EDPS

04 December 2025

EUROPEAN DATA PROTECTION SUPERVISOR

Market Surveillance Authority for the EUIs' AI Systems

Getting ready - preparing the EU public administration for the AI Act

High-Risk AI Systems Mapping Report in European Institutions, Agencies, and Bodies ("EUIs")

Contents

Introduction

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (hereinafter 'AI Act') entered into force on 1 August 2024. Regarding the enforcement of the AI Act, the EDPS is according to Article 74(9) the competent market surveillance authority where Union institutions, bodies, offices or agencies (hereinafter 'EUIs') fall within scope.

The EDPS officially established a new Artificial Intelligence Unit (hereinafter 'EDPS AI Unit') in October 2024 and has since been preparing for the majority of the AI Act to come into effect.

In autumn 2024 the EDPS - in close cooperation with all the EUIs - created the AI Act Correspondents Network. Each EUI nominated an AI Act Correspondent in charge of their internal compliance with the AI Act. The aim of the network, which held its first official meeting on 27 January 2025, is to jointly prepare for compliance with the AI Act in the EU public sector, exchange experiences and best practices. The establishment of the AI Act Correspondents Network has been widely acclaimed, with all EUIs choosing to participate in this voluntary structure.

At the start of 2025 and with the entry into application of the provisions on prohibited practices on 2 February 2025, the EDPS AI Unit launched a voluntary mapping of high-risk AI systems within the AI Act Correspondents Network. It did so for three main reasons:

- First, to assist the EUIs to best prepare for the entry into application of the AI Act. The EDPS AI Unit considers that effective AI Act compliance begins with the early preparation of inventories and understanding what AI systems one uses or has. This is key for ensuring trustworthy uptake and use of AI in EU public administrations.

- Second, to ensure that the specificities of EUIs are identified early in the process and can best be reflected and covered in the AI Act implementing rules and guidance. EUIs often have specific regulation that applies to them and operate in highly specialised regulated sectors.[1] If the mapping raises key interpretative questions, the EDPS AI Unit can raise these at the AI Board level where it is an observer (Article 65 AI Act), other stakeholder discussions and related public consultations of the AI Office, so that upcoming guidelines can also consider EUI-specific legal issues and use-cases of AI systems.

- Third, to help the EDPS in its preparation for its new roles as Market Surveillance Authority (Article 79 AI Act) and Notified Body (Article 43(1) AI Act) for the EU public sector.

[1] *See as examples; Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA; Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624; Decision of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 25 July 2002 establishing a European Communities Personnel Selection Office - Declaration by the Bureau of the European Parliament. etc.*

Specifically, a mapping of high-risk AI systems allows the EDPS to understand its new supervisory "market", identify areas with a need for further clarification or guidance, and set future enforcement priorities. This also helps the EDPS AI Unit to plan and allocate the necessary resources ahead of time.

Part I: Background

1.1. Chronology and Methodology Applied

On 31 January 2025, the Secretary General of the EDPS sent a letter informing EUIs that Article 5 AI Act (Prohibited Practices) would come into effect on 2 February 2025. In this context, he asked EUIs to self-assess their AI systems to determine whether they involve prohibited AI practices and in case of a positive response to immediately cease such practice and report it to the EDPS. No EUI reported a prohibited practice to the EDPS.

In the same letter, the EDPS also requested EUIs to voluntarily self-identify and **map any high-risk AI systems as defined by the AI Act** by 31 July 2025. On 8 April 2025, the EDPS provided a template for the reporting and on 20 May 2025 it offered technical instructions to facilitate this exercise during a workshop of the AI Act Correspondents Network with all EUIs.

The EDPS AI Unit's template for potential Annex III AI systems contained the following sections and instructions for EUIs:

Institution:

- Insert the name of your institution (e.g. European Data Protection Supervisor).

System name & version:

- Insert the name and version of the AI system (e.g. THARV Fraud Detection System v2.1; MIA v.7.1) Otherwise, please put keyword(s) about the main use-case (E.g. chatbot, classifier, etc).

Developing or using the system:

- Developer.
- User.
- Both.

System purpose:

- Describe the main system objectives and intended use cases (e.g. 'Automated screening of grant applications for potential conflicts of interest and eligibility criteria', 'Real-time monitoring of critical infrastructure for cybersecurity threats', 'Pre-filtering of citizen complaints to route to appropriate departments').

System technique:

- Insert the AI system approach and techniques or methodologies used (e.g. Machine learning, deep learning). Multiple techniques/methodologies can be inserted especially if systems are based on more than one technique/methodology.

Deployments status:

- In development: the system is being built or planned but not yet deployed to any production environment.
- Pilot deployment: the system is being tested in limited production settings with enhanced monitoring and safeguards.
- Fully operational: the system is completely deployed and functioning as intended across all target environments.
- Phasing out = the system is still active but being gradually decommissioned or replaced by other solutions.

Deployment environment:

- Private Cloud.
- Public Cloud.
- Hybrid Environment.

System coverage:

- Internal: The AI System is only available within the EUI.
- External: The AI System will interact with the public or other external parties outside of the EUI.

Annex III categories:

- Biometrics.
- Critical infrastructure.
- Education and vocational training.
- Employment, workers' management and access to self-employment.
- Access to and enjoyment of essential private services and essential public services and benefits.
- Law enforcement.
- Migration, asylum and border control management.
- Administration of justice and democratic processes.

Profiling:

- Yes.
- No.

Annex III high-risk exemptions:

- (a) the AI system is intended to perform a narrow procedural task;
- (b) the AI system is intended to improve the result of a previously completed human activity;
- (c) the AI system is intended to detect decision-making patterns or deviations from prior decision-making patterns and is not meant to replace or influence the previously completed human assessment, without proper human review; or
- (d) the AI system is intended to perform a preparatory task to an assessment relevant for the purposes of the use cases listed in Annex III.
- None of the above conditions apply.

