

The essentials in one line: the Digital Omnibus deferred the obligations for high-risk systems, but left untouched the Article 50 transparency duties, the prohibitions and the general-purpose model obligations — and it does not affect the GDPR at all, which applies today.

ALREADY APPLICABLE

2 Feb 2025	Prohibitions and AI literacy	Prohibited practices (Art. 5) and the duty to ensure AI literacy among staff (Art. 4). An obligation of means, with no standalone penalty, but an aggravating factor for the rest.
2 Aug 2025	General-purpose AI models (GPAI)	Model providers' obligations: technical documentation, information to downstream integrators, copyright policy and a reinforced regime for models with systemic risk. Governance and penalties.
24 Jul 2026	Digital Omnibus on AI — published	Published in the Official Journal of the European Union.
27 Jul 2026	Digital Omnibus — in force	Defers the high-risk regime. It does not defer transparency, the prohibitions or the GPAI obligations.
2 Aug 2026	Transparency (Art. 50) IN FORCE	Notice that the user is interacting with an AI system; marking of synthetic content; labelling of <i>deepfakes</i> and of text informing the public on matters of general interest; notification for emotion recognition and biometric systems. Remainder of the Regulation generally.

WHAT COMES NEXT

Dec 2026	Marking grace period ends PREPARE NOW	The four-month grace period for certain machine-readable marking requirements applying to AI-generated content runs out. From then on, enforceable without exception.
2 Dec 2027	High risk — Annex III DEFERRED	Stand-alone high-risk systems: employment and recruitment, creditworthiness assessment, education, essential services and biometrics, among others. Risk management, data governance, event logging, human oversight, conformity assessment and CE marking. Deferred from 2 Aug 2026. This is a deferral, not a repeal.
2 Aug 2028	High risk embedded in products DEFERRED	AI systems incorporated as safety components of already regulated products (medical devices, machinery, toys and the rest of the Annex I harmonisation legislation).

IN PARALLEL, WITH NO DEFERRAL: THE GDPR

Legal basis Identified and documented for each processing operation. Particular care with biometric data: special category under Art. 9, and the Spanish authority applies a restrictive standard.	Impact assessment Art. 35. The high-risk criteria (profiling, systematic monitoring, large scale, innovative technology) accumulate in almost any AI deployment.	Automated decisions Art. 22, plus the duty to inform about the logic involved. Human intervention must be real, with effective authority to change the outcome.
Processors and transfers Art. 28 contract with the model provider, a transfer basis for international flows, and verification of whether data are used for training.	Employment (Spain) Art. 64.4(d) Workers' Statute: employee representatives must be informed of the parameters of algorithms affecting employment and working conditions.	Inventory Without an inventory of deployed systems and the data they process, none of the obligations above can be evidenced.

Selling or deploying AI in Spain and unsure where you stand?
We review your system inventory, the legal basis for each processing operation and the documentation required, and tell you what to do and in what order. Ferrer-Bonsoms & Sanjurjo · fbs-abogados.com