Health is non-negotiable: final chance for EU legislators to put health first in the AI Act

Using AI in healthcare directly affects our bodies, health, and wellbeing, and should therefore be classified as 'high-risk' in the AI Act. All parties should commit to a high level of protection of human health in the final negotiating stages. We urge EU legislators to include the following AI systems in Annex III, as proposed by the European Parliament:

- AI systems intended to be used to make inferences about personal characteristics of natural persons on the basis of biometric or biometrics-based data, including emotion recognition systems, with the exception of those mentioned in Article 5; (EP amendment no 810a; Annex III, first paragraph, point (aa));

- AI systems intended to be used by public authorities or on behalf of public authorities to evaluate the eligibility of natural persons for public assistance benefits and services, including healthcare services and essential services, including but not limited to housing, electricity, heating/cooling and internet, as well as to grant, reduce, revoke, increase or reclaim such benefits and services; (EP amendment no 820; Annex III, first paragraph, point 5 – point (a));

- AI systems intended to be used for making decisions or materially influencing decisions on the eligibility of natural persons for health and life insurance; (EP amendment no 821a; Annex III, first paragraph, point 5 – point (a));

- AI systems intended to evaluate and classify emergency calls by natural persons or to be used to dispatch, or to establish priority in the dispatching of emergency first response services, including by police and law enforcement, firefighters, and medical aid, as well as of emergency healthcare patient triage systems; (EP amendment no 822; Annex III, first paragraph, point 5 – point (c));

In addition, as called upon in the Open Letter by Civil Liberties Union for Europe, European Civic Forum, and European Center for Not-for-Profit Law, signed by 68 civil society organisations, we further urge lawmakers to fully commit to the protection of human rights. A solid framework for human rights protection is namely essential to guarantee high-quality, safe, and effective healthcare for all. Specifically, we ask you to take the following actions:

- Include a fundamental rights impact assessment as proposed by the European Parliament (EP amendment no 68b, 388d; Article 29a AI act);

- Reject the newly added possibility for manufacturers to decide their systems are not high-risk as proposed by the European Parliament, and return to the original text of the Commission (EP amendment no 203, 203a–e, 205; Article 6(2) AI act);

Considering that AI systems used for national security purposes pose serious threats to human health, and public health issues are often addressed within the realm of national security ('biosecuritisation'), we urge you to:

- Reject the proposed exclusion of AI systems developed or used for national security purposes from the scope of the Act as proposed by the European Council, and return to the original text of the Commission (Council amendment 22a, 123; Article 2 AI Act).