Optional further information:

- Free text field.
- If there are doubts over whether a system is high-risk or not, select the most appropriate option and mention that there are doubts about the application in the further information column. The EDPS AI Unit understands that guidelines on high-risk systems will only come out at the earliest in February 2026. If there are uncertainties, the EDPS AI Unit recommends adopting a broad approach and to nonetheless map the system at this stage.

The EDPS AI Unit explained during the workshop of the AI Act Correspondents Network that if EUIs did not have an answer at this stage, they could choose to leave the relevant section blank. Explanations for leaving sections blank could be optionally given in the 'further information section' included in the above template.

1.2. Structure of the Report

The EDPS AI Unit asked EUIs to report AI systems that could be potentially classified as high-risk based on their self-assessment. However, many EUIs reported all their AI systems, regardless of their assumed risk level.

Part II (AI Systems within EUIs) and Part IV (Key Takeaways) of this this report, therefore, consider all the AI systems reported in July 2025, independent of their qualification. Therefore, not all AI systems covered in these sections of the report are high-risk.

On the other hand, Part III (Potential Annex III AI Systems) limits its scope to only analysing the reported potentially high-risk AI systems pursuant to Annex III AI Act (hereinafter: 'potential Annex III AI systems').

1.3. Disclaimers

This report is published by the EDPS AI Unit in its role at **Market Surveillance Authority** and not in the EDPS' role as Data Protection Authority.

The EDPS AI Unit currently has no powers to officially request information under the AI Act until 2 August 2026 (Chapter IX, Articles 74 and 113 AI Act). Thus, EUIs **voluntarily** provided answers to the mapping exercise in July 2025 and the EDPS' mapping is thus limited to what was reported to it on that basis.

Therefore, the **accuracy** and **completeness** of the information in the mapping depends on the responses provided by EUIs in their self-assessment of potentially high-risk cases. Furthermore, the EDPS AI Unit proposed an expansive approach when assessing if an AI system could be high-risk for the purposes of this mapping and asked EUIs to include also **grey-area** cases.

The EDPS AI Unit asked EUIs for information on two different issues in its mapping exercise: (i) any **prohibited practices** and (ii) **high-risk AI systems** developed or used by EUIs. In this respect, some EUIs have only responded to the first set of questions on prohibited practices, but not on the second part on high-risk cases.

Not all EUIs participated in the voluntary mapping, therefore the full EUI AI eco-system is not currently reflected in the mapping.

A number of EUIs did not report their use-cases via the mapping, and only agreed to share them with the EDPS on a confidential basis due the **sensitivity of the areas**. These potentially high-risk AI systems are, therefore, currently not covered in the mapping report which only reflects the systems reported in the context of the mapping exercise.

The answers provided are based on **EUIs own interpretations** of the AI Act and of their systems. The EDPS has used the answers as given by the EUIs for this report. The results are thus **preliminary**; readers should not view this report as definitive. EUIs may have been selective on what they declared to the EDPS at this stage. Moreover, self-assessments and current readings of the AI Act can change upon the release of future guidelines.

A very low number of Annex I AI systems covered by the Union harmonisation legislation were reported to the EDPS AI Unit. They are not included in this report as they were qualified as not fulfilling all the conditions of Article 6(1)(a) AI Act in the self-assessment. Thus, the focus of the report is mainly on Annex III AI Act.

To conclude, the mapping at this stage cannot provide a fully definitive picture and does not cover all existing and planned high-risk AI systems of EUIs. However, the systems reported already provide a good starting point for further analysis, show first trends of the EUI AI ecosystem, as well as the nature of the AI systems developed or used in the EU public sector.

Part II: AI Systems within EUIs

2.1. Response Rate

The EDPS AI Unit received a **high response rate of 87%** for this voluntary exercise.

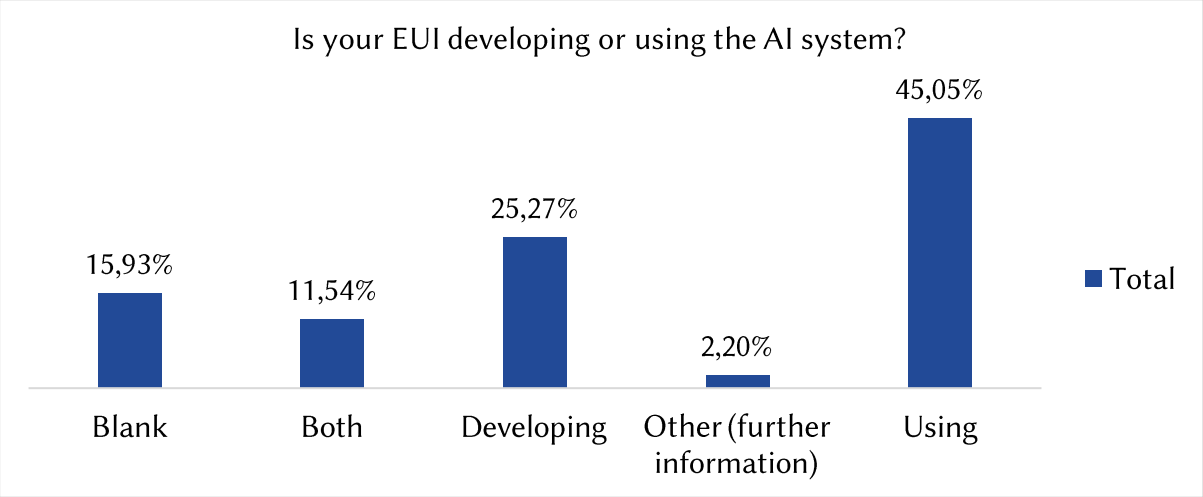
However, the types and scope of responses varied. For example:

- A few EUIs responded **only** to whether they have **prohibited practices** in place and did not address the question about high-risk AI systems.
- Some EUIs left **blank fields** for certain sections, while others explicitly declared that they did not know the corresponding information.
- Some EUIs limited themselves to reporting only on already **operational** AI systems, while others reported also forthcoming or in development ones.
- One EUI even shared their **preliminary compliance assessment**, in case the AI system reported would be classified as high-risk.

