

Stakeholder consultation on the Draft Guidelines on the classification of high-risk AI systems under Article 6 of the AI Act

Fields marked with * are mandatory.

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Disclaimer: This document is a working document of the AI Office for the purpose of consultation and does not prejudice the final decision that the Commission may take on the final guidelines. The responses to this consultation paper aim to provide relevant stakeholder input to the Commission when finalising the guidelines.

This consultation is targeted to stakeholders of different categories. These categories include, but are not limited to, providers and deployers of (high-risk) AI systems, other industry organisations, as well as academia, other independent experts, civil society organisations, and public authorities and the citizens.

The Artificial Intelligence Act (the 'AI Act'), which entered into force on 1 August 2024, creates a single market and harmonised rules for trustworthy and human-centric Artificial Intelligence (AI) in the EU. It aims to promote innovation and uptake of AI, while ensuring a high level of protection of health, safety and fundamental rights, including democracy and the rule of law.

The AI Act follows a risk-based approach classifying AI systems into different risk categories, one of which is the high-risk AI systems (Chapter III of the AI Act).

The AI Act distinguishes between two categories of AI systems that are considered as 'high-risk', as set out in Article 6(1) and 6(2) AI Act. Article 6(1) AI Act covers AI systems that are embedded as safety components in products or that themselves are products covered by Union legislation in Annex I, which could have an adverse impact on health and safety of persons. Article 6(2) AI Act covers AI systems that in view of their intended purpose are considered to pose a significant risk to health, safety or fundamental rights. The AI Act lists eight areas in which AI systems could pose such significant risk to health, safety or fundamental rights in Annex III and, within each area, lists specific use-cases that are to be classified as high-risk. Article 6(3) AI Act provides for exemptions for AI systems that are intended to be used for one of the use-cases listed in Annex III, but which do not pose significant risk since they fall under one of the exceptions listed in Article 6(3) AI Act.

With the [AI Omnibus](#) the entry into application of the requirements and obligations for high-risk AI systems under Article 6(2) and Annex III will be postponed to 2 December 2027. As regards the AI systems under Article 6(1) and Annex I the rules will apply from 2 August 2028. Other changes introduced to the classification rules under Article 6(1) and the definition of a 'safety component' are considered in the draft guidelines.

The draft Guidelines relate exclusively to the classification of high-risk AI systems. Further guidance from the Commission will follow, as indicated in the list of forthcoming guidelines published under: [Supporting the implementation of the AI Act with clear guidelines | Shaping Europe's digital future](#).

The draft Guidelines are prepared pursuant to Article 6(5) AI Act and focus on the rules for the high-risk classification. It is further required that these draft Guidelines should be accompanied with a comprehensive list of practical examples of use-cases of AI systems that are high-risk and not high-risk.

These draft Guidelines take into account the outcome of a stakeholder consultation organised by the Commission in June-July 2025 and input provided by the Member States in the context of the European Artificial Intelligence Board ('AI Board').

In addition to the written consultation process, the AI Office organised a series of targeted stakeholder workshops in December 2025 in order to gather further practical and sector-specific feedback on the draft Guidelines.

To complement these discussions and ensure the inclusion of a broad range of stakeholders, including representatives from industry, academia, civil society, public authorities and other relevant organisations, the AI Office also circulated a follow-up questionnaire aimed at collecting additional written input on specific aspects of the high-risk classification framework and its practical application.

On the basis of this input, the Commission prepared the draft guidelines which are now open for stakeholder feedback.

This second consultation accompanies the draft Guidelines on the classification of high-risk AI systems under Article 6 AI Act that aim to support consistent interpretation and effective implementation of the AI Act classification rules for high-risk AI systems across the EU.

This consultation seeks to collect targeted feedback on the clarity, completeness and practical usability of the draft Guidelines prepared by the Commission based on broad stakeholder input.

In particular, the Commission seeks feedback on whether the explanations, methodologies and examples provided sufficiently support stakeholders in determining whether an AI system qualifies as high-risk under the AI Act.

