute Settlement

### Article 13: The Committee on Technical Barriers to Trade

Article 13 establishes the Committee on Technical Barriers to Trade, comprising representatives from all Members, to oversee and consult on the implementation of this Agreement. Meeting at least once a year, the Committee addresses issues related to the Agreement's operation and objectives.

It can form working groups to handle specific tasks as needed. To enhance efficiency, the Committee seeks to minimize unnecessary duplication of efforts between its work and that of other technical bodies or governments.

### *EU AI Act Application*

#### 1. Establishment and Composition of the Committee (Article 65)<sup>39</sup>

European Artificial Intelligence Board: The EU AI Act establishes the European Artificial Intelligence Board, which functions similarly to a committee by facilitating cooperation and consistency among Member States regarding AI regulation 1. This Board is composed of representatives from each Member State, akin to the Committee on Technical Barriers to Trade, and is responsible for overseeing the implementation of the AI Act.

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<sup>37</sup> Article 62 Measures for providers and deployers, in particular SMEs, including start-ups

<sup>38</sup> Article 66 Tasks of the Board

<sup>39</sup> Article 65 Establishment and structure of the European Artificial Intelligence Board





## 2. Responsibilities and Meetings (Recital 149)<sup>40</sup>

Advisory and Coordination Role: The Board is tasked with advisory functions, including issuing opinions, recommendations, and advice on the implementation of the AI Act. It meets regularly to ensure effective governance and coordination among Member States 11. This aligns with the Committee's role in consulting on matters related to the operation of the Agreement.

## 3. Establishment of Working Parties (Articles 65 and 68)<sup>4139</sup>

Sub-Groups and Expert Panels: The EU AI Act allows for the establishment of sub-groups and expert panels to address specific issues related to AI regulation. These groups provide technical expertise and support the Board's activities, similar to the working parties that the Committee on Technical Barriers to Trade might establish.

## 4. Avoidance of Unnecessary Duplication (Article 65)<sup>39</sup>

Streamlining Efforts: The EU AI Act emphasizes the importance of harmonizing standards and avoiding duplication of efforts. The Board and its sub-groups work to ensure that AI regulations are consistent and do not overlap unnecessarily with other technical bodies, aligning with the Committee's objective to minimize duplication.

## Article 14: Consultation and Dispute Settlement

**Article 14** outlines the process for consultation and dispute resolution under the Agreement. Disputes are handled by the Dispute Settlement Body, following procedures from GATT 1994 and the Dispute Settlement Understanding. Panels may involve technical expert groups to address complex technical issues, governed by Annex 2 procedures. Members can invoke these mechanisms if another Member's actions under specific articles (3, 4, 7, 8, and 9) significantly affect their trade interests, ensuring outcomes comparable to those if the body in question were a Member.

### *EU AI Act Application*

## 1. Consultation and Dispute Resolution Mechanisms (Articles 65 and 67)<sup>3942</sup>

Role of the European Artificial Intelligence Board: The EU AI Act establishes the European Artificial Intelligence Board, which plays a crucial role in facilitating the consistent and effective application of the regulation across Member States. While the Act does not explicitly mention a Dispute Settlement Body akin to the WTO's, the Board serves as a platform for consultation and coordination among Member States, which can help prevent and resolve disputes related to AI regulation.

Advisory Forum and Technical Expertise: The Advisory Forum, established under the EU AI Act, provides technical expertise and advice to the Board and the Commission. This forum includes a balanced selection of stakeholders, ensuring diverse input into the governance process. It can serve as a resource for resolving technical disputes by providing expert opinions and recommendations.

## 2. Establishment of Technical Expert Groups (Articles 67 and 68)<sup>4241</sup>


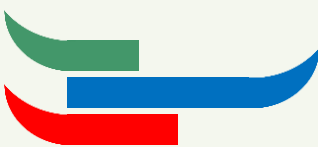
Scientific Panel of Independent Experts: The EU AI Act establishes a scientific panel of independent experts to support enforcement activities. This panel can provide technical expertise and advice on complex issues, similar to the technical expert groups mentioned in Article 14 of the TBT Agreement.

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<sup>40</sup> Recital 149

<sup>41</sup> Article 68 Scientific panel of independent experts

<sup>42</sup> Article 67 Advisory forum



Role in Dispute Resolution: While the Act does not explicitly outline the use of technical expert groups for dispute resolution, the scientific panel and advisory forum can contribute to resolving technical disputes by offering detailed analysis and recommendations on AI-related issues.