In total, around **186 AI systems** were reported under this mapping exercise. It should be noted that this number does not include **more than 100** further AI systems or systems that involve elements of AI, which were mentioned outside of the mapping exercise to the EDPS AI Unit bilaterally and are, therefore, not reflected in this report.

The following partsof the report will walk through the most important aspects of the EUIs mapping responses.

2.2. More Users than Developers



The AI Office was drafting guidelines on the definition of AI systems[2] and Prohibited Practices[3] at the time of the initial announcement of the exercise. Therefore, the EDPS AI Unit consciously avoided the terms of provider or deployer as defined under the AI Act. Rather, the EDPS AI Unit's mapping used alternative terms and asked whether EUIs were 'developing' or 'using' a system.

For the context of this exercise, developing an AI system usually related to either modifying an off-the-shelf system or building an AI system, whether done by the EUI itself or by a third party at the request of the EUI. By comparison, using a system usually related to using an off-the-shelf,

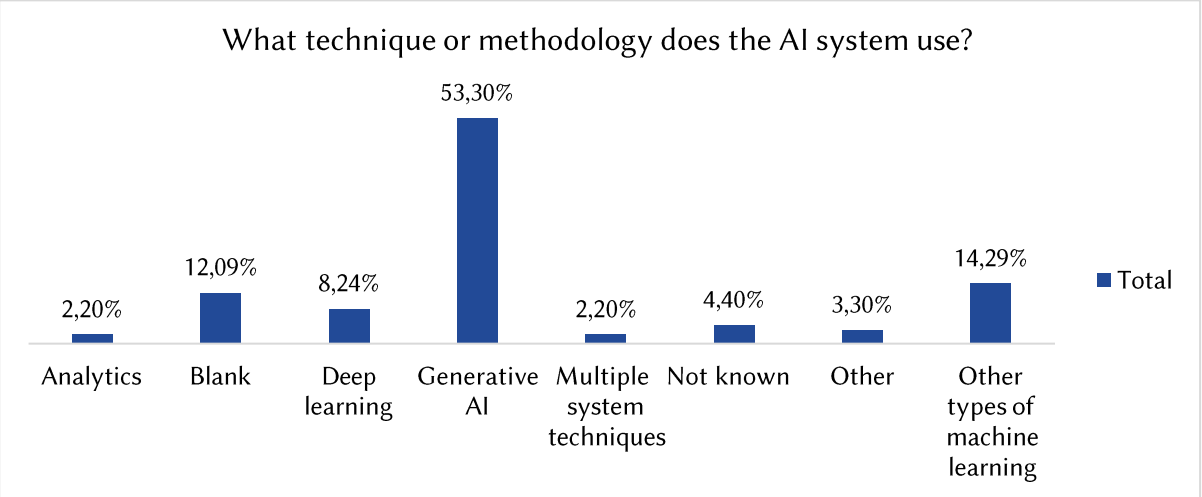
[2] https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-ai-system-definition-facilitate-first-ai-acts-rules-application
[3] https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-prohibited-artificial-intelligence-ai-practices-defined-ai-act

prebuilt, ready-to-use AI system created by third-party providers. Each EUI self-assessed whether they were developing an AI system, using an AI system or both.

Many EUIs who answered that they are both developing and using an AI system, also stated that they were using external contractors for the development of their AI System, with an aim of using it themselves upon its completion.

Around 15% of EUI respondents left this section blank. A reason could be that EUIs may have interpreted the terms developer and user as proxies for the term's provider and deployer, respectively and did not want to designate themselves at this stage.

2.3. Generative AI Dominant



To present these free text results in a chart, the EDPS AI Unit categorised the answers given by the EUIs into the above groups. Machine learning can encompass both deep learning and Generative AI, however even though Generative AI is typically considered a subset of deep learning, they have their own distinct methods and applications, which led the EDPS AI Unit to categorise them separately.

In this framework, Generative AI was the most common AI system technique reported. In the EDPS AI Unit's view, this outcome reflects broader market trends driven by the rapid development and deployment of Generative AI models and systems.[4]

The information on system techniques was important to crystalise the kind of expertise the EDPS AI Unit will need to undertake its mandate. AI systems are highly varied in terms of how they are designed, trained, and applied, with each type of system presenting distinct risks, data

