

Regional Workshop on Responsible AI Governance in the Arab States

Panel 4 – AI Governance in the Arab States and beyond –
National Experiences

Spain's experience:



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European and Spanish approaches to AI governance

- 1) How the European regulatory model applies to AI?
- 2) How Spain has organised its institutional framework?
- 3) What broader principles can guide responsible AI governance?

1 European AI Governance: the regulatory model

AI Systems as a product.

AI Act (Regulation 2024/1689) a *lex specialis* on the European rules about products. The product rules are aligned with the New Legislative Framework (NFL).

NFL covers, for instance toys, measuring instruments, radio equipment, low voltage electrical equipment, medical devices.

NFL is based on the European conformity assessment system, the accreditation of laboratories, the CE marking, and market surveillance post commercialization.



1 European AI Governance in AI Act: Types and roles of National Authorities in ensuring AI Act compliance

Implementation of AI Act involves different authorities at national level, with different roles in ensuring AI Act compliance. AI Act gives MS discretion with regard to the structure and design of these types of Authorities.

- ✓ **¿Who can conduct a conformity assessment? Notified body.**

Conformity Assessment Bodies (“**Notified bodies**”) perform testing and certification of *biometric AI systems of Annex III.1* HRAIs (optional for providers). For other Annex III HRAIs, providers shall fulfil the conformity assessment procedure based on internal control, excluding Notified bodies (Art 43(2) AIA).

- ✓ **Post-market surveillance: Market Surveillance Authority (MSA)**

MSA ensure that only products compliant with EU requirements are available on the EU market. Thus, MSA monitor and adopt enforcement actions against AI systems that fail to comply with the AI Act.

- ✓ **Authorities protecting fundamental rights.**

Since HRAI systems can affect not only safety and health of the consumers but also the Fundamental Rights of European citizens, authorities and bodies protecting fundamental rights can request any documentation created or maintained under the AI Act.



2. Spain's Approach to MSAs Governance: AESIA

Spain has placed **digitalization for the benefit of humanity** at the **core** of its digital transformation. **Gender equality** is a priority for Spain, actively working to avoid HRAs gender bias or discriminations.

To achieve this target, AESIA was **established** in August 2023, preceding the AI Act's entry into force by a full year. Its headquarters are located in Coruña, Galicia.

The **Statutory Framework** establishes AESIA as an autonomous Agency within the Ministry for Digital Transformation. This balances Administrative and technical Independence v. Governmental Accountability.

AESIA currently **employs** 45 professionals, with multidisciplinary profiles. Budget allocation: €5 million in 2026. Foreseen 7.5 MM€ in 2027.

A Comprehensive Model for AI Governance

Several Market Surveillance

Will supervise high-risk AI systems, investigates complaints, and monitors prohibited AI practices (since 2 February 2025).

Innovation Promotion

Operates: (1) **Regulatory sandboxes** for a controlled testing of innovative AI systems, and (2) **Open Source Communities** and Hackathons.

Think & Do Tank

Anticipates future technological trends, obtains global assessment, and proposes new strategies on AI and related internal Regulations.

Coordination Function

Spain's Single Point of Contact with the AI Office, coordinating Spanish sectoral authorities.

International Engagement

Actively participating in global AI governance forums & programs (UN, UNDP, EU TAIEX, EU TAIEX INTPA), advocating for a trustworthy, responsible and human-centered AI.

Dissemination & Literacy

Enhances public understanding through a National Literacy Plan and operates a Mailbox for regulatory doubts and complaints.



This forward-looking dimension distinguishes AESIA from purely *reactive* regulatory bodies.

AI Market surveillance (Spanish Draft Bill)

AESIA

Prohibited AI Practices

Surveillance of major prohibited AI practices outlined in Article 5 AI Act Act

High-Risk AI Systems

Supervision of major HRAs of paras. 1 to 5 of of Annex III

Transparency Obligations

Enforce Article 50 (transparency), to all AI AI systems

General Coordination

Oversight functions not specifically assigned to sectoral authorities

Other MSA, given the AIA mandate of Independent Authorities:

Spanish DP Authority (AEPD)

Biometric identification and categorization, Migration, Enforcement Law.

