

RULES OF PROCEDURE OF THE EUROPEAN ARTIFICIAL INTELLIGENCE BOARD

The European Artificial Intelligence Board,

Having regard to Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and in particular Articles 65 and 66 thereof,

Having regard to the standard rules of procedure of expert groups¹,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Mission of the Board

The mission of the European Artificial Intelligence Board (the ‘Board’) is to advise and assist the Commission and the Member States in order to facilitate the consistent and effective application of Regulation (EU) 2024/1689 and of Union policy in the area of artificial intelligence. The Board supports the Commission in promoting the uptake of artificial intelligence technologies in line with Union values and advises and assists the Commission and Member States in developing a thriving, competitive, resilient and trustworthy artificial intelligence innovation ecosystem in the Union. The Board advises and contributes to the active, strategic and coherent engagement of the Union in international initiatives on artificial intelligence. The Board strives to fulfil the tasks set out in Article 66 of Regulation (EU) 2024/1689 in accordance with this mission.

Article 2

Operation of the Board

1. The Board, an independent advisory group, is established in accordance with Article 65 of Regulation (EU) 2024/1689.
2. The Board shall operate in accordance with that Regulation to achieve its objectives by carrying out tasks listed in Article 66 of Regulation (EU) 2024/1689, shall be organised in accordance with Article 65 of Regulation (EU) 2024/1689 and operated to safeguard the objectivity and impartiality of its activities.
3. The high-level representatives of Member States, designated in accordance with Article 65 of Regulation (EU) 2024/1689, shall be the members of the Board. Member States may also appoint one alternate to the high-level representative, who may attend the Board meetings to represent the high-level representative and exercise the voting rights on his or her behalf.
4. The European Artificial Intelligence Office (the ‘AI Office’) shall provide the Secretariat of the Board. convene the meetings upon request of the Chair, and prepare the agenda in

¹ C(2016) 3301 final, Annex III.

accordance with the tasks of the Board pursuant to Regulation (EU) 2024/1689 and attend the Board's meetings, without taking part in the votes.

5. The Board, in accordance with Article 65(8) of Regulation (EU) 2024/1689, shall be chaired by one of the representatives of the Member States. Until 31 December 2025, the chairmanship shall follow a semi-annual rotation schedule in the following order: Hungary, Poland, Denmark. The chairmanship shall begin on 1 January or 1 July respectively. The term of the first chairmanship shall begin in the first meeting following that of the adoption of the Rules of Procedure and shall end on 31 December 2024. By 1 January 2026, the Board shall decide on procedures for the selection process and duration of the mandate for the Chair of the Board and amend the Rules of Procedure accordingly in line with procedures set out in Article 19.

Article 3

Meetings

1. Meetings of the Board shall be convened by the AI Office in consultation with the Chair. The Chair and Members of the Board may make suggestions to the AI Office in that respect. The AI Office shall convene a meeting of the Board where the Chair or a simple majority of the members of the Board so request.
2. Meetings of the Board shall be held physically, in principle at the Commission premises, virtually, or in a hybrid mode.
3. Members of the Board may be accompanied by a delegation of national experts. No later than five calendar days before the date of a meeting, the names and functions of the experts shall be communicated to the AI Office. National experts shall not represent the members and shall not have voting rights.
4. In case of physical meetings, the AI Office may limit the size of the delegation referred to in paragraph 3 to two persons, at least one of which shall be the representative within the meaning of Article 65(2) of Regulation (EU) 2024/1689 or the alternate.
5. In virtual meetings and in meetings held in hybrid form, the members of the Board shall limit the size of their Member State's delegation to not more than four persons per Member State delegation, at least one of which shall be the representative within the meaning of Article 65(2) of Regulation (EU) 2024/1689 or the alternate.
6. In duly justified cases, upon prior reasoned request from members of the Board, the AI Office may accept additional national experts to the physical, virtual or hybrid mode meetings beyond the limitations foreseen in paragraphs 4 and 5. The request shall be submitted in writing to the AI Office no later than five calendar days before the date of a meeting.
7. The AI Office shall communicate the date of physical meetings of the Board to the members of the Board thirty calendar days before the meeting. It shall communicate the date of virtual meetings of the Board, in principle, no later than ten calendar days before the meeting.
8. The Board shall meet regularly, at least two times a year, at least one of which in a physical meeting.