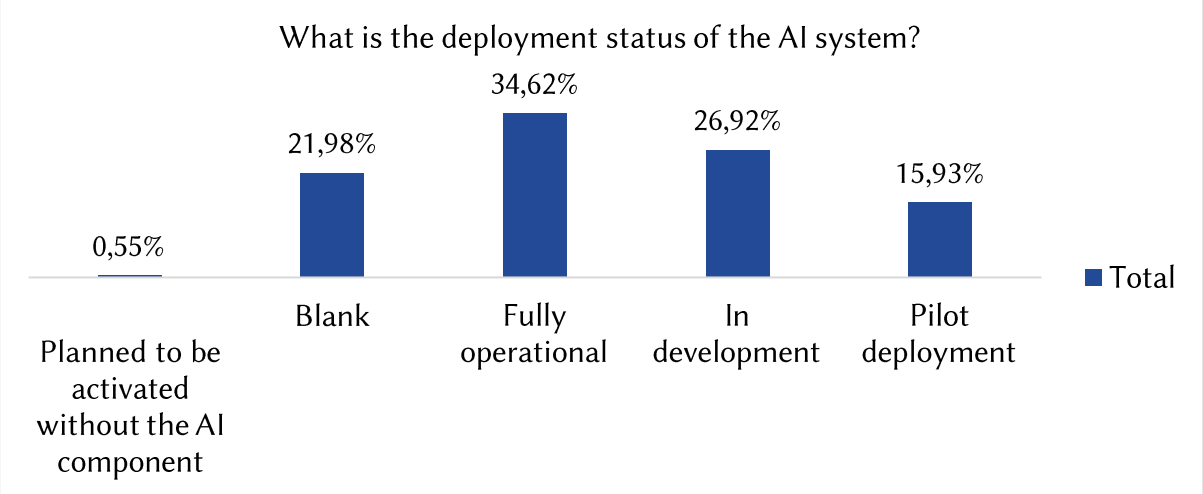
[4] *ABENDROTH DIAS, K., ARIAS CABARCOS, P., BACCO, F.M., BASSANI, E., BERTOLETTI, A. et al., Generative AI Outlook Report - Exploring the Intersection of Technology, Society and Policy, NAVAJAS CAWOOD, E., VESPE, M., KOTSEV, A. and VAN BAVEL, R. (editors), Publications Office of the European Union, Luxembourg, 2025, https://data.europa.eu/doi/10.2760/1109679, JRC142598, p 26.*

dependencies, tracing and accountability challenges. Hence, understanding the type of underlying technology was fundamental to informing the internal capacity needs of the EDPS AI Unit.

Around 4% of EUI respondents did not know the system techniques of their AI systems often due to the following two reasons:

- The EUI was in the early process of developing/acquiring an AI system and did not yet know the techniques involved.
- The EUI was using an off-the-shelf system and had difficulties obtaining the necessary information.

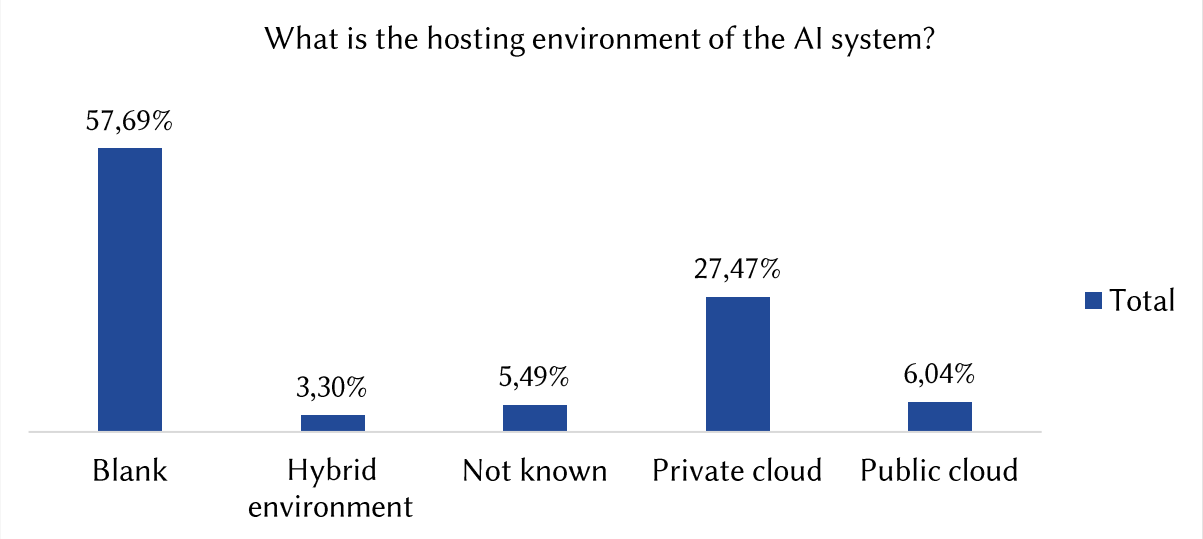
2.4. More AI Systems in the Pipeline



Many EUIs reported AI systems that were already fully operational. Specifically, around 43% of EUI respondents stated that they had AI systems planned (in development) or already in a pilot phase. This demonstrates a trend towards a growing use of AI systems by EUIs and preparations for such increasing use.

Some EUIs who left this section blank explained that they were very early on in the process and did not yet want to categorise their AI systems as being 'in development'.

2.5. Deployment Environment



From the responses received, it is clear that most of the EUIs did not know the hosting environment of their AI systems and left this section blank, with around 5% of EUIs explicitly saying so in their responses.