The draft Guidelines address the classification of high-risk AI systems in accordance with Article 6 AI Act and are structured as follows:

- **Section I** presents an introduction outlining the purpose, scope and legal context of the draft Guidelines. It recalls the objectives and risk-based structure of the AI Act, situates the concept of high-risk AI systems within that framework, and explains the legal basis and role of the draft Guidelines pursuant to Article 6(5) AI Act.
- **Section II** sets out general principles for the classification of high-risk AI systems, including the requirement that the system qualifies as an AI system and the role of the intended purpose for its classification.
- **Section III** explains the classification of high-risk AI systems under Article 6(1) AI Act and Annex I, including the key elements (such as the notion of a safety component and third-party conformity assessment).
- **Section IV** addresses the classification of high-risk AI systems under Article 6(2) AI Act and Annex III, including:

horizontal issues applicable across Annex III use cases (such as human involvement, the “intended to be used” criterion, and the interaction with national and EU law);

the application of the filter mechanism under Article 6(3) AI Act, including its conditions, exceptions, and safeguards;

detailed guidance on each high-risk use case listed under the eight areas in Annex III (biometrics; critical infrastructure; education and vocational training; employment; access to essential private and public services; law enforcement; migration, asylum and border control management; and administration of justice and democratic processes).

- **Section V** explains the transitional and grandfathering provisions of the AI Act, clarifying the entry into application of the high-risk AI system requirements and the conditions under which AI systems placed on the market or put into service before the relevant application dates remain subject to the new obligations.

All participants are invited to provide feedback on the particular sections of the draft Guidelines they are

interested in. In particular, respondents are encouraged to focus on:

- whether specific sections or subsections require further clarification or refinement to ensure effective implementation and compliance; and
- whether additional or current examples or use-cases should be included or excluded, taking into account the legal provisions of the AI Act.

The feedback collected through this consultation will support the Commission in refining and finalising the draft Guidelines, with the objective of ensuring they are clear, comprehensive, and practically useful for all stakeholders involved in the development, deployment and supervision of AI systems under the AI Act.

As not all sections may be relevant for all stakeholders, respondents may reply only to the section(s) they would like. Respondents are encouraged to provide **explanations and practical cases** as part of their responses to support the practical usefulness of the draft Guidelines. We kindly ask that the respondents to specify the exact section and paragraph of the draft Guidelines to which their comments refer.

The consultation also aims to collect input for the annual review of the list of prohibitions (Article 5 AI Act) and the high-risk use cases in Annex III AI Act to inform the Commission review pursuant to Article 112(1) AI Act.

The targeted consultation is available in **English only** and will be **open for 5 weeks starting on 19 May until 23 July 2026 (22:00 CET)**.

All contributions to this consultation may be made publicly available. Therefore, please do not share any personal or confidential information in your contribution (your written feedback). It is your responsibility to avoid personal data and any reference in your written feedback itself that would reveal your identity.

For information on how the Commission processes your personal data please read our Privacy Statement

[20250122_Public_Consultation_classification_of_high-risk_AI_systems_PrivacyStatement.pdf](#)

Information about the respondent

* First name

Hadrien

* Surname

Valembois

* Email address

hadrienv@bsa.org

* Do you agree that we may publish your identity together with your contribution in the instance that all contributions are made publicly available?

If you act in your personal capacity: All contributions to this consultation may be made publicly available. You can choose whether you would like your details to be made public or to remain anonymous. The respondent category that you selected for this consultation, your answer regarding residence, and your contribution may be published as received. Should you choose to remain anonymous, your name will not be published. Please do not include any personal data in the contribution itself.

If you represent one or more organisations: All contributions to this consultation may be made publicly available. You can choose whether you would like respondent details to be made public or to remain anonymous. Only the following organisation details may be published: The respondent category that you selected for this consultation, the name of the organisation on whose behalf you reply as well as its size, its presence in or outside the EU and your contribution as received. Should you choose to remain anonymous, your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

- ☒ Yes
☐ No

* Do you agree that we may contact you in the event of follow-up questions or if we want to learn more about your responses?

- ☒ Yes
☐ No

* Do you represent an organisation (e.g., a public organisation, a company, a think tank or a civil society /consumer organisation) or act in your personal capacity (e.g., independent expert)?

- ☒ Organisation
☐ In a personal capacity

* If you are representing an organisation, please specify the name of the organisation:

Business Software Alliance (BSA)

* Type of organisation

Association

* Is a representation of the organisation located in the EU?

