

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

Maria

* Surname

Goikoetxea

* Email address

mgoikoetxea@actonline.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:

Association for Competitive Technology

* 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

Small (10-49 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

ACT is a policy trade association for the small business technology developer community. Our members are entrepreneurs, innovators, and independent developers within the global app ecosystem that engage with verticals across every industry. We work with and for our members to promote a policy environment that rewards and inspires innovation while providing resources that help them raise capital, create jobs, and continue to build incredible technology.

* **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.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

ACT supports anchoring classification in the statutory definition of an AI system and in the Commission's February 2025 guidelines on that definition. The Guidelines should make explicit that regular software, rules-based automation, and systems lacking the capacity to infer how to generate outputs fall outside scope so that small developers are not drawn into high-risk analysis for deterministic tools. We recommend a short decision tree that gives examples distinguishing AI systems from conventional software, including common components such as input validation, threshold alerts, and basic statistical functions. Such clarifications will reduce unnecessary downstream assessments and improve legal certainty.

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

ACT recommends clarifying how intended purpose is fixed for AI systems that integrate general-purpose AI models where a downstream small developer defines a narrow purpose on top of a third-party model. The Guidelines should confirm that classification follows the system's stated intended purpose and instructions for use, not the hypothetical or theoretical capabilities of an underlying model. We also request clarity as to the boundary at which a deployer's substantial modification or change of intended purpose makes the deployer a provider, with examples, making certain that ordinary configuration, fine-tuning, or contextual deployment does not unexpectedly transfer provider obligations. ACT encourages alignment with its AI Roles and Interdependencies Framework, which provides granular recommendations for safety and efficacy at each point in the AI value chain, contributing to the allocation of responsibility to those with genuine control over the relevant risk. Consistent with paragraph 12, ACT asks the Commission to confirm that where a provider clearly, concretely, and coherently limits the intended purpose across its instructions for use, technical documentation, and sales materials, a narrow-purpose system built on a general-purpose model is not drawn into high-risk by the broader capabilities of that model, and to give small developers practical guidance on how to document such limitations.

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

18

Please specify

500 character(s) maximum

The Guidelines should make clear that Article 6(1) classification depends on two cumulative conditions, namely an Annex I product or safety component and a required third-party conformity assessment under that legislation. A flowchart and a plain statement that, absent the third-party assessment trigger, the system is not high-risk under 6(1), would prevent over-classification of components supplied by small developers.

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.2.1 Component of a product or itself a product

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

29

Please specify

500 character(s) maximum

Small developers frequently supply software components integrated into larger products. The Guidelines should clarify how to treat a component that is itself an AI system versus one embedded as a safety component, and confirm that supplying a general component for integration does not by itself make the supplier the product provider. Examples drawn from typical SDK supply relationships would do much to support consistent application and certainty for our community

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.2.2 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

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

ACT welcomes the functional test for safety components in paragraphs 34 to 37, including the list of functions that are not safety functions, such as performance optimisation, service efficiency, automation, comfort, convenience, and quality control, together with the worked examples in paragraphs 45 to 49. To give small developers certainty, ACT asks the Commission to confirm that this list is non-exhaustive and expressly covers common features supplied by small developers, including analytics, logging, reporting, and user-interface components, and to retain the clarification in paragraph 31 that a component placed on the market independently is assessed by its function rather than by mere integration into a regulated product

III.2.3 Third-party conformity assessment

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

50

Please specify

500 character(s) maximum

Because the third-party conformity assessment requirement is the gating condition under 6(1), the Guidelines should state clearly that AI systems in Annex I sectors subject only to self-assessment are not high-risk on that basis. The Commission should map Annex I to whether third-party assessment is required to give small developers a reliable, low-cost way to reach the correct result.

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

We suggest the Guidelines include examples confirming the following as out of scope:

- Software components supplied for integration into Annex I products where the underlying legislation requires only self-assessment.
- AI features that provide information, logging, or analytics without performing a safety function.
- Developer tools and SDKs that are not themselves placed on the market as safety components.