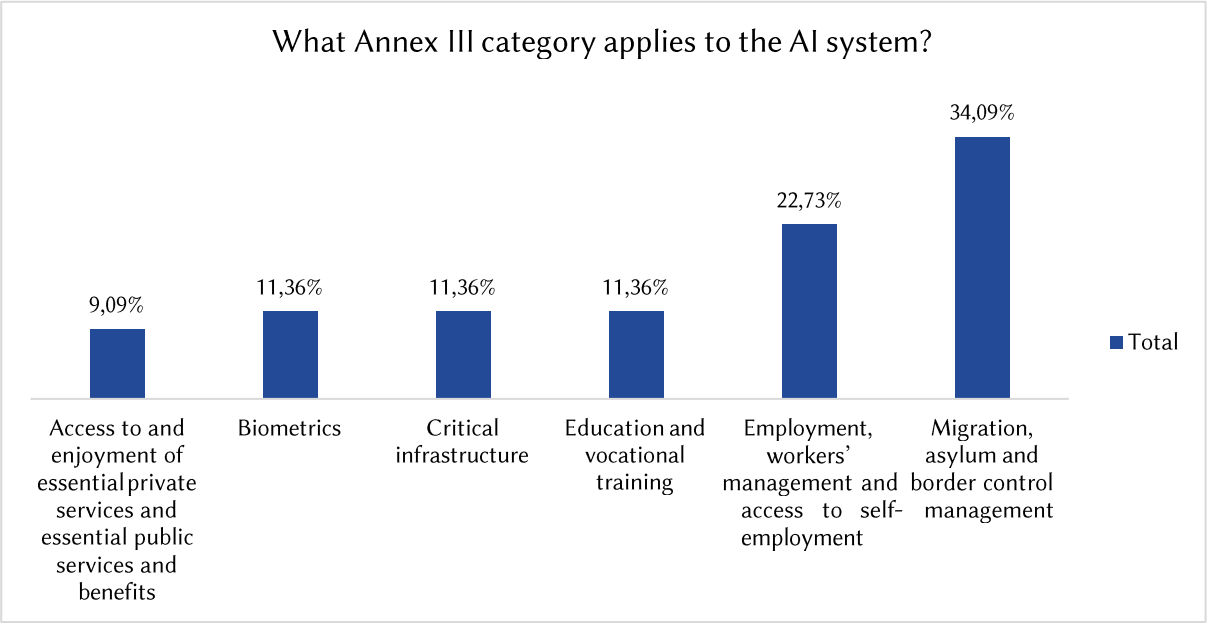
This could be the case because many of the AI systems reported were still in the development phase, meaning that EUIs did not yet know the future hosting environment of their AI systems. In cases where the AI system represented an off-the-shelf product, EUIs did not seem to have all the available details regarding its hosting environment, which could have also influenced the responses for this section.

Based on the responses received, the EDPS AI Unit also understood that there were also different interpretations surrounding the definition of private cloud between EUIs, indicating that this may need to be aligned on at EUI level.

Part III: Potential Annex III AI Systems

The AI systems mentioned in Part III include those that the responding EUIs stated that, in their view, fall into an Annex III category. As guidelines on the classification of high-risk AI systems by the European Commission are expected in February 2026, these results could change, as they are now based only on each EUI's own understanding/interpretation of the AI Act and self-assessment on that basis. The EDPS AI Unit has taken these answers as reported.

3.1. Range of Potential Annex III AI Systems



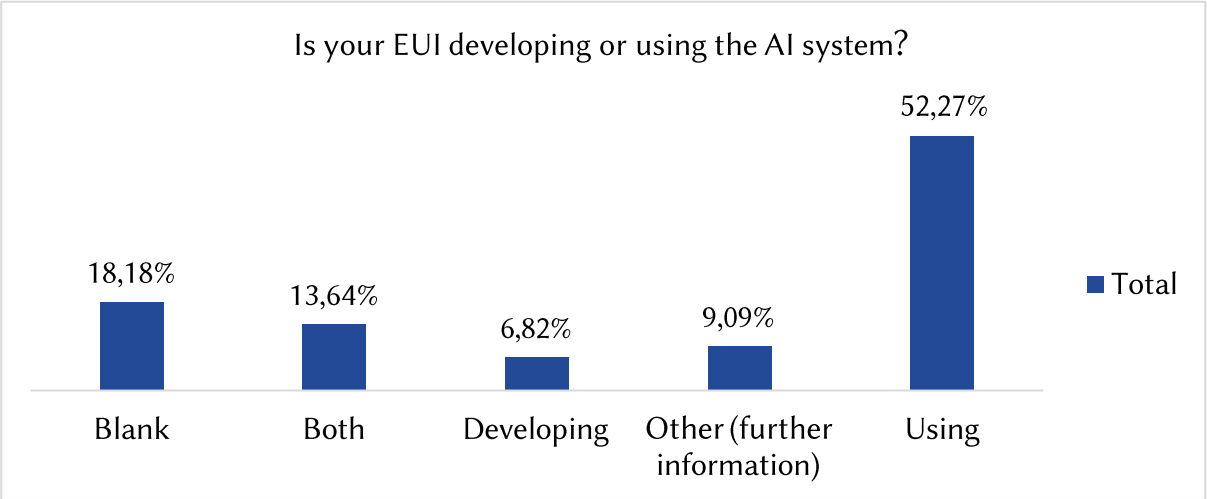
The EDPS, when supervising AI systems processing personal data in its role as a data protection authority, is highly active in the **Area of Freedom, Security and Justice (AFSJ)**. Therefore, the EDPS AI Unit expects that a large amount of its AI Act supervisory market could fall into this area. The EDPS AI Unit anticipates that the number of potential high-risk AI systems pursuant to Annex III point 1 'Biometrics', point 6 'Law enforcement' and point 7 'Migration, asylum and border control management', may be higher than what was reported during the mapping exercise.

Overall, the mapping revealed a broad range of potential Annex III AI systems, with the number of AI systems potentially based on Annex III point 4 'Employment, workers' management and access to self-employment' being the second most popular category. This reveals an increase in the (planned) use of AI systems in areas such as **recruitment and the domain of human resources**.