### 3. Application of Dispute Settlement Provisions (Articles 65, 67, and 68)<sup>394241</sup>

Alignment with International Standards: The EU AI Act emphasizes the importance of harmonizing standards and avoiding unnecessary trade barriers. This approach aligns with the principles of the TBT Agreement, ensuring that AI regulations do not create obstacles to international trade.

Potential for Dispute Resolution: In cases where trade interests are significantly affected, the governance structures established by the EU AI Act, such as the Board and advisory forum, provide platforms for addressing concerns and facilitating dialogue among stakeholders. This can help mitigate disputes and ensure that AI regulations are applied consistently across Member States.

#### *‘AI has cross-border trade-enhancing potential’, Hande Ocak Başev*

AI regulation should not hinder trade—it should enable trusted, cross-border ecosystems. The EU AI Act demonstrates that a value-based regulatory model can coexist with trade obligations when designed with clarity, risk-based classification, and procedural fairness. It sets a precedent for tech-enabled yet barrier-free global commerce.

#### ‘Regulation must evolve in sync with AI innovation’

*"As AI technologies transcend borders, regulatory frameworks must evolve accordingly. The EU AI Act provides a blueprint for harmonizing innovation with trade integrity, ensuring global interoperability and accountability."*

Hande Ocak Başev, President, WSI London





## Final Provisions

### Article 15: Final Provisions

**Article 15** establishes the final provisions of the Agreement. Reservations to its provisions require the consent of all Members. Members must inform the Committee of measures taken to implement and administer the Agreement upon its entry into force and notify any subsequent changes. The Committee conducts annual reviews to assess the Agreement's implementation and objectives. Every three years, the Committee evaluates its operation, focusing on transparency and balancing rights and obligations. Based on this review, the Committee may recommend adjustments or propose amendments to the

Council for Trade in Goods to enhance mutual economic benefits.

### *EU AI Act Application*

#### 1. Handling of Reservations (Article 112)<sup>43</sup>

**Consent for Reservations:** The EU AI Act does not explicitly mention reservations in the context of international agreements. However, it emphasizes the importance of harmonized standards and conformity assessments, which implies a commitment to consistent application across Member States without reservations that could undermine the uniformity of the regulation 1. This aligns with the principle that reservations may not be entered without the consent of other Members, ensuring a unified approach to AI regulation.

#### 2. Review Process (Article 112)<sup>43</sup>

**Regular Evaluation and Review:** The EU AI Act includes provisions for regular evaluation and review of its implementation. The Commission is tasked with submitting reports on the evaluation and review of the regulation, including the need for amendments to the list of prohibited AI practices and the effectiveness of the governance system 1. This aligns with the concept of reviewing measures to ensure they remain relevant and effective.

**Involvement of Stakeholders:** The review process involves consultation with various stakeholders, including the European Parliament, the Council, and other relevant bodies. This ensures that the review process is comprehensive and takes into account the perspectives of different stakeholders 1. This is similar to the annual review by the Committee as mentioned in the user's query.

**Amendments and Proposals:** Based on the findings of the reviews, the Commission may propose amendments to the regulation to address any identified shortcomings or to adapt to technological developments 1. This aligns with the provision for the Committee to recommend adjustments to the rights and obligations of the Agreement.

#### 3. Notification of Measures (Article 30)<sup>15</sup>

**Transparency and Communication:** The EU AI Act emphasizes transparency in its implementation, requiring Member States to notify the Commission and other Member States of any relevant changes to conformity assessment procedures or other regulatory measures 2. This ensures that all parties are informed of any updates or changes, facilitating a coordinated approach to AI regulation.

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<sup>43</sup> Article 112 Evaluation and review



## 2. Lessons to Learn: Good Regulatory Practice

**The operation and implementation of the TBT Agreement offers some insights for the implementation of the EU AI Act, particularly when it comes to facilitating frictionless trade between borders**

This section takes into account practices straddling the area concerning regulatory practice in the WTO's eight triennial review of the operation and implementation of the agreement on TBT under Article 15.4<sup>44</sup>.

Good Regulatory Practice (GRP) is a cornerstone of effective governance in the context of international trade. Lessons from the implementation of the WTO's Technical Barriers to Trade (TBT) Agreement offer valuable insights for the EU AI Act, emphasizing the importance of mechanisms that ensure regulations are transparent, non-discriminatory, and least trade-restrictive.