Treating the above as out of scope reflects the structure of Article 6(1) and avoids sweeping in low-risk contributions across the value chain, contrasted with an AI system performing a genuine safety function in a product subject to third-party conformity assessment is in scope (in other words, the Commission should draw a clear line by function and assessment route rather than by the mere presence of AI).

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

The Guidelines should state at the outset that Annex III listing creates a rebuttable presumption (not an automatic classification) and that the the Article 6(3) filter is vital. Framing the the Article 6(3) filter as a core step will appropriately incentivise providers, including small developers, to perform and document a genuine risk assessment.

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

69

Please specify

500 character(s) maximum

We request that the horizontal guidance on the Article 6(3) filter, human involvement, and the intended-to-be-used criterion be given more detail. The filter conditions should be read so that genuinely low-risk systems performing narrow procedural, preparatory, or result-improving tasks are not classified as high-risk.

The documentation burden kept light and scalable for SMEs.

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.

3000 character(s) maximum

The Guidelines to include concrete examples for each Article 6(3) condition so that the filter is usable in practice:

- For the narrow procedural task condition, examples should include routing, formatting, scheduling, and classification utilities that do not determine an Annex III outcome.
- For the result-improving condition, examples should include drafting assistance, summarisation, and quality-checking tools applied to a completed human work product.
- For the preparatory task condition, examples should include data organisation, intake triage, and retrieval that inform but do not make an assessment.
- For the deviation-detection condition, examples should include anomaly flags surfaced for human review.

We further recommend that the Guidelines confirm that:

- Maintaining the self-assessment documentation under Article 6(3) is proportionate, with a lightweight template suitable for micro and small enterprises.
- Human involvement which is genuine and capable of altering the outcome supports non-high-risk classification, and that the standard is calibrated to realistic deployment.

- Where Annex III systems also touch national or EU law, the Guidelines explain the interaction clearly so developers are not left to reconcile overlapping/conflicting regimes without guidance.

Consistent with ACT's Roles and Interdependencies Framework (<https://actonline.org/wp-content/uploads/ACT-AI-Roles-Interdependencies-Framework-final-text-May-2024-UK-English.pdf>), responsibility for the filter assessment should rest with the actor that defines the intended purpose and controls the relevant risk

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

136

Please specify

500 character(s) maximum

ACT welcomes the exclusion of biometric verification and authentication from the high-risk identification category in paragraphs 136 to 139, since many small developers use one-to-one verification solely to confirm a claimed identity, for example to unlock a device or authenticate a user. ACT asks the Commission to retain and, where possible, expand the accompanying examples to cover common authentication features such as device unlock, account login, and step-up authentication, confirming that

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

180

Please specify

500 character(s) maximum

Many ACT members supply monitoring, analytics, optimisation, and reporting tools to operators of critical infrastructure. ACT welcomes paragraphs 180 to 182, which confirm that the use case is limited to safety components and that a system performing only a non-safety function, such as a mere conduit, falls outside high-risk classification. Confirm and illustrate that monitoring, analytics, optimisation, and reporting tools which are not safety components within the meaning of Article 3(14).

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

3.3 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

207

Please specify

500 character(s) maximum

The Guidelines should confirm that tools supporting learning, practice, tutoring, content delivery, and formative feedback are not high-risk where they do not make or materially influence the determinations listed in Annex III point 3, such as namely admission or assignment, evaluation of learning outcomes that steer the learning process, etc. Drawing the line at material influence over those listed determinations, rather than at the broad notion of assessment, prevents over-classification of or

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

236

Please specify

500 character(s) maximum

The Guidelines should clarify that productivity, scheduling, collaboration, and general workforce software are out of scope where they do not make or materially influence recruitment, promotion, evaluation, or termination decisions. Examples separating decision-support that materially influences outcomes from ordinary workplace functions will reduce uncertainty.

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

3.5 Access to and enjoyment of essential services and benefits3.4 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

279

Please specify

500 character(s) maximum

The Guidelines should confirm (and illustrate with examples) that AI systems providing general customer service, information, or operational support for service providers are not high-risk where they do not evaluate eligibility, creditworthiness, or entitlement to essential services or benefits.