9. Joint meetings of the Board, including joint meetings of any of its sub-groups, with other groups within the meaning of the Commission’s horizontal rules on expert groups² (the ‘horizontal rules’) may be convened to discuss matters and develop joint outputs falling within their respective areas of responsibility. The decision to convene joint meetings shall be taken by the AI Office in consultation with the respective Chair. Members of the Board or sub-group may make suggestions to the respective Chair and the AI Office in that respect.

Article 4

Agenda

1. The AI Office shall draw up a draft agenda in consultation with the Chair. It shall send it to the members of the Board when convening the meeting in line with Article 3(7). Members of the Board may make suggestions for additional agenda points. The AI Office and the Chair shall duly consider the proposal of the members of the Board. On reasoned request of at least three Member States, the AI Office should add a proposed agenda point to the draft agenda.
2. The agenda should clearly identify the draft opinions, recommendations, advice or other documents that will be presented for a vote at the meeting.
3. The agenda shall be adopted by the Board at the beginning of each meeting. Members of the Board may decide to modify it at this occasion.

Article 5

Documentation to be sent to members of the Board

The AI Office shall send documents on which the Board is consulted or which will be discussed in the Board meeting, including draft opinions, recommendations, advice and other relevant documents, to the members of the Board, no later than seven calendar days before the date of the meeting. In urgent cases, with prior approval of the Chair of the Board, this time limit may be reduced to three calendar days before the date of the meeting of the Board to afford the members of the Board early and effective opportunities to examine the above-mentioned documents and express their views.

Article 6

Voting rules on opinions, recommendations, advice or other documents of the Board

1. The Board may, at the request of the Commission or at its own initiative, issue opinions, recommendations and advice on any relevant matters related to the implementation of Regulation (EU) 2024/1689.
2. Each Member State shall have one vote. The representative shall have the right to vote on behalf of its respective Member State.

² C(2016) 3301.

3. Other national authorities, bodies or experts participating in a meeting of the Board shall not have voting rights.
4. The AI Office shall have no vote.
5. The Board, as far as possible, shall aim to adopt its opinions, recommendations, advice, or any other documents within its remit by consensus of its members. Prior to a vote, members of the Board shall have the opportunity to make statements on the document under discussion, which shall be taken into account when finalising the document.
6. Unless a member of the Board objects, the Chair may, without proceeding to a formal vote, establish that the Board has adopted an opinion, recommendation, advice, or any other document by consensus, on items that are on the agenda. If a member of the Board so requests, the Chair shall call a formal vote.
7. In the event of a formal vote, the proposal is adopted by simple majority of the members of the Board.
8. In the case of written procedure as set out in Article 10 below adoption by consensus shall not be used. The outcome of the written procedure shall be decided by simple majority of its members. Failure to respond to the written procedure within the time limit referred to in Article 10(3) shall count as a tacit agreement.
9. The Board, via the AI Office, shall immediately make available, in writing, any request to adopt a recommendation or a written opinion pursuant to point (e) of Article 66 of Regulation (EU) 2024/1689 to all members of the Board.

Article 7

Sub-groups

1. The Board may establish standing or temporary sub-groups as appropriate for the purpose of examining specific issues on the terms of reference proposed by the AI Office in consultation with the Chair and adopted by the Board. Members of the Board may make suggestions to the Chair and the AI Office in that respect. Temporary sub-groups shall be dissolved as soon as their mandate is fulfilled.
2. The Board, in accordance with Article 65(6) of Regulation (EU) 2024/1689, shall also establish two standing sub-groups to provide a platform for cooperation and exchange among market surveillance authorities and notifying authorities about issues related to market surveillance and notified authorities respectively.
3. The standing sub-group for market surveillance authorities referred to in paragraph 2 shall as well act as the administrative cooperation group ('ADCO') for this Regulation and fulfil role and tasks as provided in Article 32 of Regulation (EU) 2019/1020³.
4. The members of the standing sub-group for market surveillance authorities referred to in paragraph 2 shall be representatives of the market surveillance authorities of the Member States as designated or established in accordance with Article 70(1) of Regulation (EU) 2024/1689.

³ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011, OJ L 169, 25.6.2019, p. 1–44.