### Institutional Mechanisms for GRP

A key feature of GRP is institutionalizing mechanisms that support consistent, high-quality regulation throughout the policy lifecycle. The WTO TBT Agreement highlights the importance of embedding GRP in laws, regulations, and guidance documents to avoid unnecessary obstacles to trade. For the EU AI Act, this could translate to establishing robust institutions to oversee AI regulation development, coordination, and review. Effective internal policy coordination among relevant stakeholders—including regulators, industry experts, and trade bodies—ensures coherence and reduces redundancies.

The creation of domestic administrative mechanisms, such as TBT Committees, facilitates stakeholder engagement. For example, South Africa's use of such committees has enhanced cooperation among regulatory bodies and provided a platform for dialogue. Similarly, the EU could consider a designated AI oversight body to coordinate input from member states and ensure compliance with GRP principles across different jurisdictions.


### Transparency and Stakeholder Engagement

Transparency is a pillar of GRP, promoting accountability and inclusivity. Under the TBT Agreement, regulatory authorities are encouraged to share draft regulations, consult stakeholders, and provide adequate time for feedback. The EU's "Better Regulation Portal" exemplifies this principle by enabling public participation throughout the policy cycle. Applying this model to the AI Act could enhance its legitimacy and effectiveness.

Public consultations, such as those described by Australia during WTO discussions, help identify unintended consequences and foster stakeholder buy-in. For instance, Regulatory Impact Assessments (RIAs) can integrate trade impacts, technical feasibility, and societal benefits, providing a balanced approach to decision-making. The EU could incorporate RIA-like processes to evaluate AI regulations ex ante and ex post, ensuring their alignment with GRP.

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<sup>44</sup> World Trade Organisation (WTO). (2018), "EIGHTH TRIENNIAL REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE UNDER ARTICLE 15.4", accessible at: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q/G/TBT/41.pdf&Open=True> (last accessed 26th November 2024)



## Harmonization and International Cooperation

Regulatory cooperation between WTO members has been pivotal in disseminating GRP and fostering mutual understanding. Mechanisms such as harmonized standards, conformity assessments, and equivalence agreements prevent regulatory fragmentation and reduce trade barriers. The ASEAN Good Regulatory Practice Guide demonstrates how regional alignment can create predictable regulatory environments while respecting national sovereignty.

For the EU AI Act, international cooperation could facilitate the adoption of globally accepted standards for AI systems, minimizing disruptions to cross-border trade. Collaborative efforts with entities such as the International Organization for Standardization (ISO) and the OECD could further enhance regulatory harmonization, leveraging existing expertise while addressing AI-specific risks.

## Proportionality and Risk-Based Approaches

A recurring theme in GRP under the TBT framework is proportionality. Regulations should address their intended objectives without imposing undue burdens on stakeholders. For instance, Canada’s “small business lens” initiative seeks to reduce regulatory costs for smaller enterprises without compromising broader societal goals. Similarly, proportionality is critical in AI regulation, where overregulation could stifle innovation while underregulation risks harm.

Risk-based approaches—as adopted by the European Union for conformity assessments under the TBT—can guide the EU AI Act. Technical Regulatory Impact Assessments (as practiced in Korea) or similar tools could help evaluate the risk profiles of different AI applications, tailoring regulatory requirements accordingly.

*‘Practical tools resemble coherent approach to address technological demands, Mitko Karushkov*

In their practical essence, the measures to overcome the technical barriers to trade, resemble other principles known in the technology driven sectors. Such would be the Net Neutrality, or even some aspects of the Accountability provided for in other EU acts. Such measures display the coherent legislative approach in addressing technology, innovation and their rapid involvement in business. Regulators and the real life situations shall take it from here.





## Capacity Building and Technical Assistance

The TBT Agreement emphasizes the need for capacity building to enable developing countries to implement GRP effectively. This lesson underscores the importance of providing resources and training to member states and stakeholders for the EU AI Act. Developing a centralized repository of guidance, best practices, and training modules could enhance compliance and encourage consistent application across the EU. Complementing this, knowledge-transfer mechanisms, such as open registries of conformity assessments and standardized documentation templates for AI models, would ease compliance and speed regulatory adoption in developing countries, thereby advancing the WTO's capacity-building goals and fostering responsible innovation.