Information about the amount of potential high-risk biometric AI systems was crucial for the EDPS AI Unit. This is because as set out in Article 43(1) AI Act, the EDPS is the notified body for these types of AI systems when the provider is an EUI. While the EDPS must regardless be ready to undertake its role as notified body, it is also useful to anticipate the corresponding workload in relation to that role.[5]

[5] *European Commission. Commission Notice — The 'Blue Guide' on the implementation of EU product rules 2022. Document C:2022:247:TOC, Official Journal of the European Union, C 247, 29 June 2022. < https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2022:247:TOC >*

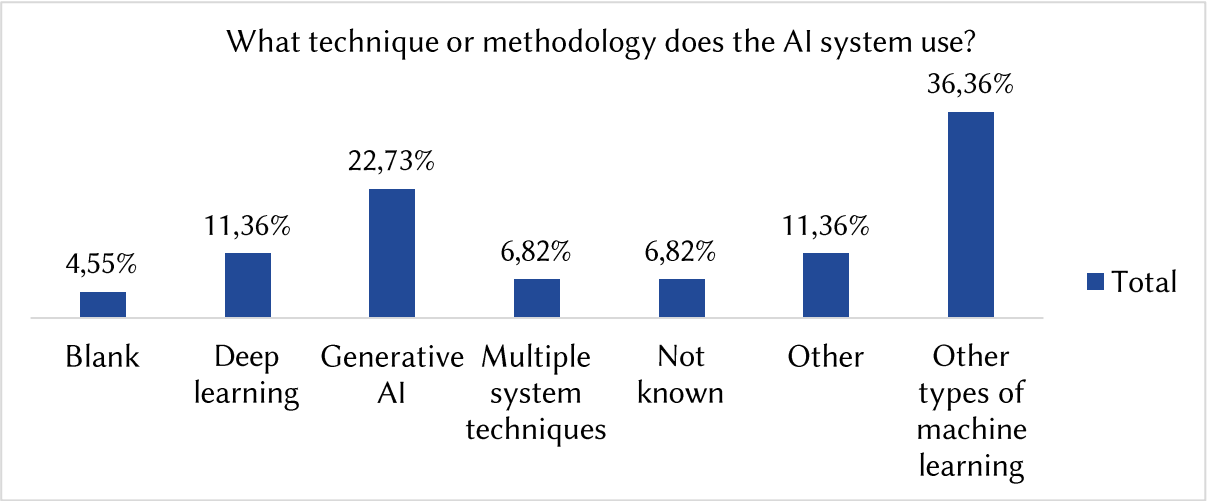
3.2. More Users than Developers



Based on the responses received, there are more users than developers of potential Annex III AI systems. This reflects the trend identified in Part II of this report which showed that a total of 45% of AI systems were only used by EUIs.

The differences between the number of EUIs choosing to develop or both develop and use the AI system is starker. In Part II, around 37% of the AI systems reported had an EUI developing them or both developing and using them. By comparison, when looking at only the potential Annex III AI systems, this falls to around 17%. The latter potentially demonstrates that EUIs could be more comfortable with being users of potentially high-risk AI systems rather than developers, or that they may lack the resources, skills and knowledge.

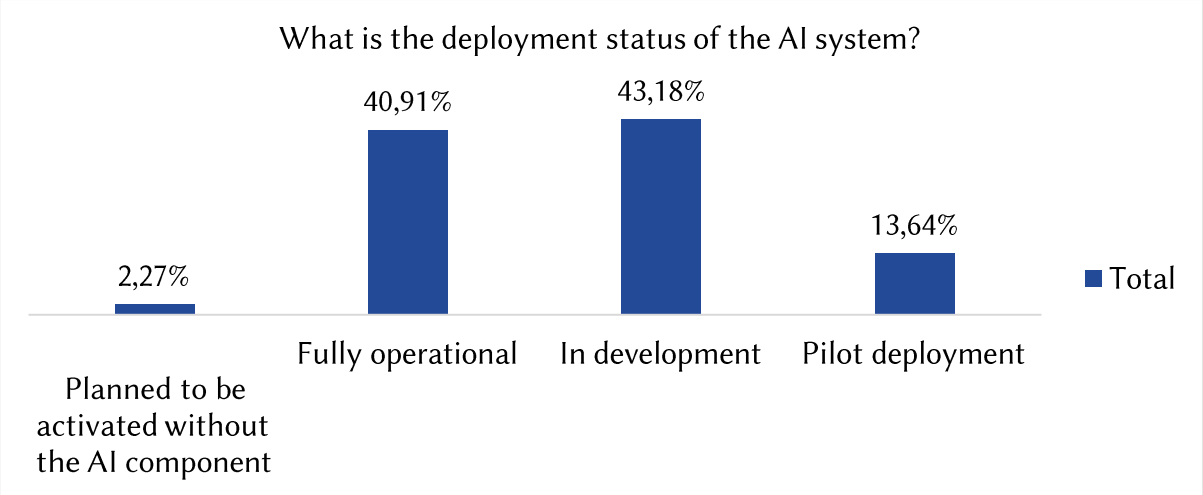
3.3. Other Types of Machine Learning Dominant



To present these free text results in a chart, and to be able to draw comparisons with Part II of this report, the EDPS AI Unit categorised the answers given by the EUIs into the above groups.

In comparison to Part II, Generative AI is not the dominant system technique and there were also a larger number of AI systems that combined multiple system techniques, jumping to around 7% of all potential Annex III AI systems.

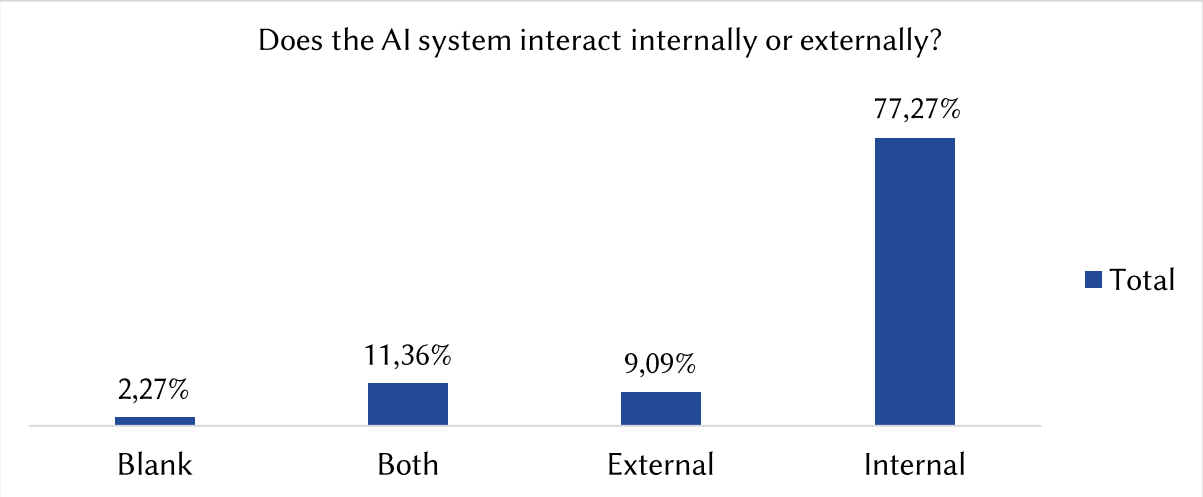
3.4. More Potential Annex III AI Systems in the Pipeline



