

Guiding Compliance: The Commission's Role in Developing Serious Incident Reporting Guidance

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9. Reporting Serious Incidents: Procedures and significance.

9.1 Incident Reporting Obligations

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Introduction

This is the final article in our series about reporting serious incidents under the EU AI Act. The first article in this series covered [Incident Reporting Obligations](#) with Dr. Benedikt Kohn, [Risk Assessment and Corrective Action](#) with Matt Hervey, and [Authority Notification and Cooperation](#) with Uthman Ali.

To begin, we look at the basics: **What is the EU AI Act?** The EU AI Act is a landmark regulation designed to govern AI systems, ensuring safety, compliance, and innovation across the European Union.



The EU AI Act places a strong emphasis on the reporting of serious incidents involving high-risk AI systems, underscoring the importance of transparency and accountability in the deployment of AI technologies. Central to this framework is the pivotal role of the European Commission in providing guidance to streamline compliance efforts.

The Commission's proactive approach in developing comprehensive guidance aims to assist stakeholders in understanding and fulfilling their reporting obligations effectively. By offering clear directives and best practices, the Commission seeks to ensure consistent and uniform adherence to reporting standards across member states. This guidance serves as a crucial resource for AI system providers, empowering them to navigate the complexities of incident reporting with confidence and clarity. Furthermore, it serves as an early warning systems for many public authorities and equalities bodies to prepare for any fall-out and mitigate impacts to health, safety and fundamental rights which may be at risk of becoming widespread. Moreover, it fosters greater cooperation between providers and competent authorities, facilitating smoother communication channels and more efficient incident resolution processes.

In essence, the Commission's dedication to developing robust reporting guidance reflects its commitment to promoting a safe and responsible AI landscape within the European Union. By providing actionable insights and support, the Commission plays a pivotal role in guiding compliance efforts and upholding the integrity of AI deployments.

The EU AI Act and Serious Incident Reporting

The EU AI Act mandates providers of high-risk AI systems to report serious incidents to ensure safety and transparency in the AI sector. This reporting requirement is a crucial aspect of the Act, designed to uphold public trust and accountability in the deployment of AI technologies.

Providers are obligated to promptly report any serious incidents to the market surveillance authorities of the Member States where the incident occurred. These incidents include events that result in death, serious damage to health, safety and fundamental rights, or significant disruption to critical infrastructure. National public authorities or bodies which supervise or enforce fundamental rights, including equalities bodies, have the power to request access to information created under the EU AI Act, including serious incident reports.

The Act's focus on serious incident reporting underscores the importance of proactive risk management and transparency within the AI ecosystem. By mandating timely reporting, the EU aims to ensure that potential risks associated with AI systems are promptly addressed and mitigated to safeguard public safety and fundamental rights, including reporting of serious incidents leading to the important engagement of public authorities and fundamental rights bodies.

Furthermore, the Act emphasizes the need for cooperation between providers (and where applicable, the deployer) and competent authorities during the investigation of serious incidents. This collaboration ensures thorough and effective incident resolution processes, fostering a culture of accountability and continuous improvement in AI safety standards.

In summary, the EU AI Act's requirements for serious incident reporting reflect its commitment to fostering a safe and transparent AI environment. Through these measures, the Act seeks to instill confidence in AI technologies while prioritising the protection of individuals and critical infrastructure.



Commission's Role in Guidance Development

The Commission plays a pivotal role in developing dedicated guidance to aid providers in fulfilling their serious incident reporting obligations under the EU AI Act. This guidance aims to offer clear and practical instructions to ensure consistency and effectiveness in reporting practices across Member States.

Scheduled for release within 12 months of the Regulation's entry into force, this guidance will provide detailed insights into the reporting process, including the definition of serious incidents, notification procedures, and timelines. Moreover, it will outline the responsibilities of providers and competent authorities, fostering a collaborative approach to incident reporting and resolution. It should also outline the information that will be needed to inform national public authorities and bodies which uphold fundamental rights, as some individuals and groups of persons may be more adversely affected by a serious incident than others.

Regular assessments of the guidance will be conducted to ensure its relevance and alignment with evolving AI landscape and regulatory frameworks. By staying updated and adaptable, the guidance will remain a valuable resource for providers navigating the complex terrain of serious incident reporting.

In essence, the Commission's proactive approach in developing and maintaining guidance underscores its commitment to facilitating compliance and fostering transparency in AI incident reporting. Through this initiative, providers can receive comprehensive support in meeting their obligations, ultimately enhancing trust and accountability in the AI ecosystem.

Content and Purpose of the Guidance

The guidance developed by the Commission aims to provide comprehensive clarity on the reporting of serious incidents involving high-risk AI systems under the EU AI Act. It will offer detailed insights into what constitutes a serious incident, delineating clear criteria for providers to identify and report such incidents effectively.