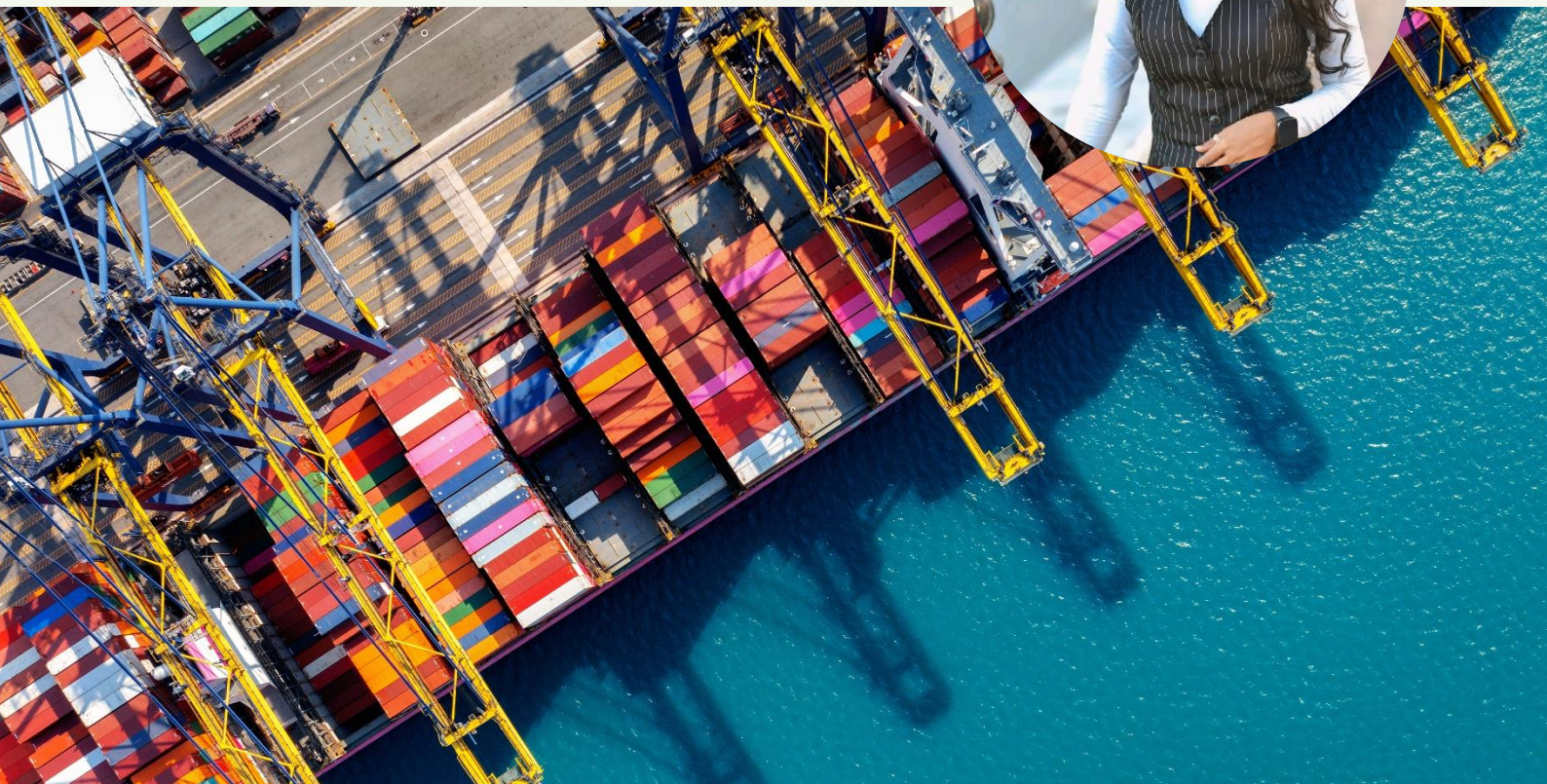
### *'Helping to mitigate trade frictions', Dr. Amritha Subhayan Krishnan*

Through a cultural foresight lens, this report highlights how harmonised standards, mutual recognition, and capacity building can mitigate trade frictions. Embedding narrative frameworks in Common European Data Spaces can deepen public trust, enabling creative industries to turn compliance into an engine for cross-border collaboration, innovation, and meaningful digital transformation..

### 'Risk-alignment transforms compliance into growth catalyst'

*"Aligning risk-based regulation with interoperable data ecosystems transforms compliance into a catalyst for innovation, enabling industries to embed trust and inclusivity at the heart of AI lifecycles while supporting equitable global market access."*

Dr. Amritha Subhayan Krishnan, *Founder, Smart Story Labs*





### 3. Conclusion

The EU AI Act is a groundbreaking regulatory framework that aims to govern artificial intelligence while fostering innovation and facilitating global trade. By aligning with the WTO's Technical Barriers to Trade (TBT) Agreement, it seeks to protect fundamental rights, encourage innovation, and promote international cooperation. This conclusion highlights the main takeaways from the Act and its implications for global AI governance.

