

HR RESEARCH SERIES 2026 - REPORT 10 OF 10

EU AI Act Compliance: One Year In

Where European employers actually stand — and what genuine compliance requires before August 2026.

The EU AI Act has passed its one-year implementation anniversary, and the enforcement clock is ticking. With Article 5 prohibited practices already in force since February 2025, and full Annex III high-risk AI obligations enforceable from August 2026, the question is no longer whether compliance is required but how much time remains to achieve it.



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This report provides the most comprehensive assessment available of where European employers stand, what national enforcement bodies are doing, and what genuine compliance requires in operational terms.

The EU AI Act at one year — what changed

- **Faster than expected:** national AI supervisory authorities established in Germany (BNetzA), France (CNIL), Netherlands (AP). Industry codes of practice from 47 organisations. EU AI Office staffed and publishing employment guidance early.
- **Slower than expected:** conformity assessment body capacity is constrained for August 2026. The EU AI database is not yet fully operational. Cross-border enforcement coordination still being established. SME guidance lagging.

The enforcement landscape — who is watching

Authority	Approach	Recent activity
Netherlands (AP)	Most active to date; first Article 5 notices in March 2026	3 video-interview AI investigations; 2 formal notices
France (CNIL)	Expanded mandate; GDPR + AI intersection	3 HR AI vendor investigations opened
Germany (BNetzA)	Federal AI authority; cross-agency	Documentation focus; market surveys
Sweden (IMY)	DPA expanded; sector-specific guidance	Employment AI guidance published
Denmark (Datatilsynet)	Guidance-first before enforcement	Self-assessment tools published
EU AI Office	Central coordination	First enforcement cases expected Q3 2026

What full compliance actually requires — the eight operational requirements

- **1. Risk management system (Article 9)** — continuous, documented risk management throughout the AI system lifecycle.
- **2. Data and data governance (Article 10)** — training data quality, bias testing and correction, ongoing post-deployment monitoring.
- **3. Technical documentation (Article 11 + Annex IV)** — system description, training methodology, oversight design, post-market monitoring plan.
- **4. Logging and record-keeping (Article 12)** — immutable logs of all inputs and outputs, 10-year retention.

- **5. Transparency to candidates (Article 13)** — clear notification of AI use, what it evaluates, right to human review.
- **6. Human oversight (Article 14)** — designated, trained oversight persons; ability to override AI; meaningful (not rubber-stamp) review.
- **7. Conformity assessment (Articles 16–43)** — registration in the EU AI database; conformity declaration before deployment.
- **8. Accuracy, robustness and cybersecurity (Article 15)** — performance benchmarking; demographic-group testing; incident response.

The compliance gap — by country

Country	Estimated compliance rate	Non-compliance rate	Key factor
Netherlands	44%	56%	Most active enforcement; awareness highest
Sweden	39%	61%	Strong DPA tradition; transparency culture
Germany	34%	66%	Works council involvement adds complexity
France	32%	68%	CNIL active but enterprise lag
Denmark	37%	63%	Guidance-first authority; cooperative climate
Spain	22%	78%	Awareness lower; SME exposure
Italy	17%	83%	Garante active on GDPR; AI Act enforcement early
EU average	31%	69%	Significant work required across all markets

High-risk AI in hiring — Annex III in practice

AI use	Classification	Notes
AI CV screening / ranking	High-risk	Annex III, Point 4 — directly in scope
AI candidate matching to vacancies	High-risk	Affects access to employment
AI interview evaluation / scoring	High-risk	Including video and audio analysis
AI pre-employment assessments	High-risk	Including gamified assessments
AI chatbot screening	High-risk	If outcomes affect candidate progression

AI use	Classification	Notes
AI salary benchmarking	Not high-risk	Market data analysis, not candidate evaluation
AI-generated interview questions	Not high-risk	Tool for HR, not assessment of candidates

Article 5 prohibited practices — the reality check

- **Emotion recognition in workplace contexts** — banned from February 2025. Affects video-interview AI claiming to read emotional states.
- **Subliminal manipulation** — banned. Relevant to gamified assessment tools using subliminal design.
- **Exploitation of vulnerabilities** — banned. Assessment tools using artificial stress environments at risk.
- **Social scoring** — banned. Social media AI building candidate 'social risk profiles' may fall within scope.

Building your compliance programme

- **Phase 1 (Weeks 1-3) — Audit and classify:** AI inventory; map each system to Article 5, Annex III or out-of-scope; document deployer responsibilities.
- **Phase 2 (Weeks 4-10) — Build the package:** risk management documentation, technical files, logging architecture, candidate notifications, oversight design, training records.
- **Phase 3 (Weeks 11-13) — Validate and certify:** end-to-end audit, internal review, qualified EU AI law counsel review, deploy notifications across application channels.

Average remaining time for companies starting now: 84 days. Conformity assessment body queues are already building.

Built for what's next.

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