5. The members of the standing sub-group for notifying authorities referred to in paragraph 2 shall be representatives of the notifying authorities of the Member States as designated or established in accordance with Article 70(1) of Regulation (EU) 2024/1689.
6. Sub-groups shall be chaired by the AI Office. The members of a sub-group may elect a co-chair from among its members. Member States may nominate the same representatives participating in the Board, or any other representatives with relevant expertise in light of the specific mandate of the sub-group. Member States shall appoint members to the sub-groups and notify in writing their names and the affiliation to the AI Office.
7. The detailed tasks and roles, membership and operation of each specific sub-group established by the Board shall be detailed in the terms of reference referred to in paragraph 1. The sub-groups shall provide assistance and report to the Board on issues defined in the terms of reference.
8. The sub-groups shall report to the Board under the responsibility of the chair of the sub-group. The standing sub-group for market surveillance referred to in paragraph 2, in carrying out its tasks as ADCO shall have independence to carry out its tasks in accordance with Regulation (EU) 2019/1020 and adopt recommendations.
9. The AI Office shall provide secretarial support for all sub-groups.

Article 8

Invited experts

1. The Board or, as appropriate, a sub-group, may invite other national and Union authorities, bodies or experts to the meetings of the Board or of a sub-group respectively on a case-by-case basis, where the issues discussed are of relevance for them. The Chair of a sub-group shall inform the Board about any such invited other national and Union authorities, bodies or experts, indicating the meeting and the reason for the invitation to that meeting.
2. Invited experts attending sessions of the Board or its sub-groups may be permitted by the Chair or, as appropriate, the Chair of the sub-group, to provide expertise, however in no circumstances shall they have voting rights or shall they participate in the formulation of positions of the Board or, as appropriate, a sub-group.

Article 9

Observers

1. The European Data Protection Supervisor shall participate as an observer in the Board and its sub-groups.
2. Iceland, Liechtenstein and Norway shall have an observer status in the Board and its sub-groups.
3. In agreement with the Commission services and the Board, the AI Office may grant observer status to candidate countries and to other non-Union countries where it is in the interest of the Union that such country is involved in the work of the Board, in particular based on an international agreement, an administrative arrangement or Union legislation. Representatives of these countries need to conform to the same requirements as representatives of Member States.

4. Individuals or organisations or public entities may be granted an observer status for individual meetings or for a specified amount of time by the AI Office, in agreement with the Commission services and the Board, in compliance with the horizontal rules, either by a direct invitation by the AI Office, or following a call for applications, as appropriate.
5. Organisations or public entities appointed as observers shall nominate their representatives.
6. Observers attending meetings of the Board or its sub-groups may take part in the discussions and provide expertise, however, they shall not have voting rights.
7. Upon request from the members of Board or, as appropriate, the members of a sub-group, made before the adoption of a meeting's agenda, the Chair of the Board or, as appropriate, the Chair of a sub-group, may exclude participation of observers and their representatives during specific points of the meeting or from the meeting altogether.

Article 10

Written procedure

1. The Board's opinion, recommendation, advice, or any other document within its remit on a specific question may be adopted via written procedure. The Chair and the AI Office may propose to use this procedure. Members of the Board may make suggestions to the Chair and the AI Office in that respect.
2. Where appropriate, the Chair and the AI Office may, before proceeding to the vote, invite the members of the Board to comment on the draft document(s) within an appropriate time limit of at least 14 days.
3. For the vote in written procedure, the AI Office sends the Board members the document(s) on which the Board is being consulted, laying down an appropriate time limit for the vote according to the urgency of the matter, but no less than five working days.
4. However, if a simple majority of all Board members request for the question to be examined at a meeting of the Board, the written procedure shall be terminated without result and the AI Office shall convene a meeting of the Board as soon as possible.
5. The vote in written procedure shall be held in compliance with Article 6(7). The AI Office in consultation with the Chair shall inform the members of the Board of the outcome of a written procedure without delay, and no later than three calendar days after the expiry of the time limit.
6. This Article also applies to the sub-groups of the Board.

Article 11

Minutes of the meetings

1. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete, reflecting a summary of the discussion. Minutes shall be drafted by the AI Office under the responsibility of the Chair and provided to the members of the Board or, as appropriate, of the sub-group(s), without delay and no later than thirty calendar days after the end of the meeting, but no less than fourteen

calendar days before the next meeting. However, the list of action points shall be distributed not later than ten calendar days after the meeting.

2. In case certain points of the agenda were conducted with restricted attendance pursuant to Article 9(7), a redacted version of the minutes excluding these points should be communicated to the observers. These minutes shall be considered accepted if members of the Board or, as appropriate, of a sub-group, have sent any objection or revision request to the AI Office within seven calendar days from receipt.

Article 12

Attendance list

At each meeting, the AI Office shall draw up an attendance list. The list shall specify, as appropriate, the organisations, Member States' authorities, or other public entities to which the participants belong.⁴ It shall be shared with the members of the Board or, as appropriate, of the sub-group, together with the draft minutes of the meeting.

