Home Appliance Europe

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To: Executive Vice-President for Tech Sovereignty, Security and Democracy
The Cyprus Presidency of the Council of the EU
European Parliament Rapporteur and Shadow Rapporteurs

Subject: APPLiA's Call to Uphold Parliament's Article 6(1) Clarification on High-Risk AI

The European home appliance industry calls on the European Commission, the European Parliament, and Member States to uphold the Parliament's clarifying amendment to Article 6(1) during the upcoming interinstitutional negotiations.

Current interpretations of the high-risk classification under Article 6(1) of the AI Act risk capturing simple products, such as connected kitchen appliances that use AI for non-critical safety functionalities. This would lead to their automatic designation as high-risk (see examples in the Annex), imposing disproportionate compliance burdens that hinder product launches, and undermining the competitiveness of the EU market without a clear benefit.

To address this, the European Parliament introduced a targeted amendment clarifying that products incorporating AI for non-critical safety functions should not be classified as high-risk. This approach maintains a high level of consumer protection while removing unnecessary barriers to innovation and market entry.

In contrast, manufacturers in other regions can bring comparable innovative appliances to market more swiftly, optimising both safety and user experience. European companies, however, face increasingly administrative complexity. The AI Omnibus seeks to reduce such unnecessary burdens while preserving robust safety standards. The Parliament's amendment is a clear example of how regulatory requirements can be streamlined where they do not meaningfully contribute to user safety, thereby strengthening the global competitiveness of European producers.

We therefore urge the legislators to retain the Parliament's amendment to Article 6(1) in the upcoming negotiations.

Sincerely,
Paolo Falcioni
Director General of APPLiA

ANNEX

Examples of AI high-risk misclassification for home appliances

Below we present two examples where a home appliance is using AI to enhance the safety of a product and risks being misclassified as "high-risk" under the current legislation.

Example 1: The smart pizza oven

The "safety layer" hypothetical scenario

The context: Consider a normal oven. This product is already a safe, fully-functioning product, compliant with all the EU safety standards. The consumer wants to cook a pizza using a conventional program without a time limit. For some reason, the consumer forgets about the pizza and when he or she checks it, the pizza is burned and heavily smoking. There is a very low residual, legally acceptable risk that the smoke damages the oven or changes color of/adds odor to the walls in the kitchen, or that a burnt pizza might be a health risk when mistakenly eaten.

The AI innovation: A manufacturer adds an AI-powered camera inside the oven. This camera recognizes the pizza and can be used to cook it to the ideal point. Additionally it may detect any smoke and depending on further circumstances then shuts the oven off automatically and thus adding an additional layer of safety. Such innovation could be checked in the field under real conditions to estimate its performance and potential.

The issue: Under the current rules, this AI could be labeled as "High-risk" because:

(1) Such a system meets the definition of a safety component with no distinction between a critical safety feature and an additional safety layer.

(2) The product is likely to be a connected appliance and may be required to undergo third party conformity assessment under sectoral law (e.g. under the Radio Equipment Directive, or the future CRA directive). According to the Commission interpretation (see Toy Safety regulation), the home appliances who have the option for the third-party conformity assessment, always fulfill this criteria, even in the case when the manufactures follows the existing harmonized standards, obtaining the declaration of conformity or does self-assessment.

The absurdity: If the AI camera fails, the oven simply behaves like a normal, safe oven. The product is safer with the AI than without it, yet the regulatory burden for the "safer" oven would be exponentially higher. Companies may refrain from adding new features if they fear either non compliance or unnecessary documentation burden.

Example 2: The non-adaptive hob

The "fixed algorithm" hypothetical scenario

The context: Induction and other ceramic hobs had been using touch sensors on their surface for a long time. For example, for switching on and off and other actions. These sensors must distinguish between a human finger and a spilled drop of water to prevent the stove from turning on accidentally.

The AI innovation: To increase the accuracy of this sensor, engineers use AI (e.g machine learning) during the research and development phase to create a complex algorithm that is more precise to prevent involuntary switching. However, once the product is placed on the market, the algorithm is no longer learning or changing its behaviour, but it becomes a fixed software. At this stage it is not possible to differentiate this AI created algorithm from a one created by human engineers. During conformity assessment it undergoes the same rigorous safety tests and - when passing - is considered a safe appliance.

The issue: Under the current rules, this AI could be labeled as "High-risk" because:

(1) Such a system meets the broad definition of AI (Art 3.1). Here machine learning was used to set-up the algorithm, which allows autonomous inference in use and it influences the environment (switching/off), thus the definition of AI applies.

(2) Such a system meets the definition of a safety component. because an on/ of switch is a safety feature, in analogy to the emergency-off in professional machines.

(3) Such a system may be required to undergo third-party conformity assessment under sectoral law. This condition has the same risk of interpretation as the case above.

The absurdity: This is a standard, non-adaptive piece of software that has been used safely for years. Treating it as high-risk AI adds massive paperwork without adding any actual safety for the consumer.