- ☐ The organisation's headquarter is located in the EU
- ☒ A branch office, or any representation of the organisation is located in the EU
- ☐ None of the representations of the organisation is located in the EU

* Select the EU Member State where the organisation's headquarter, or representation is located

BE - Belgium

* Select the size of the organisation

Medium (50-249 employees)

* Sector(s) of activity

- | | | |
|--|---|--|
| ☒ Information technology | ☐ Employment | ☐ Transport |
| ☐ Public administration | ☐ Education and training | ☐ Telecommunications |
| ☐ Law enforcement | ☐ Consumer services | ☐ Retail |
| ☐ Justice sector | ☐ Business services | ☐ E-commerce |
| ☐ Legal services sector | ☐ Banking and finances | ☐ Advertising |
| ☐ Cultural and creative sector, including media | ☐ Manufacturing | ☐ Consumer protection |
| ☐ Healthcare | ☐ Energy | ☐ Others |

* Describe the activities of your organisation or yourself

1300 character(s) maximum

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* **On which part(s) of the draft Guidelines would like comment?** *Multiple answers are possible. Please note that selecting a particular answer will direct you to a set of questions specifically related to subject specified.*

- ☒ **General principles for classification of high-risk AI systems under Article 6.** (Section II)
- ☒ **High-risk classification according to Article 6(1) – Annex I.** (Section III)
- ☒ **High-risk classification according to Article 6(2) – Annex III.** (Section IV)
- ☐ **Questions in relation to Article 112 paragraph 1 (Evaluation and Review)**

General principles for classification of high-risk AI systems under Article 6 (Section II of the draft Guidelines)

Select the relevant subsection(s):

- ☒ II.1 The system must be an AI system
- ☒ II.2 Intended purpose(s) of the AI system

II.1 The system must be an AI system

Question A. Are there any aspects / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance? Please indicate specific parts of the draft Guidelines (i.e., paragraph(s) number).

1500 character(s) maximum

Section V (Entry into application of the rules for HR AI systems)
Considering the postponement of the dates set out in Article 113 AI Act, the dates set out in Article 111(2) must be correspondingly updated. In other words. The Act must apply to operators of high risk AI systems that have been placed on the market or put into service before 2 December 2027 only if, as from that date, those systems are subject to significant changes in their design. This interpretation is essential to preserve the intended effect of the AI Omnibus to provide appropriate certainty to the European market before applicable obligations come into force

II.2 Intended purpose(s) of the AI system

Question A. Are there any aspects / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance? Please indicate specific parts of the draft Guidelines (i.e., paragraph(s) number).

1500 character(s) maximum

The concept is central to the function of the AI Act, particularly for GPAI. Paragraphs 11, 12 and 90 should be revised. Taken together, the paragraphs effectively eliminate the GPAI system category, and run counter to the important role of Article 3(12), as well as the risk-based framework that underpins the AI Act (c.f. Para 63 of the Commission Guidelines on the definition of an AI system).
AI System Providers frequently rely on contract terms and product documentation to communicate limitations in how a product or service may be used. Clear examples should be provided illustrating when these contractual and documentation limits are sufficient to “consistently” limit HR uses of a GPAI system. When a provider actively limits HR uses via acceptable use policies/contractual terms, these measures should be taken into account in classifying the system. Therefore, an AI system presented as designed for GPAI use, clearly presented as not specifically developed/designed for specific HR use cases, shall not be deemed to be a HR AI system.
Furthermore, any use of a GPAI system for a HR use case by a downstream actor constitutes a modification of the intended purpose of the system within the meaning of Article 25(1)(c). GPAI system providers may not have effective control/visibility over how a GPAI system is used for specific applications by downstream actors. The downstream actor that chooses to use a GPAI tool for a HR use case must be responsible for that HR AI system.

High-risk classification according to Article 6(1) – Annex I (Section III of the draft Guidelines)

Select the relevant subsection(s):

- ☒ III.1 The rationale
- ☒ III.2 Main elements for classification as high-risk

Select the relevant subsection(s)

- ☐ III.2.1 Component of a product or itself a product
- ☒ III.2.2 Safety component
- ☐ III.2.3 Third-party conformity assessment

III.1 The rationale

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
- ☐ No
- ☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

20

Please specify

500 character(s) maximum

Paragraph 20 should be slightly revised to avoid confusion between the rationale behind Article 6(1) and 6(2) classification for high risk AI systems. Article 6(1) together with Article 3(14), read together, should be interpreted to mean that Article 6(1) is concerned with systems that present significant risks to health or safety. Risks to fundamental rights are addressed via Article 6(2) systems

Do you have more suggestions?

- ☐ Yes
- ☒ No

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk classification, taking into account the legal provisions in the AI Act?

