

# AI Act high-risk classification — DE / FR / IT

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## Scenario

You are building a credit-scoring AI for three EU markets. Each member state may have additional national positions on top of the EU AI Act high-risk classification.

## What was asked

Compare AI Act high-risk classification for credit scoring across DE, FR, and IT. Include the harmonised EU position (Regulation (EU) 2024/1689 Annex III) plus any national supervisory-authority guidance. Side-by-side, with citations.

## Answer

### EU AI Act + national overlay — credit-scoring AI across DE, FR, IT

Credit scoring is **named explicitly** as a high-risk use case in the EU AI Act. The harmonised position is clear from the gateway's EU Regulations corpus. National supervisor-specific transpositions were not surfaced in this run — the gateway returned the EU position strongly but national searches yielded only tangential matches.

### EU harmonised position (Regulation (EU) 2024/1689)

The gateway returned the following on-point articles from the AI Act:

- **Article 6 — Classification rules for high-risk AI systems.** A system is high-risk if it falls into either the Annex I (product safety) route or the [Annex III](#) route. Credit scoring sits in **Annex III, point 5(b)**: *"AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score, except for AI systems used for the purpose of detecting financial fraud."* The fraud-detection carve-out is narrow and does not cover scoring-of-individuals workflows.
- **Article 7 — Amendment of Annex III.** The Commission can add or modify high-risk use cases via delegated act; the credit-scoring entry has been stable through the negotiation.
- **Article 12 — Record-keeping.** High-risk providers must enable automatic logging over the lifecycle of the system, sufficient to trace decisions back to the input.
- **Article 27 — Fundamental rights impact assessment (FRIA).** Required for high-risk credit-scoring deployments by public-sector bodies and private bodies providing services of general interest. Banks providing consumer credit fall within scope where national law treats credit as such a service.
- **Article 43 — Conformity assessment.** Credit-scoring providers follow the Annex VI internal-control conformity-assessment route (not third-party-audit), unless a harmonised standard applicable to the system is not yet in force.

- **Article 49 — Registration in the EU database.** Mandatory before placing the system on the market.
- **Article 60 — Real-world testing outside a sandbox.** Optional regime with safeguards.
- **Article 72 — Post-market monitoring.** Continuous data-collection obligation for the provider.
- **Article 74 — Market surveillance.** Each Member State designates competent authorities; financial-sector AI systems may be supervised by the existing financial supervisor (BaFin / ACPR / Banca d'Italia) under Article 74(6).
- **Recital 131** confirms that AI systems intended for credit-scoring of natural persons should be classified as high-risk.

## National supervisor position — what the gateway returned

- **DE:** The German Law MCP was temporarily unavailable for this run ( `servers_failed: [ 'German Law MCP' ]` ). The other German MCPs (BaFin, BSI, BfDI, Bundeskartellamt) returned no on-point material for `Kreditwürdigkeit Hochrisiko`. BaFin's Merkblatt on AI in credit decision-making is not in the indexed corpus today. Re-run after the German Law MCP recovers for a fuller German picture.
- **FR:** The French Law MCP responded but the search returned articles from unrelated codes (Code monétaire, Code du travail technical-equipment articles) — not the ACPR / Banque de France position on AI in credit. The gateway did not surface AI-specific French law for this query.
- **IT:** The Italian Law MCP returned articles 3, 7, 11, 12, 14, 15 from a national code, but those entries are not the AI-specific Italian transposition. Banca d'Italia and AGCM positions on AI in credit are not in the indexed corpus.

## Side-by-side

	EU (harmonised)	DE	FR	IT
Classification	<b>High-risk</b> (Art. 6 + Annex III §5(b))	Same — direct application	Same — direct application	Same — direct application
FRIA required?	If deployed by public body or service-of-general-interest provider (Art. 27)	Capture gap (Law MCP down)	Capture gap (corpus thin)	Capture gap (corpus thin)
Competent market-surveillance authority	Member State designates (Art. 74)	Likely BaFin via Art. 74(6) financial-sector route (not gateway-confirmed)	Likely ACPR (not gateway-confirmed)	Likely Banca d'Italia (not gateway-confirmed)
Conformity-assessment route	Internal control (Annex VI) under Art. 43	Same	Same	Same

## Bottom line for your three-market deployment

The **EU position is unambiguous and harmonised**: credit-scoring AI is high-risk in DE, FR, and IT. The Article 12 logging, Article 27 FRIA, Article 43 conformity assessment, Article 49 registration, and Article 72 post-market monitoring all apply identically. **The national divergence question — which supervisor enforces, and what additional national guidance applies — was not resolvable from this gateway run.** Recommendation: commission a focused supervisor-by-supervisor review for the national overlay; the gateway is sufficient for the EU position but not for the national-supervisor positions today.

## Tool calls

#	Tool	Result
1	search	10 results from EU Regulations MCP — AI Act Art. 6, 7, 12, 27, 43, 49, 60, 72, 74, Recital 131
2	search	0 results; partial=true — German Law MCP temporarily unavailable
3	search	6 results from French Law MCP — articles from unrelated codes, off-topic for AI Act transposition
4	search	6 results from Italian Law MCP — articles from a national code, not the AI-specific transposition

## Citations

Type	Jurisdiction	Reference	URL
regulation	EU	AI Act Article 6 — Classification rules for high-risk AI systems	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Annex III — High-risk use cases (point 5(b) credit-scoring)	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Article 7 — Amendment of Annex III	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Article 12 — Record-keeping	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Article 27 — Fundamental Rights Impact Assessment	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Article 43 — Conformity assessment	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Article 49 — EU database registration	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Article 72 — Post-market monitoring	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Article 74 — Market surveillance + sector supervisor route	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>
regulation	EU	AI Act Recital 131 — Credit-scoring classification rationale	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1689</a>

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