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

3.6 Law enforcement

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
☐ NA

Relevant paragraph number

Only values of at most 1000 are allowed

337

Please specify

500 character(s) maximum

ACT welcomes paragraph 371 on other AI systems falling outside the use cases of point 6 and asks the Commission to confirm and illustrate that such horizontal tools are out of scope where they do not themselves perform the listed high-risk functions, such as individual risk assessment, evaluation of the reliability of evidence, or profiling. Clarify the by or on behalf of language so that supplying a generic tool does not by itself make a small developer a high-risk provider.

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

3.7 Migration, asylum and border control management

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? Please indicate specific parts of the draft Guidelines (i.e., Section/subsection /paragraph(s) number).

- ☒ Yes
- ☐ No
- ☐ N/A

Relevant paragraph number

Only values of at most 1000 are allowed

373

Please specify

500 character(s) maximum

ACT asks the Commission to confirm, consistent with the overview and horizontal issues in Section 3.7, that such tools are out of scope where they do not assess risk, examine applications for asylum, visa, or residence, or detect or recognise natural persons, and to clarify the by or on behalf of competent public authorities language so that supplying a horizontal tool does not by itself make a small developer a high-risk provider.

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

3.8 Administration of justice and democratic processes

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

404

Please specify

500 character(s) maximum

ACT asks the Commission to confirm that such tools are out of scope where they are not used by or on behalf of a judicial authority to research and interpret facts and the law or to apply the law to a concrete set of facts, and that tools which merely organise, retrieve, or structure information without influencing the adjudicative outcome are out of scope. . ACT welcomes paragraph 445.

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

Questions in relation to Article 112 paragraph 1 (Evaluation and Review)

Under Article 112(1) AI Act, the Commission is tasked with annually assessing the need to amend the list of high-risk AI systems set out in Annex III AI Act and the list of prohibited AI practices laid down in Article 5 AI Act. In this context, the Commission aims to gather insights from a wide range of stakeholders and invites you to share your views on whether amendments to the list of prohibited practices and the high-risk use cases in Annex III are needed.

Question 1. Are you aware of concrete use cases of AI systems that in your opinion need to be added to the list of use cases in Annex III - within the existing 8 areas - to ensure that all AI systems having equivalent risk of harm (in accordance with the criteria laid down pursuant to Article 7(2) AI Act) are classified as high-risk under the Annex III AI Act?

- ☐ Yes
☒ No
☐ Not applicable

Question 2. Do you consider that some of the existing use cases listed in Annex III AI Act need to be amended in order to fulfil the conditions laid down pursuant to Article 7(2) AI Act?

- ☒ Yes
☐

No

☐ Not applicable

If yes, please specify your arguments and provide evidence that justify such a change.

1500 character(s) maximum

ACT encourages refinement that improves precision because several Annex III use cases are drafted broadly enough to capture tools that do not materially influence the relevant decision. Amendments that tie each use case more tightly to systems that make or materially influence the protected outcome, consistent with the Article 6(3) filter, would better fulfil the Article 7(2) criteria by focusing obligations on genuine risk.

Question 3. Do you consider that some of the existing use cases listed in Annex III AI Act should be removed, since they do not pose anymore equivalent risk of harm (in accordance with the criteria laid down pursuant to Article 7(2) AI Act)?

☐ Yes

☐ No

☒ Not applicable

Question 4. Do you consider that the list of prohibited AI practices in Article 5 should be expanded? In particular, are there concrete examples of AI practices that, in your view, conflict with Union values and are not yet adequately addressed by the AI Act or other Union legislation?

☐ Yes

☒ No

☐ Not applicable

Question 5. Do you consider that some of the prohibitions listed in Article 5 AI Act are already sufficiently addressed by other Union legislation and should therefore be removed from the list of prohibited practices in Article 5 AI Act?

☒ Yes

☐ No

☐ Not applicable

If yes, please specify your arguments and provide evidence that justify such a change.

1500 character(s) maximum

ACT believes that where conduct is already comprehensively addressed by existing legislation, the Commission should avoid duplicative or conflicting obligations that fall hardest on small developers with limited compliance capacity.

