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WWW.ACTUARY.EU**8 April 2026****Response to the European Commission Consultation on the Draft Implementing Regulation under the EU AI Act***Detailed arrangements for the conduct of certain proceedings by the Commission pursuant to Regulation (EU) 2024/1689 (the AI Act)***1. Introduction**

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The Actuarial Association of Europe (AAE) welcomes this Implementing Regulation as a well-structured procedural framework for the evaluation of general-purpose AI (GPAI) models and enforcement proceedings against GPAI providers. We recognise that, as an implementing act, the scope for substantive change is limited, and our comments are accordingly focused and targeted.

Actuaries are extensively involved in insurance, pensions and financial risk management, where GPAI models are increasingly integrated into pricing, underwriting, reserving and operational risk processes. Actuaries — and the insurers and pension providers they serve — are therefore among the primary downstream users of the GPAI models to which this Regulation applies.

**2. Technical and Statistical Expertise of Independent Experts**

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We strongly support the provisions on independent experts (Articles 3 and 4). We note, however, that whilst the Regulation addresses independence and confidentiality requirements in some detail, it does not elaborate on the technical competence criteria for expert selection. We suggest it might be helpful to address this gap through guidance accompanying the Regulation, ensuring that appointed experts include individuals with strong statistical expertise, familiarity with uncertainty quantification and model validation, and knowledge of Explainable AI (XAI) methods — thereby enabling structured assessment without necessitating full disclosure of proprietary information.

**3. Transparency, Proportionality and Log Disablement**

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The reliability of GPAI models is of paramount importance to their downstream users. Actuaries, insurers and pension providers bear full professional responsibility for their decisions and outputs, regardless of the AI tools they employ. Meaningful scrutiny of GPAI models — including through this Regulation — therefore serves an important public interest, and the AAE strongly supports its overarching objectives.

We acknowledge the need to balance transparency with business confidentiality, as reflected in recital (4). XAI methodologies can help achieve this balance. We would welcome further guidance on how XAI tools might be incorporated into evaluation practice.

The AAE notes that Article 2 provides for a broad range of technical access modalities, with no explicit upper bound. It may be helpful to clarify that the means requested will be determined in a manner that is necessary and proportionate to the evaluation objective.

We would particularly welcome clarification on the log disablement provision in Article 2(1). This provision — which allows the Commission to require disabling of logging measures that could record

its own access — differs from common inspection practice, where maintaining an audit trail of access is typically considered a key safeguard. As such, it may raise questions as to its alignment with the traceability and transparency objectives underpinning the Regulation. Disabling such records may make it more difficult to evidence the evaluation steps taken, which could in turn complicate the substantiation of any subsequent measures against a provider. We suggest that the Commission consider whether this provision might be narrowed or replaced with a formulation that preserves the integrity and confidentiality of the evaluation whilst maintaining an appropriate audit trail.

#### **4. Procedural Safeguards and Legal Certainty**

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Article 6(2) allows proceedings to be reopened at any time where there is a significant change in systemic risks at Union level. Since this trigger may depend on developments entirely beyond the provider's own conduct, the legal certainty afforded by a formal closure decision is substantially reduced. We suggest it might be helpful to introduce a temporal limit or a more provider-conduct-centred threshold for reopening.

#### **5. Concluding Remarks**

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The AAE stands ready to contribute to the effective implementation of the AI Act, including by supporting the development of appropriate competence frameworks for independent expert evaluations.