- ☐ Yes
- ☒ No
- ☐ N/A

III.2 Main elements for classification as high-risk

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☐ Yes
☒ No
☐ N/A

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk classification, taking into account the legal provisions in the AI Act? If so, please explain why you think they should be treated as such, in order to help the Commission refine the draft Guidelines and ensure they are comprehensive.

- ☐ Yes
☒ No
☐ N/A

III.2.2 Safety component

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

31

Please specify

500 character(s) maximum

The guidance should clarify that to be a safety component there must be a direct link to the endangerment of health and safety of persons or property. This means AI systems whose outputs are reviewed by a human, and which cannot directly act on or control the systems they analyse, do not meet the threshold. The AI Office should also clarify that any doubts on classification of a safety component are to be resolved by the AI Office, to promote harmonized interpretation.

Do you have more suggestions?

- ☒ Yes
☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

31

Please specify

500 character(s) maximum

Given the clarification in paragraph 31 stating that an AI system that is a safety component may be placed independently on the market, as well as part of a product regulated by Union harmonization legislation listed in Annex A, the guidelines should clarify that an AI safety system placed on the market independently that is not itself a product regulated by Union harmonization legislation listed in Annex A is not a high risk AI system

Do you have more suggestions?

- ☐ Yes
☒ No

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk classification, taking into account the legal provisions in the AI Act?

- ☒ Yes
☐ No
☐ N/A

If so:

- a) please explain why do you think they should be treated as such and
b) if your suggested example(s) or use case(s) are to be considered as in or out of scope.

2500 character(s) maximum

1. Paragraph 38 should be revised to include more examples of cybersecurity systems that do/do not meet the criteria for high risk. Standard cybersecurity systems in use today, e.g. endpoint protection systems, network security systems, identity management tools, security operations and vulnerability management tools, as well as threat detection tools should not be considered high-risk. The contrary result would subject a wide range of standard security protections to high risk obligations, creating an immense burden for companies and disincentivizing good security practices.
2. Paragraph 37 should be revised to identify mechanisms through which the original provider of an AI system can specify that a system is not intended to fulfill a safety function. Specifically, the guidelines should recognize that it is sufficient to provide a statement in contract or in product documentation that the system should not be relied upon to fulfill a safety function. A GPAI system, marketed as such and identified in product

and contractual documentation as a GPAI system not intended to be used as a safety component, should not be deemed a high-risk AI system under Article 6(1). If a downstream actor modifies such a GPAI system and puts it to a use within Article 6(1), the downstream actor shall be deemed the provider of the high-risk AI system.

3. We also recommend modifying the examples of 'preventative functions' by removing the example of a system supervising another system that performs a safety function. While a system actually performing a safety function is properly in scope, treating a systems that 'supervises' such a system as high risk stretches that definition too far. For example, it is difficult to distinguish a supervisory system from the examples of 'functions not considered safety functions' (e.g. quality control systems or systems for product optimization) given the failure of a 'supervising' system does not directly lead to risks to health or safety of persons or property.

4. The guidelines should further specify the concept of risks to health or safety of persons or property. This risk must be interpreted as a real risk, not just a theoretical possibility

5. Paragraph 39 should be revised to avoid suggesting that one false negative or false positive output, or immaterial losses of availability, create risks to health or safety. In addition, more examples are needed on materiality thresholds in paragraphs 39-41.

High-risk classification according to Article 6(2) – Annex III (Section IV of the draft Guidelines)

Select the relevant subsection(s):

- ☒ IV.1 Rationale and approach
- ☒ IV.2 Horizontal issues applicable to Annex III use cases
- ☒ IV.3 High-risk AI systems in the areas of Annex III

IV.1 Rationale and approach

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
- ☐ No
- ☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

65

Please specify

500 character(s) maximum

We appreciate the guidance's recognition in Paragraph 65 that only a limited set of AI system uses cases are classified as high risk and that Annex II contains the exhaustive list of such use cases. This creates a predictable baseline for actors across the AI value chain. We further appreciate the explicit statement that this list can only be modified through the adoption of delegated acts, which provides certainty for companies that develop and use AI systems.

Do you have more suggestions?

- ☐ Yes
☒ No

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk classification, taking into account the legal provisions in the AI Act? If so, please explain why you think they should be treated as such, in order to help the Commission refine the draft Guidelines and ensure they are comprehensive.