Moreover, the guidance will outline the process for establishing a causal link between an AI system and an incident, providing providers with a structured approach to conduct thorough investigations. This includes guidance on conducting risk assessments to determine the severity of the incident, the far-reaching scope of the incident (or magnitude), the ability for the outcomes of risks to be remedied, and (where risks are remediable) identifying potential corrective actions.

One of the key objectives of the guidance is to streamline reporting processes by establishing standardised procedures and timelines. By clarifying reporting obligations and timelines, providers can ensure timely and accurate reporting, facilitating prompt action by competent authorities.

Additionally, the guidance aims to ensure uniform application of reporting requirements across Member States. By providing consistent interpretations of the EU AI Act's provisions, the guidance promotes harmonization and consistency in reporting practices, thereby enhancing transparency and accountability in the AI ecosystem. Overall, the guidance serves as a crucial tool for guiding compliance with serious incident reporting obligations, ultimately contributing to the safety and reliability of AI systems deployed in the EU.

Impact of the Guidance on Providers and Authorities

The Commission's guidance on serious incident reporting is poised to have a significant impact on both AI system providers and market surveillance authorities within the EU. For providers, clear and detailed



guidance can serve as a roadmap for understanding their reporting obligations more comprehensively. By offering clarity on what constitutes a serious incident and outlining the reporting process, the guidance can improve compliance rates among providers, ensuring that incidents are reported accurately and promptly.

Moreover, the guidance can streamline incident investigations for market surveillance authorities. With standardised procedures and timelines provided in the guidance, authorities can conduct more efficient and effective investigations, leading to quicker resolution of incidents and implementation of corrective actions. It will also inevitably streamline approaches to incident management taken by national public authorities and fundamental rights bodies. This, in turn, enhances overall AI system safety by addressing potential risks and vulnerabilities promptly. Overall, the Commission's guidance plays a crucial role in fostering transparency, accountability, and trust in the AI ecosystem. By providing a clear framework for incident reporting and investigation, it contributes to the promotion of safety and reliability in AI systems, ultimately benefiting both providers and end-users.

Challenges in Guidance Development and Implementation

The Commission's endeavour to develop and implement guidance for serious incident reporting may encounter several challenges. Firstly, given the rapid pace of technological advancement in the AI domain, ensuring that the guidance remains relevant and up-to-date poses a significant challenge. The Commission must continuously monitor developments in AI technology to incorporate any new risks or considerations into the guidance effectively.

Secondly, the diverse nature of AI applications and sectors presents another challenge. The guidance needs to be adaptable and flexible enough to address the specific needs and intricacies of various AI systems, ranging from healthcare to manufacturing. Striking a balance between providing detailed, sector-specific guidance and maintaining a coherent, unified framework across different sectors requires careful consideration and consultation with relevant stakeholders.

Moreover, ensuring widespread adoption and adherence to the guidance among AI system providers and market surveillance authorities may also pose a challenge. Effective communication, training, and awareness-raising efforts may be necessary to ensure that all relevant parties understand their roles and responsibilities outlined in the guidance. Overcoming these challenges will be essential for the successful development and implementation of the Commission's guidance on serious incident reporting under the EU AI Act.

Conclusion

In conclusion, the Commission's pivotal role in developing guidance for reporting serious incidents under the EU AI Act cannot be overstated. By providing clear and comprehensive guidance, the Commission empowers AI system providers and market surveillance authorities to navigate their reporting obligations effectively. This guidance not only facilitates compliance efforts but also plays a crucial role in enhancing the safety of AI systems and maintaining public trust in AI technologies. As technology evolves and AI applications continue to proliferate, the Commission's guidance will serve as a cornerstone for promoting transparency, accountability, and safety in the AI ecosystem. Through collaborative efforts and ongoing assessment, the Commission's guidance will contribute significantly to fostering a culture of responsible AI development and deployment across Europe and beyond.



Glossary

Act or EU AI Act: European Union Artificial Intelligence Act

AI: Artificial Intelligence

Board: European Union Artificial Intelligence Board

EU: European Union

SME: Small and Medium-Sized Enterprise

How can we help?



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AI & Partners – ‘AI That You Can Trust’

At AI & Partners, we’re here to help you navigate the complexities of the EU AI Act, so you can focus on what matters—using AI to grow your business. We specialize in guiding companies through compliance with tailored solutions that fit your needs. Why us? Because we combine deep AI expertise with practical, actionable strategies to ensure you stay compliant and responsible, without losing sight of your goals. With our support, you get AI you can trust—safe, accountable, and aligned with the law.

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