Spanish Central Bank

AI systems deployed by financing entities for credit scoring

Rule of Law

Judicial Power Authority

AI systems within judicial processes

Democratic Processes Authority

AI systems affecting democratic procedures

... and for Harmonized Sectors:

Harmonized Sectors of Annex I

MSAs already designated in each Sector will monitor the AI Systems of of the safety components within that that sector

A Comprehensive Model for AI Governance



AESIA's comprehensive mandate reflects an understanding of AI governance challenges. By integrating foresight assessment, international engagement, market surveillance and literacy, Spain has created an institutional model that addresses the **full spectrum** of AI regulatory needs.

- ✓ **INCIBE** is a National Agency focused on monitoring and promoting **cybersecurity** literacy among Spanish citizens and businesses.
- ✓ **RED.ES** is other Spanish Agency focused on the **Digital transformation** of the Spanish Society, through grants and training courses in the educational sector

3. Basic Principles applicable to any AI System:

UNESCO & UN's Principles provide the *minimum requirements* needed by any AI Regulation & Governance:



Any AI Regulation should be focused on Human benefit, stating the respect of HHRR by all AI System

Stating transparency, explainability, accountability & human oversight **Principles, guaranteeing** users **Security, Privacy and DP.**

Exercising periodic evaluations that allow evidence to be obtained from Regulation enacted and sandboxes.

Protecting vulnerable groups with *non-discrimination* and bias mitigation.

Promoting literacy campaigns, considering linguistic and cultural diversity.

Seeking Justice and Inclusive development: reducing rural and social inequalities (e.gr. SMEs).

Stating monitoring structures (Agency, Ministry, Prosecutor/Court, etc.) adaptable to innovations.



4. Risk Minimization: RMS & FRIA

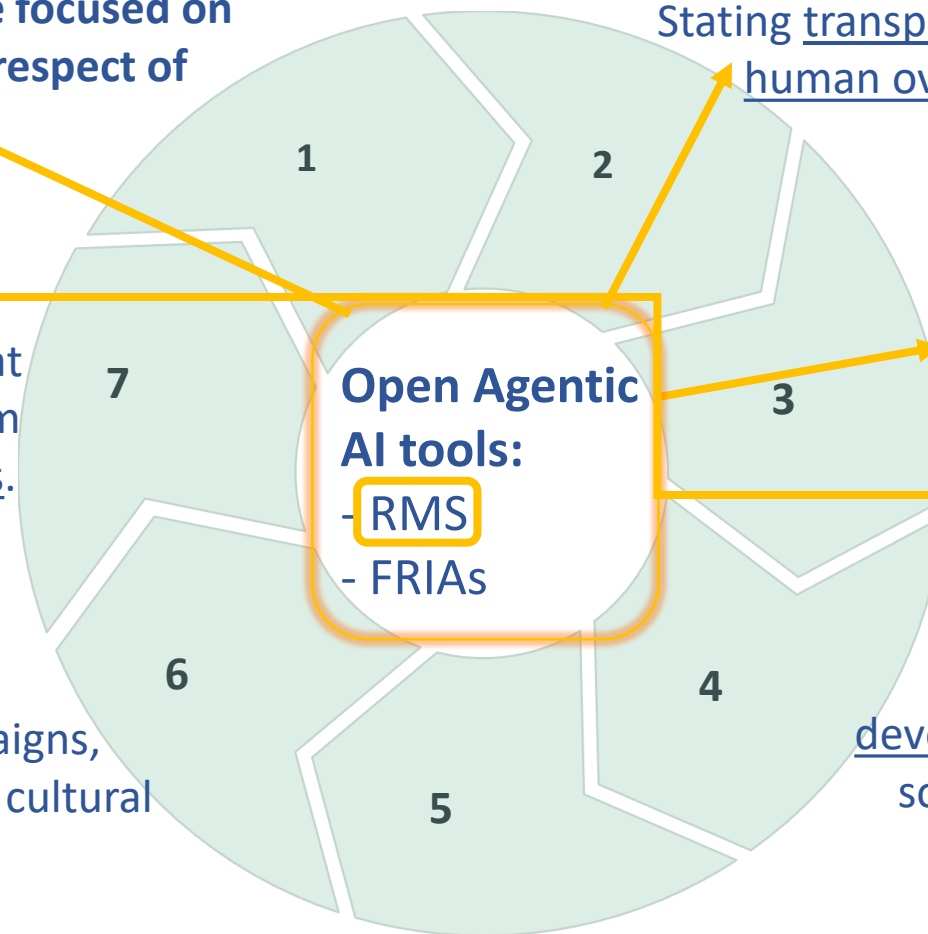
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Thanks for your attention



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