

STRATEGIC NOTE

AI Act Implementation — Three Structural Gaps and Corrective Measures

Berlaymont
8 June 2026
European Commission

Author
Hedi Bili-Gouyou

Date
8 June 2026

Distribution
Restricted — For lobbying use

EXECUTIVE SUMMARY

June 2026 marks the AI Act's transition into effective application. The regulatory architecture is in place. The question now is one of reach: have we built exemplary regulation, or effective democratic power? This note identifies three structural gaps that, if left unaddressed, risk reducing the AI Act to rights on paper — without grip on reality. For each gap, concrete corrective measures are proposed.

GEOPOLITICAL CONTEXT

Three distinct regulatory philosophies are competing for global normative dominance:

- United States: innovation-first, voluntary frameworks, platform self-regulation.
- China: AI in the service of state control — a surveillance architecture actively exported across Asia and Africa.
- Europe: rights-based, legally binding — but whose influence remains, for now, latent.

That word — latent — is the one that should mobilise us. European influence is not absent. It is waiting to be activated. And that activation will not happen through normative gravity alone.

THE AI ACT: ACHIEVEMENT AND STRUCTURAL LIMITS

The AI Act is the world's first comprehensive, legally binding AI regulation at the scale of a major economic area. It has established a sophisticated architecture: risk-tiered classification, prohibitions on unacceptable uses, transparency obligations for high-risk systems. That foundation deserves to be defended.

But landmark legislation is not the same as effective governance. Between the two lies what concerns us today: implementation timelines, cross-border enforcement, and the capacity of citizens to actually assert their rights.

THREE STRUCTURAL GAPS

Gap 1 — Absent Normative Projection Beyond EU Borders

The Brussels Effect worked for GDPR. It is not being deployed for AI. Non-discrimination and transparency requirements stop at the Union's borders, while other actors export their own normative models — in ISO forums, in bilateral agreements, in technical assistance to Global South countries. China does not merely regulate its domestic market. It exports its architecture.

The AI Act has every characteristic needed to reproduce the GDPR effect. But this will not happen through passive diffusion. It requires an active diplomatic infrastructure.

Corrective Measures — Gap 1

- › Negotiate AI Act ethical requirements into international technical standards (ISO/IEC forums).
- › Introduce AI governance compliance clauses into EU partnership and trade agreements.
- › Deploy technical experts to third countries building their own AI regulatory frameworks.

Gap 2 — Democratic Vulnerability to AI-Generated Disinformation

The AI Act addresses GPAI model risks. It does not establish enforceable standards against AI-powered electoral manipulation, coordinated synthetic influence campaigns, or deepfake-driven political disinformation.

Every stage of the escalation chain is technically feasible today: synthetic content production, coordinated amplification, narrative saturation, democratic erosion. Watermarking synthetic content is necessary — and also circumventable. Without real-time detection obligations for platforms, the regulation acknowledges the risk without covering it.

Corrective Measures — Gap 2

- › Mandatory 30-day democratic protection window before major votes, with algorithmic audits.
- › Extended platform liability for amplification of synthetic content during electoral periods.
- › Explicit prohibition on AI-powered political micro-targeting without informed consent.

Gap 3 — Asymmetry Between Operator Obligations and Citizen Rights

This is the most structurally damaging gap — and the one that most directly affects the populations the regulation is supposed to protect.

Substantial obligations weigh on operators of high-risk systems in recruitment, credit, justice, and social benefits. But the individual whose job application was rejected by an algorithm, whose credit was refused by an automated model, whose benefit claim was processed by a predictive system — that person has no individual recourse under the AI Act. None.

Automated systems disproportionately affect precisely the populations least equipped to contest them: people on low incomes, minorities already over-represented in biased training data. GDPR Article 22 had solved this — giving every person the right to contest a significant automated decision, obtain an intelligible explanation, and demand human intervention. The AI Act has not reproduced that logic.

Corrective Measures — Gap 3

- › A right to an intelligible explanation — in language a person can actually understand, not technical documentation written for auditors.
- › A challenge mechanism before the designated national authorities provided for in the Act.
- › Reversal of the burden of proof onto the operator. Without this, the right remains inaccessible to those who need it most.

GDPR ARTICLE 22 VS. AI ACT: A COMPARATIVE ASSESSMENT

Criterion	GDPR (Art. 22)	AI Act
Right to explanation	Explicit and actionable	Limited to high-risk categories
Individual contestability	Right to human review	No equivalent mechanism

Enforcement pathway	DPA complaints and courts	Market surveillance authorities only
Burden of proof	Shared / controller-side	Primarily on the complainant

A right without individual recourse is not a right. It is a declaration of intent.

STRATEGIC THESIS : ETHICS AS COMPETITIVE INFRASTRUCTURE

Trust is not a constraint on AI innovation. It is the condition for AI adoption at scale. Enterprises, institutions, and governments operating under verifiable ethical frameworks attract investment, talent, and partnership that opaque AI ecosystems simply cannot access.

The logic chain is clear: trust generates adoption; EU-compliant AI becomes the premium standard in global procurement; exporting norms becomes geopolitical power. Regulation is foreign policy.

This is not rhetoric. It is what the GDPR empirically demonstrated over seven years. The AI Act can reproduce that effect — provided the missing mechanisms are activated.

CALL TO ACTION — THREE LEGISLATIVE IMPERATIVES

01	EXPORT THE NORM Embed AI governance standards in EU trade, diplomatic, and development frameworks. Passive diffusion is not a strategy.
02	SHIELD THE DEMOCRACY Mandate enforceable protections against synthetic manipulation of electoral processes. Acknowledge the risk, then cover it.
03	EMPOWER THE CITIZEN Extend GDPR Article 22 logic into the AI Act. Contestability is not optional — it is the foundation of legitimacy.

ABOUT THE AUTHOR

Hedi Blili-Gouyou

Strategic Analyst — AI Regulation | Information Systems Engineer | AI Governance Advisor

Hedi Blili-Gouyou holds dual expertise at the intersection of AI regulatory strategy and technical implementation: he commands the regulatory, diplomatic, and institutional dimensions of the AI Act as debated within the European Commission and European Parliament, and translates these requirements into deployable technical and architectural frameworks for large organisations' information systems.

His work contributed directly to deliberations at the European Commission and European Parliament in the context of the June 2026 workstream on strengthening the AI Act's scope and ethical framework. He practises as an independent analyst, committed to a factual, neutral, and operationally grounded approach.

This note is intended for restricted distribution to policy and lobbying professionals. It reflects the author's independent analytical positions.