It is worth emphasising that roughly 41% of potentially Annex III AI systems were already operational, with roughly 14% of them being already in a pilot phase. The fact that so many potential Annex III AI systems are already operational, signals the need for the EDPS AI Unit to expand its capacity, operational procedures and required resources to effectively undertake its supervisory powers.

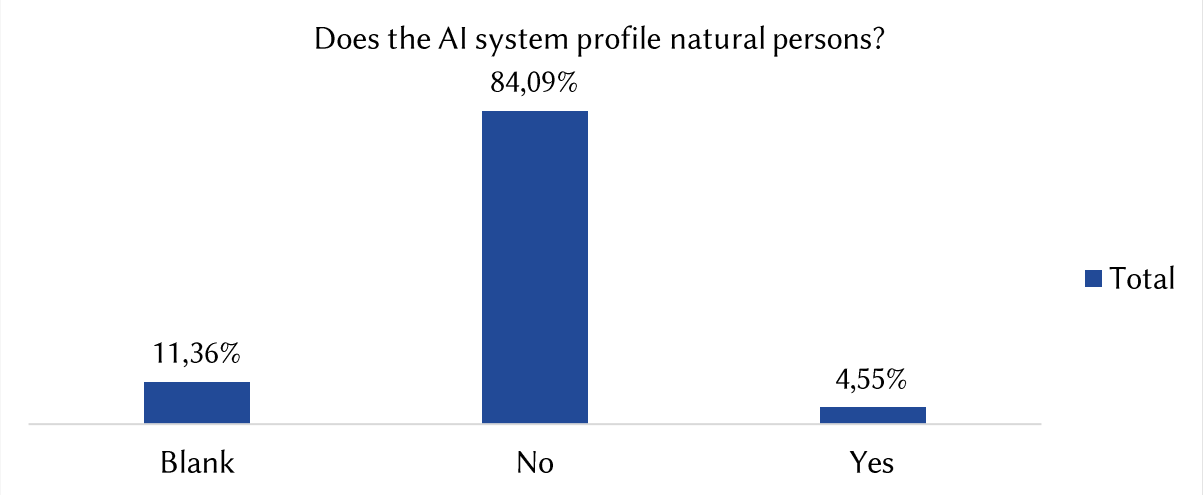
Notwithstanding the above, there is a large amount of potential Annex III AI systems in development at around 43%, showing that EUIs would also like to eventually develop or use these types of AI systems.

3.5. More Internal Interaction



Nearly all Annex III AI systems interact with natural persons. Therefore, the EDPS AI Unit was interested in understanding whom the potential Annex III AI systems, developed or used by EUIs, might interact with, i.e. whether this interaction takes place within the given EUI or with external stakeholders. The results showed that these AI systems are mostly envisaged for the EUI internal context, with around 77% of potential Annex III AI systems interacting only within EUIs and their staff members.

