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# AI Act: European Commission Publishes Guidelines on High-Risk AI Systems

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On May 19, the European Commission published preliminary guidelines on the classification of high-risk artificial intelligence ("AI") systems under Regulation (EU) 2024/1689 ("EU AI Act"),[1] which is currently open for public consultation until June 23, 2026.

**Classification Criteria and Intended Purpose**

The draft aims to clarify the general principles applicable to the classification of AI systems as high-risk systems, pursuant to Article 6 of the AI Act. To that end, it addresses the two classification pathways provided for in the Regulation:

- i. AI systems used as products or safety components of products covered by Union harmonization legislation listed in Annex I, when subject to third-party conformity assessment; and
- ii. systems whose use case falls within one of the specific areas listed in Annex III.

The guidelines include practical examples intended to support providers, deployers, and market surveillance authorities in the uniform application of the Regulation.

The draft notes that distributors, importers, deployers, or other third parties may be subject to the obligations applicable to providers when they affix their name or trademark to a high-risk AI system, make a substantial modification to the system, or modify its intended purpose in such a way that it becomes classified as high-risk.

**Implementation Timeline and Binding Nature**

Following the political agreement on the AI Omnibus, the rules applicable to high-risk AI systems covered by Article 6(2) will apply from December 2, 2027, while the rules regarding systems covered by Article 6(1) will apply from August 2, 2028.

The guidelines are still in draft form and are not legally binding. The authoritative interpretation of the AI Act will ultimately rest with the Court of Justice of the European Union. The draft will be subject to further consultation before its final adoption by the Commission.

**Practical Implications**

Organizations that develop, market, or use AI systems should use this period to map their systems, identify their intended purpose, and assess whether any of them may be classified as high-risk.

[1] The EU AI Act, which has been phasing in since August 1, 2024, establishes harmonized rules for the placing on the market and use of AI systems in the European Union, adopting a risk-based approach.

## Thinking about tomorrow? Let's talk today.

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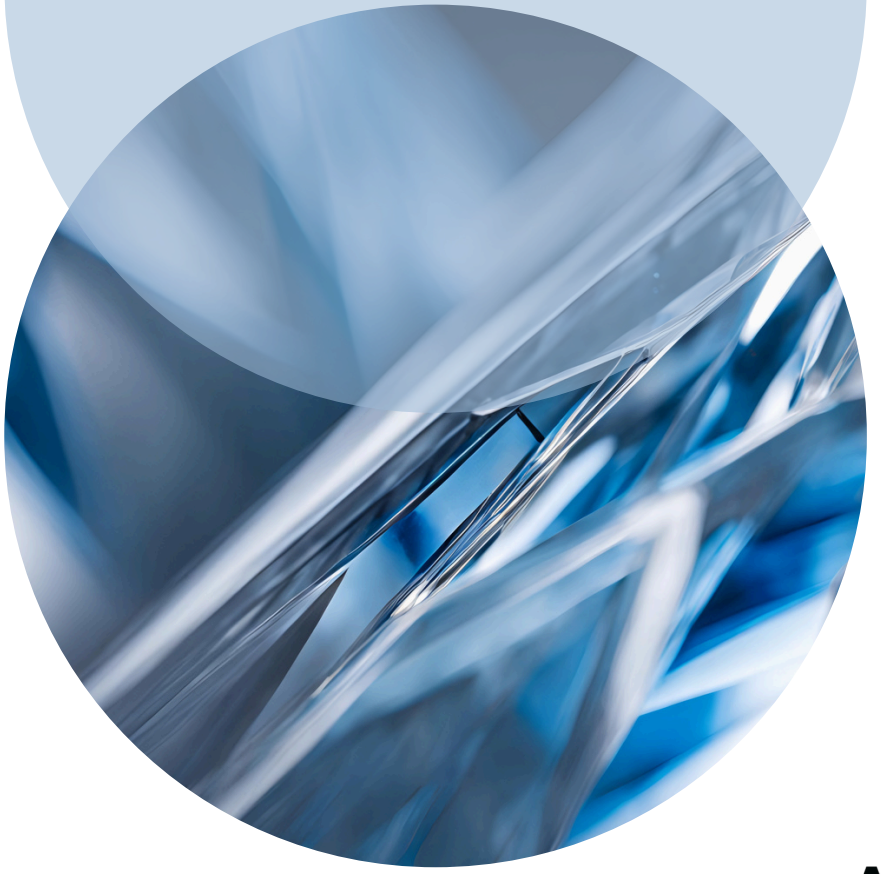

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