#### Balancing Innovation and Regulation

The EU AI Act takes a risk-based approach to AI governance, focusing on high-risk AI systems while allowing low-risk and experimental technologies to develop under flexible rules. This balance ensures that innovation can thrive without compromising public safety or fundamental rights. Regulatory sandboxes, which allow businesses to test AI technologies in controlled environments, are vital to achieving this equilibrium.

#### Ensuring Fairness in Global Trade

The Act emphasizes non-discrimination, treating AI systems equally regardless of origin. By aligning with international standards and encouraging mutual recognition agreements, it helps prevent trade barriers and ensures a level playing field for global AI markets. This approach supports European AI innovation while enabling fair access for foreign developers.

#### Promoting Transparency and Engagement

Transparency is a core principle of the EU AI Act. By involving stakeholders such as industry leaders, researchers, and the public in consultations, the Act fosters trust and inclusivity. Public participation ensures that regulations remain relevant and responsive to evolving AI technologies.

#### Harmonization and International Cooperation

The Act's focus on harmonizing standards with global frameworks like those from the International Organization for Standardization (ISO) reduces market fragmentation and trade obstacles. Mutual recognition agreements simplify conformity assessments, making it easier for AI systems to comply with regulations across borders while maintaining safety and ethical standards.

#### Proportionality and Risk-Based Approaches

The EU AI Act's proportionality ensures that regulatory requirements match the risk level of AI applications. High-risk systems undergo stringent assessments, while low-risk systems face fewer obligations. This approach minimizes unnecessary regulatory burdens, aligning with the TBT Agreement's emphasis on avoiding trade-restrictive measures.

#### Supporting Inclusivity and Capacity Building

The Act prioritizes inclusivity by supporting small businesses and start-ups, ensuring they can compete without being overwhelmed by compliance demands. It also emphasizes capacity building for developing countries, helping them integrate into global AI markets by aligning with international standards and best practices.





## Lessons for the Future

Key lessons from the EU AI Act include the importance of flexible regulations, global interoperability, inclusivity, and risk-based governance. These principles can guide other regions in developing AI policies that support innovation while addressing local and global challenges.

The EU AI Act demonstrates how regulatory frameworks can balance innovation and protection. By aligning with global trade principles, it sets a standard for responsible AI governance. As the AI landscape evolves, the Act's lessons can inspire future regulations that foster trust, innovation, and global cooperation in the AI-driven world.







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## Appendix A: Navigating the New Frontier of AI Governance

*An African Perspective on the EU AI Act and the WTO's Technical Barriers to Trade Agreement*



**Ademulegun Blessing James,**

*Vice President and Chief AI Ethicist,  
Africa Tech For Development Initiative*



**Majiuzu Daniel Mozes,**


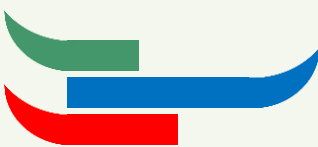
*Founder,  
Africa Tech For Development Initiative*

### About Africa Tech for Development Initiative (Africa4dev)

We strive to promote ethical and responsible technology and artificial intelligence while bridging the inclusion gap in underrepresented communities. We aim to foster sustainable development, social good and human-centered tech and AI through global collaborations and advanced research. We are deeply committed to forging strategic partnerships to amplify our impact across the continent and beyond. The Africa Tech for Development Initiative is dedicated to promoting ethical and human-centered AI that fosters sustainable development. We stand ready to facilitate this crucial dialogue, ensuring that the future of AI regulation is not only fair and non-discriminatory but also a true catalyst for inclusive growth and shared prosperity.

### Executive summary

The EU's AI regulatory approach seeks high standards on safety, fundamental rights, and transparency. Those legitimate aims can be implemented in line with the World Trade Organization WTO thereby avoiding discrimination and unnecessary trade obstacles. To achieve this, a risk-based, proportionate conformity assessment regime, transparent, inclusive and interoperable standards, mutual recognition and equivalence pathways; and targeted capacity building and technical assistance for trading partners is crucial.



This submission proposes novel mechanisms — e.g., *Algorithmic Regulatory Sandboxes Mutual Recognition*, *Standards Impact Assessments (SIA)*, *Digital Equivalence Certificates* and a *WTO-TBT AI Transparency Registry* together with concrete policy language and operational steps regulators can adopt to remain WTO-compliant while protecting people and society.