Article 13

Confidentiality

In compliance with Article 78 of Regulation (EU) 2024/1689 and as specified therein, the members of the Board, including its sub-groups, the Commission, participating competent authorities and other national authorities, as well as invited or consulted experts, observers, interested parties covered by Articles 7, 8 and 9 and their respective staff, shall respect the confidentiality of information and data obtained in carrying out their tasks and activities and shall not disclose information or data acquired or exchanged by them in the course of Board or sub-group meetings or in the context thereof.

Article 14

Conflicts of interest

1. In accordance with Article 65(7) of Regulation (EU) 2024/1689, the Board shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.
2. Independent experts, observers, and other persons invited to attend the meetings of the Board or with whom the Board may cooperate or consult in accordance with Article 65(2) of Regulation (EU) 2024/1689, other than persons representing public authorities, shall make a declaration to the Chair and, as appropriate, the chair of the sub-group, as well as the AI Office before the meeting, cooperation or consultation takes place, of any interest which may compromise their capacity to act independently and in the public interest.
3. An affirmative answer in the declaration made in accordance with the above paragraph does not automatically mean a conflict of interest. Any such affirmative answer shall be brought by the AI Office or, as appropriate, by the sub-group to the attention of the Board, in order for the Board to determine whether a conflict of interest exists. For the purpose of the assessment, a number of factors shall be taken into account, including the nature,

⁴ The names of the representatives of organisations, Member States' authorities or other public entities may be included only subject to their prior freely given, specific, informed and unambiguous consent, in compliance with Article 3(15) and Article 7 of Regulation 2018/1725.

type and magnitude of the individuals' interest, as well as the degree to which an interest may be reasonably expected to influence the individual's position. The Board may decide to contact the individual in question in order to obtain any additional information that may be needed for the assessment of any conflict of interest. A position of the Board as to whether a conflict of interest exists and which measures are appropriate regarding the intended activity of the person that submitted the declaration shall be recorded and implemented, in accordance with Board instructions.

4. Should a conflict of interest arise, the AI Office, in consultation with the Chair, shall take appropriate measures.
5. Conflicts of interest shall be reported in writing. The AI Office shall keep a record of conflicts of interest. Information registered must be adequate, relevant and not going beyond what is necessary for the purpose of the management of the conflict of interest.

Article 15

Correspondence

1. Correspondence relating to the Board or any of its sub-groups shall be addressed to the AI Office, for the attention of the Chair of the Board or, as appropriate, the Chair of a sub-group.
2. Correspondence to the members, observers, and any other third parties shall be sent to the e-mail address which they provide for that purpose.

Article 16

Transparency

1. The Board and its sub-groups shall be registered on the Register of expert groups.
2. As concerns the composition of the Board and its sub-groups, the following data shall be published on the Register of expert groups.
 - a) the names of the members in accordance with Article 65(2) of Regulation (EU) 2024/1689.
 - b) the names of observers.
3. The AI Office shall publish, in particular, the agenda, participants and the minutes of the meetings of the Board in compliance with the rules on confidentiality as laid down in Article 78 of Regulation (EU) 2024/1689. Where necessary in order to ensure confidentiality of issues discussed at the meetings, the AI Office in consultation with the Chair may redact certain parts of the minutes before publication.

Article 17

Access to documents

Applications for access to documents held by the Board shall be handled in accordance with Regulation (EC) No 1049/2001.⁵

⁵ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Article 18

Meeting expenses

1. Participants in the activities of the Board and its sub-groups shall not be remunerated for their participation in meetings.
2. In exceptional and duly justified cases, upon a reasoned request submitted in writing to the Board for each individual meeting, travel and accommodation expenses incurred by participants for participation in a physical meeting of the Board or its sub-groups, may be reimbursed by the Commission up to a maximum of one person per Member State, subject to the availability of budgetary funds provided for this purpose. Reimbursement shall be made in accordance with Commission Decision C(2007)5858.⁶

Article 19

Adoption and amendments to the Rules of Procedure

1. In accordance with Article 65(5) of Regulation (EU) 2024/1689, the designated representatives of the Member States or their alternate shall adopt its Rules of Procedure by a two-thirds majority at its first meeting.
2. Any subsequent amendments to the Rules of Procedure should be adopted following the same procedure laid down in Article 65(5) of Regulation (EU) 2024/1689.
3. A review of the Rules of Procedure in view of a possible revision shall be launched if a simple majority of the members of the Board so request and, in any case, two years after their adoption.

⁶ Commission Decision C(2007)5858 of 5 December 2007.