3.6. A Low Amount of Profiling Reported

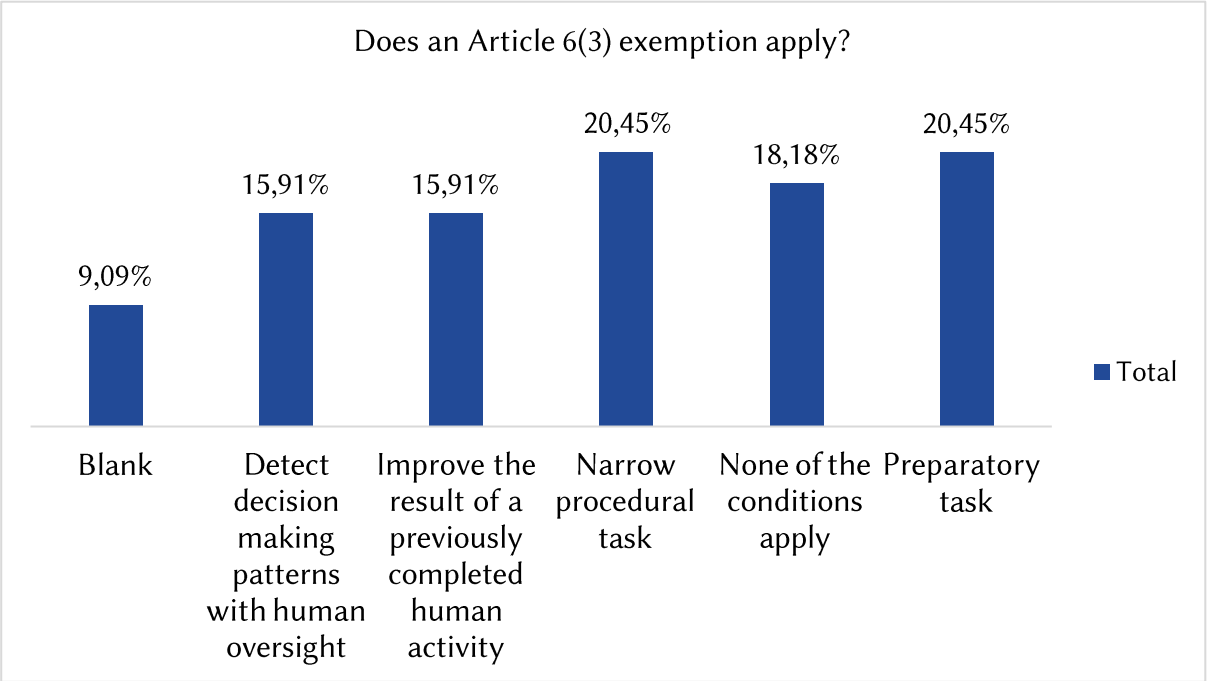


Based on the information provided during the mapping there is currently only a low amount of profiling, as defined by data protection regulations[6], within the reported use cases. It is important to note, that as soon as profiling applies, there are no exemptions that can be applied under Annex 6(3) AI Act. This is because an Annex III AI system '*shall always be considered to be high-risk where the AI system performs profiling of natural persons.*' Quite a low amount of potentially high-risk AI systems was self-assessed to involve profiling of natural persons, at just under 5%.

3.7. Use of Article 6(3) Exemptions

An AI system will not be considered high-risk if Article 6(3) AI Act applies. This is because it would not '*pose a significant risk of harm to the health, safety or fundamental rights of natural persons, including by not materially influencing the outcome of decision making*'. Article 6(3) AI Act outlines alternative conditions for when the above is met: (a) performance of a narrow procedural task; (b) improvement of a result of a previously completed human activity, (c) detection of decision-making patterns with human review; or (d) performance of a preparatory task.

[6] *Recital 53 AI Act: Profiling is defined 'within the meaning of Article 4, point (4) of Regulation (EU) 2016/679 or Article 3, point (4) of Directive (EU) 2016/680 or Article 3, point (5) of Regulation (EU) 2018/1725'. This is supported by Article 3(52) AI Act: ''profiling' means profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679'.*



The vast majority of the responding EUIs who thought that Annex III applied to their AI system(s), reported that an exemption under Article 6(3) AI Act applied at the same time according to their assessment. In the further information section, some EUIs indicated additional exemptions that they believed could also apply. One of the most common combinations was 'narrow procedural task' and 'preparatory task', showing a potential overlap in scope that could benefit from further clarification in upcoming Commission guidelines.

Part IV: Key Takeaways

The mapping brought interesting preliminary findings on guidance needed by EUIs and potential future enforcement priorities for the EDPS AI Unit. In any case, it is important to state that the mere fact that an AI system is high-risk under Annex III does not mean that it cannot be used. The label 'high-risk' rather means that higher safety standards and accountability are needed, to ensure benefits while minimising potential harm.

The EDPS AI Unit identified five major takeaways from this collaborative exercise within the framework of the AI Act Correspondents Network.

4.1. De-mystifying High-Risk AI Systems

Many EUIs left the Annex III section blank, but declared nonetheless, that an exemption under Article 6(3) applies. When these results are combined with the potential high-risk AI systems exemptions, Article 6(3)(d) AI Act 'preparatory task', becomes the most popular exemption applied, at a percentage of 50% of all responses for that section.

This showed perhaps some apprehension over labelling an AI system as high-risk, in case the EDPS AI Unit would disagree with the self-assessment of an EUI. It also demonstrated that the future

guidelines on the classification of high-risk AI systems (Article 6(5) AI Act), currently in preparation by the European Commission, will be a useful tool to support EUIs in their self-assessments.

4.2. Different Levels of AI Maturity

The content of the answers received to the mapping indicated a diverse level of AI maturity across the EUIs. This was reflected first by the quality of technical terminology included in the responses. Some EUIs provided rather a general description of the AI systems used, while others included in their answers elaborate technical descriptions of the AI systems' backend. Another indication of AI maturity was the choice of EUIs to either use off-the-shelf AI systems or to develop AI systems for internal use in-house. Finally, the focus of a EUI's specific mandate cannot be disregarded, as some EUIs' operations are technical by nature allowing these EUIs to be more advanced in their AI uptake.

4.3. AFSJ Focus

The EDPS AI Unit predicts that AI Systems in the areas of migration and law enforcement will be a focus. The systems reported within the mapping, mentioned to the EDPS bilaterally (not reflected in the mapping), or discussed at the AI Board, suggest that a large amount of potential high-risk use cases will be in these sensitive areas. In addition to its activities as a Market Surveillance Authority, the EDPS is also the Notified Body for these areas if they are used for biometrics (Article 43(1)(d) AI Act and Annex III Point 1 AI Act). This will likely be one of the key areas of supervision and enforcement for the EDPS AI Unit who will need to prepare its resources accordingly.

4.4. GPT@JRC /GPT@EC vs. Other GPAI Systems

Regarding system techniques, Generative AI was the most dominant technique when looking at all the AI systems reported (Part II). This statistic could be due to the high amount of EUIs using GPT@EC or another off-the-shelf GPAI system and choosing to report it. EUIs were often choosing to use one GPAI system over another and at times sought guidance from the EDPS AI Unit on which GPAI system they should use.

4.5. Job Matching Systems

Within the AI systems that were reported as potentially falling into Annex III point 4 'Employment, workers' management and access to self-employment', a high number of job matching AI systems were reported across different EUIs. The EDPS AI Unit will consider issuing guidance on this topic. Such potential guidance would build upon the upcoming Commission guidelines on high-risk classification and be adapted to the EUI context. Given the wide use of such AI systems, a coordinated approach would be beneficial to the EUI community.