- ☐ Yes
☒ No
☐ N/A

IV.2 Horizontal issues applicable to Annex III use cases

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

74

Please specify

500 character(s) maximum

We appreciate Paragraph 74's recognition that business-to-business evaluations of legal entities are not high-risk, because evaluations of legal persons and companies are distinct from those of "natural persons." However, this distinction is not consistently applied across the guidelines. We recommend carrying this throughout the guidelines, particularly when addressing activities "on behalf of" public authorities, to reduce the residual risk that business-to-business tools could be reclassified

Do you have more suggestions?

- ☒ Yes
☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

75

Please specify

500 character(s) maximum

The guidance does not adequately account for complex AI systems. We are very concerned by the statement that even if an AI system on its own may fit within the filter mechanism, the filter does not apply if it is integrated into a larger AI system and influences or supports key aspects of the decisions made in a high risk use case. This treats the developer of a component AI system as the developer of the larger high-risk system – upending the allocation of responsibilities set out in the Act.

Do you have more suggestions?

- ☒ Yes
☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

77

Please specify

500 character(s) maximum

The HR classification must rightfully be assessed at the time of placement on the market or of putting into service. A provider of a GPAI system cannot, at such time, be said to meet the criteria of HR classification. Clarifying that, where a system is put on the market as a GPAI system and then put to use for a HR use case by a downstream actor, the latter will be deemed the HR AI system provider, and is responsible for conducting the classification assessment & meeting applicable obligations

Do you have more suggestions?

- ☒ Yes
☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
- ☐ No
- ☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

79

Please specify

500 character(s) maximum

More guidance should address when a private entity acts “on behalf of” a public authority, including to ensure an AI provider is not inadvertently treated as high-risk simply because a customer uses it tool while fulfilling a government contract. Guidance should: (1) define objective criteria for this determination, such as a formal delegation or specific statutory mandate, and (2) confirm that a private customer holding a government contract is not, by itself, “on behalf of” a public authority

Do you have more suggestions?

- ☒ Yes
- ☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
- ☐ No
- ☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

103

Please specify

500 character(s) maximum

Clearer guidance is needed on when an AI system is considered preparatory. We recommend establishing objective thresholds for “material influence” to avoid a subjective or overbroad standard. For example, an objective threshold should exclude standard tools like summarizing materials and providing reference documents. It should also confirm that AI tools for which outputs require substantive human interpretation do not meet the threshold for “material influence”

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk classification, taking into account the legal provisions in the AI Act?

- ☒ Yes
☐ No
☐ N/A

If so:

- a) please explain why do you think they should be treated as such and
b) if your suggested example(s) or use case(s) are to be considered as in or out of scope.

3000 character(s) maximum

Narrow procedural (Section 2.7.1(a))

Paragraph 93 should be revised. Systems that merely categorize data as ‘useful’ or ‘less useful’ or ‘more or less responsive’ to human-defined criteria should be treated as performing a narrow procedural task. This should include, for example, AI systems that classify whether or not a job applicant has the requisite experience for the role, where the criteria for such requisite experience has been pre-determined by a human recruiter and subsequently reviewed by a human recruiter

Penalties for Filter Mechanism Misapplication (Paragraph 2.7.4)

Because the filter mechanism is both novel and complex, it is inevitable that there will be a learning period for companies in understanding its application. We recommend the guidelines establish a transition period during which good-faith misapplication of the filter period is not treated as circumvention. In addition, guidance should identify clear criteria that distinguishes deliberate circumvention from reasonable, good faith interpretative disagreement.

IV.3 High-risk AI systems in the areas of Annex III

Please select the sector(s) you wish to comment on. *Multiple answers are possible*

- ☒ 3.1 Biometrics
☒ 3.2 Critical infrastructure
☒ 3.3 Education and vocational training
☒ 3.4 Employment, workers' management and access to self-employment
☐ 3.5 Access to and enjoyment of essential private services and essential public services and benefits
☐ 3.6 Law enforcement
☐ 3.7 Migration, asylum and border control management
☐ 3.8 Administration of justice and democratic processes

3.1 Biometrics

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes

- ☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

171

Please specify

500 character(s) maximum

The guidance should clarify that classifying whether sentiment is positive, neutral, or negative is not an “emotion or intention.” Such classifications should be outside the scope of “emotion detection.”

Do you have more suggestions?

- ☐ Yes
☒ No

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk classification, taking into account the legal provisions in the AI Act?