## Introduction

The global community stands at a pivotal moment in the regulation of artificial intelligence. The European Union's AI Act, which entered into force on 1 August 2024, represents the world's first comprehensive legal framework for AI. Its ambition to set a global benchmark, a phenomenon often termed the "Brussels Effect", necessitates a thorough examination of its alignment with established international trade principles. For nations in Africa, this is not a theoretical exercise. It is a critical inquiry into whether this new regulatory wave will foster inclusive innovation or erect new, invisible walls to global commerce.

Our analysis is grounded in the principles of the World Trade Organization's (WTO) Technical Barriers to Trade (TBT) Agreement. This agreement serves as the cornerstone for ensuring that technical regulations, standards, and conformity procedures are non-discriminatory and do not create unnecessary obstacles to international trade. It is through this lens that we must assess the EU AI Act's provisions and their real world consequences for the African AI ecosystem.

*"True global standards for AI cannot be forged in isolation. They must be co-created, embracing diverse realities to ensure technology empowers all of humanity, not just a privileged few."*


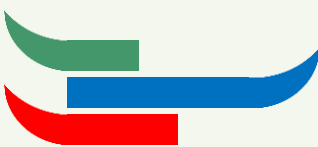
## The TBT Agreement: A Framework for Fairness

The TBT Agreement provides a balanced framework. It recognizes the sovereign right of nations to implement measures for legitimate policy objectives, such as protecting human health, safety, and the environment. Simultaneously, it imposes disciplines to prevent protectionism. Key principles include non-discrimination, which requires that imported products receive treatment no less favorable than that given to like domestic products or imports from other countries, and the avoidance of unnecessary trade obstacles. The agreement strongly encourages members to base their measures on international standards as a means to facilitate trade and enhance regulatory predictability.

## The EU AI Act: A Double-Edged Sword for Global Trade

The EU AI Act's risk-based approach, which applies stringent rules to "high-risk" AI systems, presents both opportunities and significant challenges. On one hand, the push towards harmonized standards, such as ISO/IEC 42001, could create a more predictable global market. Innovators who meet these high standards may find new avenues for market access and build greater consumer trust.

On the other hand, the Act's extraterritorial scope poses a considerable risk of becoming a de facto trade barrier. African startups and small to medium-sized enterprises (SMEs) may face prohibitive compliance costs and technical hurdles. These requirements, if not implemented with care, could function as unnecessary obstacles to trade, stifling innovation and marginalizing developing economies from the global AI value chain. The very act of determining whether an AI system's



output is "used in the Union" creates a compliance trap for African developers who may lack the resources for such complex legal monitoring.

### Analytical framework to measure alignment

An analytical framework should be applied to technical regulations, voluntary standards referenced by regulation, and conformity assessment (testing/certification) requirements. Three lenses may be adopted to test any AI regulatory measure for WTO/TBT compatibility and this include but not limited to:

1. **Legitimacy & necessity:** Is the measure pursuing a legitimate regulatory objective? Is it necessary and proportionate (least trade-restrictive) to achieve that objective?
2. **Non-discrimination:** Is the measure neutral as between domestic and foreign suppliers? Are there objective and transparent criteria?
3. **Transparency, predictability & least-trade-restrictive design:** Are standards and conformity procedures publicly available, based on international standards where possible, allowing equivalence/mutual recognition, and accompanied by technical assistance where capacity gaps exist?

### Novel & practical mechanisms to align EU AI rules with WTO/TBT

These mechanisms which contain principles and action steps are highly crucial and include:

#### Risk-tiered conformity with Proportionality Triggers

It is expedient to match the stringency of conformity assessment to the *actual* risk category (e.g., minimal, limited, high, unacceptable). An actionable step would be to adopt standardized tiers (already used in some AI laws) and specify which conformity steps are obligatory versus optional. Ensure *open* guidance on how a product is classified, with an independent review path to contest classification.

#### Standards Impact Assessment (SIA)

This should be a mandatory pre-adoption test for technical regulations. Before a regulation references a specific technical standard, authorities should publish a short SIA that assesses trade impact, availability of alternative international standards, impact on third countries, and mitigation measures. This is important as SIAs institutionalize a least-traderestrictive test and create public record to reduce arbitrary discrimination.

