

ASECAP Position on the Draft Commission Guidelines on the Classification of High-Risk AI Systems under the AI Act

ASECAP welcomes the European Commission's effort to provide guidance on the classification of high-risk AI systems under Article 6 of the AI Act. Legal certainty is essential for operators of toll roads and motorways, because AI is increasingly used to improve road safety, traffic management, resilience, incident detection, and operational efficiency. At the same time, the current draft guidelines remain too complex and insufficiently precise for the practical realities of the road traffic sector. In their current form, they risk creating barriers to innovation and delaying the deployment of AI systems that could enhance safety and support Europe's Vision Zero objectives.

ASECAP's core concern is that the draft guidance does not yet draw a sufficiently clear and workable distinction between:

- AI systems that directly perform a safety-critical function; and
- AI systems that support human operators through detection, monitoring, analytics, or decision support without autonomously taking safety-relevant operational decisions.

This distinction is crucial for motorway and toll road operators. Many practical use cases involve AI-based queue detection, incident detection, weather and traffic analysis, camera-based anomaly recognition, predictive support tools, and big-data-based situational awareness. In most of these cases, AI does not replace the operator or the existing safety architecture but supports human decision-making and improves reaction time. The final classification guidance should therefore make much clearer that such support systems should not be classified as high-risk unless they directly and materially determine a safety-critical outcome.

ASECAP also underlines that human involvement does not remove high-risk classification under the draft guidelines. Human oversight is a compliance requirement for high-risk AI, but not, by itself, a reason for excluding a system from high-risk classification. This is precisely why the Article 6(3) "filter mechanism" must be clarified and strengthened in practice for road-sector support systems. AI systems that perform narrow procedural tasks, preparatory tasks, ex-post quality improvement, or decision-pattern analysis should be eligible for exemption where they do not materially influence the final safety-critical decision and do not amount to profiling.

ASECAP further stresses that the final guidance must not undermine existing automation processes and safety support chains in the motorway environment. The AI Act should not discourage operators from adding AI-based support functions to established operational workflows where final control remains with trained operators and/or with independent non-AI safeguards. The current wording leaves too much uncertainty on how mixed systems — combining AI detection, operator validation and fallback safety mechanisms — should be assessed. This uncertainty may lead to unnecessary compliance risk and slow down beneficial innovations.

Suggested requests to the Commission

ASECAP recommends that the final guidelines should:

- clarify that supportive, preparatory and decision-support AI in road operation environments should, where appropriate, benefit from Article 6(3) and not be treated as high-risk merely because they are deployed in a road safety context;
- provide a much clearer distinction between direct safety control and AI-supported hazard detection, traffic analytics, and operator support;
- explicitly safeguard the incremental introduction of AI into existing traffic management and motorway operation processes where human oversight and non-AI fallback mechanisms remain in place;
- add robust, sector-specific examples for motorway operations, traffic centres, tunnel operations, incident detection, queue warning, lane management support, and big-data-based road safety analytics;
- clarify the interaction between the AI Act and the CER-based concept of critical entities, including how providers can identify the relevant status in practice;

ASECAP supports proportionate regulation of genuinely safety-critical and autonomous AI systems. However, the final guidance must avoid over-classification of AI used for road safety support, traffic monitoring, anomaly detection and operational decision support. Otherwise, the practical result will be to slow down or prevent the deployment of beneficial safety technologies in one of Europe's most safety-sensitive infrastructure sectors. The final guidelines should therefore be clearer, more proportionate, and much better aligned with the operational reality of toll road and motorway operators.

About ASECAP:

ASECAP is the European Association of Operators of Toll Road Infrastructures across 17 member countries representing 123 companies employing more than 46.000 direct jobs and 200.000 indirect jobs. They operate, maintain, manage a network of more than 82.000 km with a long-term vision that ensures highest quality standards to make the road infrastructure safest thanks to the user/payer principle providing sustainable financing.

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