- ☐ Yes
☐ No
☐ N/A

3.2 Critical infrastructure

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

184

Please specify

500 character(s) maximum

The guidance should expressly state that the obligation to register as high risk comes only when a provider has actual knowledge (knowingly selling) to customers that have been identified as critical under the CER Directive, and the customer has informed the provider accordingly.

Do you have more suggestions?

- ☒ Yes
☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

193

Please specify

500 character(s) maximum

The guidance should clarify the role of “management and operation” in classifying an AI system as high risk. For example, when AI tools monitor larger systems they may provide recommendations to human managers or may be configured to take specific pre-defined actions. In these situations, the provider may not have visibility into backup plans used by deployers, particularly when a tool is “out of the box.” More guidance is also needed on what constitutes a “cybersecurity component.”

Do you have more suggestions?

- ☒ Yes
☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☐ Yes
☒ No
☐ N/A

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk classification, taking into account the legal provisions in the AI Act?

- ☒ Yes
☐ No
☐ N/A

If so:

a) please explain why do you think they should be treated as such and

b) if your suggested example(s) or use case(s) are to be considered as in or out of scope.

2500 character(s) maximum

The supply of water is treated in a much stricter manner than the other critical infrastructure use cases. The draft guidelines provide only examples of AI systems that fall within the high-risk water use case, without any corresponding examples of water-related AI systems that are not high-risk. Second, we would argue that a system using AI to process water pressure data in a municipal water system does not, as such, fulfill the definition of a 'safety component' according to the definition of the draft guidelines. This assessment should take into account the criteria set out in paragraphs 181, 182 and 186 of the draft guidelines and assess whether there is a backup system, safety systems, redundant controls or human intervention that could prevent the damage from materializing and whether the AI output is only advisory or predictive. For example, an AI system that analyzes water pressure data, predicts demand, identifies anomalies or supports planning or operational efficiency should not be treated as a safety component where it does not control water distribution, does not replace required safety controls and is accompanied by clear instructions that it is not intended for use as a safety mechanism

3.3 Education and vocational training

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

220

Please specify

500 character(s) maximum

The guidance should narrow the definition, which may be read to include non-formal educational trainings, including those offered for free, if they leverage AI for limited uses like evaluating a score or suggesting additional trainings. These functions have long been automated, and considering them high risk would create significant new burdens with minimal benefits to individuals

Do you have more suggestions?

- ☐ Yes
☒ No

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk

classification, taking into account the legal provisions in the AI Act? If so, please explain why you think they should be treated as such, in order to help the Commission refine the draft Guidelines and ensure they are comprehensive.

- ☐ Yes
☒ No
☐ N/A

3.4 Employment

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

246

Please specify

500 character(s) maximum

The guidance's approach to employment and recruitment is overbroad and impractical. We recommend: (1) limiting the definition of "recruitment" to AI systems that directly support selection, screening, or assessment decisions affecting individual candidates, and (2) confirm that tools used for preliminary or administrative activities, like drafting and distributing job postings, are not high risk and do not require registration.

Do you have more suggestions?

- ☒ Yes
☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

254

Please specify

500 character(s) maximum

The guidance's treatment of passive talent sourcing tools and background check tools is not practical and requires revision. For example, if a business uses an AI sourcing tool on a recruitment platform, the guidance may require it to inform the entire platform that it is using such a tool – and that the tool did not identify them as a candidate for a role they have not applied for. Treating background checks as high risk also creates bad incentives, because of their important security function

Do you have more suggestions?

- ☒ Yes
☐ No

Question A. Are there any aspects / sections / paragraphs of this Section of the draft Guidelines that you believe require further clarification, and if so, how would you suggest they be improved to ensure effective implementation and compliance?

- ☒ Yes
☐ No
☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

255

Please specify

500 character(s) maximum

Definition of workforce should respect the scope of the Act i.e. AI tools used in connection with contracting for freelancers/independent contracting services are not automatically captured AI systems used for employee development/learning recommendation/career planning/internal mobility/mentoring/project opportunity matching needs clarification. Such systems provide optional recommendations intended to support employee growth & remain subject to human discretion should not fall under Annex III

Do you have more suggestions?

- ☐ Yes
☒ No

Question B. Do you think there are additional examples or use-cases , relevant for this Section of the draft Guidelines, that you find important that the Guidelines include or exclude from the scope of high-risk classification, taking into account the legal provisions in the AI Act?

- ☐ Yes
☒ No
☐ N/A

Contact

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