#### Algorithmic Regulatory Sandboxes Mutual Recognition (ARSMR)

There should be a co-designed sandbox programs across jurisdictions (EU with its partners). Solutions tested in one sandbox under agreed protocols become eligible for streamlined entry in the other jurisdiction. The benefit of this is that real-world testing will help demonstrate compliance without requiring duplicative, costly testing; encourages innovation and capacity sharing.

#### Digital Equivalence Certificates (DEC)

A standard certificate attesting to conformity outcomes (e.g., safety tests passed, explainability metrics met, dataset provenance checks) should be issued by accredited conformity bodies. DEC's are machine-readable, time-bound and support mutual recognition negotiations. To achieve this, there should be created a transparent metadata schema for DEC's (which tests, which thresholds, any exemptions) and publish a registry of issuing bodies.



## Algorithmic Equivalence & Explainability Tolerances

EU Regulators need accept *equivalence of outcome* rather than prescriptive inputs. If a provider can demonstrate outcome parity on fairness, robustness, privacy, regulators accept differing technical implementations. *Explainability tolerances* and ranges of explainability/performance metrics must be defined and measured by independent tests rather than prescribing specific explanation techniques.

## WTO-TBT AI Transparency Registry (WTAR)

There should be an online, public registry where proposed technical regulations/standards are posted; SIAs, DEC templates, and sandbox results are published; and third countries can request technical consultations. A beneficial factor here is that it strengthens TBT transparency obligations, reduces surprises, and fosters early problem solving.

## Capacity & Equivalence Fund (CEF)

A joint EU-WTO-donor fund will help to finance conformity testing support and capability building in developing partners (labs, accredited bodies, training) and enables practical nondiscrimination by reducing capacity barriers.

## An African Perspective: From Rule Taker to Rule Maker

Africa is not a passive recipient of global regulations. The continent is actively shaping its own digital future. The African Union's Continental AI Strategy, endorsed in July 2024, champions an Africa-centric, development-focused approach to AI. Individual nations are also making strides; for instance, Nigeria's General Application and Implementation Directive (GAID) 2025 is a significant step towards robust data governance, a cornerstone of responsible AI.

Africa's digital ecosystem is characterized by leapfrog innovation, particularly in mobile-first solutions. However, this dynamism coexists with significant infrastructure and data sovereignty challenges. Any regulatory framework imposed from outside must recognize this duality, fostering growth without stifling the continent's unique, context-driven technological pathways and nascent AI industries.

This is where the TBT Agreement's provisions for Special and Differential Treatment (S&DT) for developing countries become paramount. For the EU AI Act to be truly compatible with the spirit of the WTO, these principles cannot be an afterthought. They must be operationalized through tangible support, including technical assistance, capacity building, and flexible compliance mechanisms that acknowledge the diverse economic and technological realities across Africa.

## The Path Forward: A Call for Inclusive Governance

A regulation designed in one region cannot be unilaterally imposed as a global standard without risking significant market distortions and deepening the digital divide. The path forward requires a fundamental shift from a unilateral regulatory posture to a collaborative one. We call for a genuine partnership between the African Union and the European Union, one built on mutual respect and co-creation.

This partnership should focus on several key areas:

- ❖ Developing mutual recognition agreements for conformity assessments to reduce redundant testing and certification costs.

- ❖ Investing in robust capacity-building programs that empower African regulators, developers, and entrepreneurs to navigate and shape the global AI governance landscape.
- ❖ Ensuring that African experts are at the table in international standard-setting bodies, so that future standards reflect global diversity and are not just a reflection of one region's priorities.

## Recommendations

- I.** Establish a WTO-TBT working group specifically for AI that monitors implementation, curates best practices (DECs, SIAs) and offers early mediation.
- II.** Member states should commit to prompt technical consultations when a partner raises trade friction concerns.
- III.** Priority must be given to Sandboxes as they reduce disputes by building empirical evidence and trust early.
- IV.** There should be Pilot DEC & reciprocity with three jurisdictions. For instance EU authority, accredited lab in India/IIT Madras partner, and an African national lab produce DECs for a shared pilot AI medical triage tool with the aim to evaluate reciprocity and lessons.
- V.** Publish SIA for an EU AI standard and invite comments from WTO members; iterate.
- VI.** Cross-border sandbox pilot which will be a joint sandbox between an EU regulator, African regulator, and another jurisdictional organization to test agriculture AI models and share results.
- VII.** Publish clear, objective criteria for risk classifications and a quick independent review/appeal mechanism for classification disputes. For low-risk AI, favor selfdeclaration and post-market monitoring; for high-risk, require third-party testing but accept DEC from accredited bodies in recognized jurisdictions.
- VIII.** The EU (and WTO donor community) should fund the CEF to support labs, accreditation, and technical training in developing economies to meet conformity requirements.
- IX.** Regulators should require a short SIA for any technical specification referenced or mandated. The SIA must address: availability of international standards (ISO/IEC), trade impact assessment, alternatives considered, and mitigation (mutual recognition routes, technical assistance). Publish SIAs with explanatory public comments for 60 days before final adoption.
- X.** Member states should commit to prompt technical consultations when a partner raises trade friction concerns.

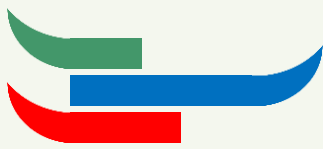
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## Acknowledgements

### Corporate Partners

We are grateful to our network of corporate partners for their invaluable contributions:










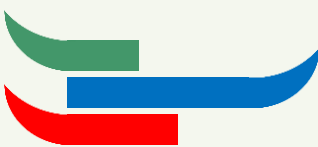
## Individual Partners

We are also grateful to our network of individual supporters for their invaluable contributions:

**Ademulegun Blessing James** is the Vice President and Chief AI Ethicist at the African Tech for Development Initiative, where he champions the ethical adoption of artificial intelligence across Africa. He is also the Founder and Executive Director of Grinwad Integrated Tech Hub, a technology innovation hub focused on developing premium technology solutions for emerging markets. His research centers on algorithmic bias detection and AI governance frameworks, specifically designed for Global South contexts with limited data infrastructure. James is a Research Fellow at the Center for AI and Digital Policy (CAIDP) and a Fellow of the Pan-African Center for AI Ethics (PACFAIE). He also holds distinguished positions as a Fellow at For Humanity and Partner at AI and Partners, while serving as a Contributor at All Tech Is Human and an active Member of the Responsible Artificial Intelligence Institute. Additionally, he volunteers with Open Ethics and Data Science Nigeria (DSN), reflecting his commitment to grassroots AI development initiatives. He is a member of the Internet Society of Nigeria (ISOCN) and serves as the Nigerian representative of the IEEE Future-Ready Workforce Africa Initiative. In this role, he contributes to the PC4DT Coalition, developing initiatives that advance technology in Africa with a strong emphasis on human-centered design, ethics, diversity, equity, inclusion, and AI for social good. James also sits on the Executive Board of TechKids AI, where he drives AI literacy and responsible tech education for the next generation. James has been inducted as a strategic member of the Open Ethics AI Literacy Framework development team. As co-developer of VisionX Scan, he contributed significantly to creating a tool designed to identify systemic biases in AI systems. His scholarly contributions include coauthoring *The Truth Behind The Code*, a seminal work exploring AI ethics and diversity in technological systems. His policy expertise spans international frameworks such as the EU AI Act, the African Union Continental AI Strategy, the NAIS, and other emerging regulatory approaches. He frequently delivers keynote addresses at major international conferences, including the GatherVerse 2025 Summit and Responsible AgeTech '25, and participates in high-level policy discussions such as the National Artificial Intelligence Stakeholders Roundtable Conference and the Africa AI Village Paris Action Summit. Holding certifications in AI Governance (AIGP), Enterprise IT Governance (CGEIT), and Corporate Governance (CGPC), James bridges technical innovation with regulatory compliance, positioning ethical AI implementation as essential to sustainable technological advancement in emerging economies.

**Dr. Amritha Subhayan Krishnan**, is a cultural foresight researcher and creative industries policy advisor, specializing in AI governance, the Next Generation Internet, and technology-driven storytelling. She works at the intersection of creative and cultural industries, exploring how digital narratives, strategic leadership, and emerging technologies can foster trust, inclusivity, and innovation. As the founder of Smart Story Labs, she shapes human-centred futures in the digital ecosystem, bringing cross-sectoral insights into how cultural contexts influence data governance, ethical technology adoption, and audience engagement in rapidly evolving digital landscapes.

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**Mitko Karushkov**, Mitko Karushkov has been providing legal, regulatory, compliance, transactional and business solutions to international companies for more than 20 years now. Focused on enterprise companies and their strategic (or daily) operations, Mitko has solved matters related to the digital, tech or electronic assets of such businesses. Active and involved also in bridging between traditional and technology markets, including to the application of the EU DSA, DMA, AI and other regulations. Media, Telecoms, IPRs, Corporate, M&As are also part of the service portfolio of Mitko. For further information: [www.karushkov.com](http://www.karushkov.com).

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