


AI Act: implications for the EU banking and payments sector

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Introduction to the AI Act

In August 2024, the EU's AI Act (Regulation EU 2024/1689) entered into force. Its main goals, among others, are to create a single set of rules for how AI systems work across the EU and promote AI that is safe, trustworthy and protects fundamental rights.

The AI Act defines **AI systems** as machine-based systems that can work with autonomy and may learn or adapt after being used. These systems take input data and use it to produce outcomes (predictions, content, recommendations, decisions) that can influence the physical or digital environments.




The scope of requirements applying to financial institutions depends, among others, on whether they develop the AI systems in-house (they are both providers and deployers of the AI system) or the AI system used is developed by a third-party provider (the financial institution is only a deployer).

High-risk AI systems

Based on the significance of each AI system's risks to fundamental rights, some systems are classified as "high-risk". In the banking and payment sector, the use of AI systems to evaluate the creditworthiness or to establish the credit score of natural persons is classified as "high-risk"¹ and the AI Act introduces additional safeguards for these systems.

The EBA's AI Act mapping exercise



In 2025, the EBA mapped the AI Act requirements on high-risk AI systems, with a focus on the use of AI for creditworthiness and credit scoring, against the sectoral requirements included in the Acts within the EBA's scope of action². The purpose of the mapping exercise was to assess and promote a common understanding on the potential regulatory and supervisory implications of the AI Act for the EU banking and payments³ sectors.

1. The EBA notes that the European Commission is mandated to issue Guidelines on the classification of high-risk use cases, by 2 February 2026, which is expected to provide further guidance and practical examples of high-risk use cases.
2. The Capital Requirements Directive (CRD) ([link](#)), Capital Requirements Regulation (CRR) ([link](#)), the Digital Operational Resilience Act (DORA) ([link](#)), Consumer Credit Directive (CCD) ([link](#)), Mortgage Credit Directive (MCD) ([link](#)), Payment Services Directive (PSD) ([link](#)), and EBA Guidelines (e.g. on Loan Origination and Monitoring (LOGLs) ([link](#)), on Internal Governance ([link](#)) or on the estimation of the probability of default (PD) and loss given default (LGD) ([link](#)).
3. The EBA's AI Act mapping exercise assessed implications for payment institutions due to their capacity to grant credit as an ancillary service. The implications may also be relevant for non-bank institutions subject to the CCD and MCD.

The EBA’s key findings from the AI Act mapping exercise

- ✓ **No significant contradictions have been found between the AI Act and EU banking and payment legislation.**
- ✓ **The AI Act is complementary to EU banking and payment sector legislation**, which already provides a comprehensive framework to manage risks. Some efforts may be required by banks and other financial institutions, to integrate the two frameworks effectively.
- ✓ Applying the AI Act may involve **balancing the goals of protection of fundamental rights, health and safety with the ones of other sectoral laws.**
- ✓ **The co-existence of multiple authorities (prudential/conduct authorities and Market Surveillance Authorities - MSAs) supervising financial entities’ compliance** highlights the importance of supervisory cooperation to ensure effective implementation of the AI Act.

The EBA has not identified any immediate need to introduce any new or review existing EBA Guidelines. Instead, the EBA will follow up with actions to contribute to common supervisory approach to supervisory cooperation and implementation of sectoral requirements alongside AI Act requirements.

The table below provides visual summary of the results of the EBA’s mapping and assessment of the interplay between AI Act requirements on high-risk AI and mapped EU financial services legislation⁴

AI ACT OBLIGATION	CRR, CRD		DORA	CCD	MCD	PSD	EBA LOGLS
	IRB	SA					
Quality management system							
Post-market monitoring (<i>deployers</i>)							
Reporting of serious incidents							
Consumer right to explanation							
Risk management system							
Technical documentation							
Record-keeping							
Post-market monitoring (<i>providers</i>)							
Fundamental rights impact assessment							
Transparency to deployers							
Human oversight							
Accuracy, robustness and cybersecurity							
Data and data governance							
AI literacy							

Fully aligned: the AI Act obligation is substantively identical to requirements under EU FS legislation.

Complementary: the AI Act obligation addresses a comparable issue but extends or adds new dimension/objective to FS law requirements.

Partially aligned: the AI Act obligation and the provision in the EU FS legislation share common elements, but there are differences in scope, terminology or implementation requirements.

Not present in Financial Services Law: the AI Act obligation is not addressed by a comparable provision under EU FS legislation.

4. The interplay between AI Act and EBA IG GLs and GLs on PD/LGD are subsumed into ‘CRR/CRD’, while the interplay between AI Act and GLs on complaints handling and POG were found to be very limited and thus not included in the table. The CRR/CRD column is differentiated by the set of rules applying to institutions that follow the standardised approach (SA) or internal-risk based (IRB) approach.

Regulatory synergies envisaged by the AI Act:

To avoid introducing unnecessary and unintended regulatory duplications, the AI Act acknowledges that some requirements may overlap between the AI Act and the EU sectoral legislation and, therefore, sets out targeted derogations and synergies (see table).

AI Act provisions envisaging regulatory synergies between the AI Act and EU FS law

TYPE OF REGULATORY SYNERGY	AI ACT OBLIGATIONS AFFECTED	PROPOSED INTERPRETATION
Derogation	<ul style="list-style-type: none">• Quality management system (not all) (providers)• Post-market monitoring obligation (deployers)	The EU sectoral obligations replace the relevant AI Act obligations; hence no additional implementation efforts are required.
Integration or combination	<ul style="list-style-type: none">• Risk management system (providers)• Technical documentation (providers)• Log-keeping (providers and deployers)• Post-market monitoring system & plan (providers)• Fundamental rights impact assessment (deployers)	Risk management and governance arrangements under EU banking and payments law provide a solid framework to integrate AI Act obligations, with some adaptations depending on the nature of the requirements and the type of entity
No regulatory synergy envisaged by the AI Act	<ul style="list-style-type: none">• Data governance• Human oversight• Accuracy, robustness and cybersecurity• Obligation to provide explanation	Even though the AI Act does not envisage regulatory synergies, frameworks like DORA and CRR/CRD, CCD2 and relevant EBA Guidelines provide a solid base for regulated entities to implement AI Act obligations, with adaptations.

Even when the AI Act does not envisage derogations or other regulatory synergies, the EBA has found that the EU banking and payments sector legislation already includes a wide range of requirements for many of those aspects and has shared these with the AI Office, as input to EC forthcoming Guidelines on the interplay between the AI Act and EU sectoral law.

Next steps

In 2026/2027, the EBA will undertake specific activities to support the implementation of the AI Act in the EU banking and payments sector, by:



- ✓ promoting common supervisory approach and supervisory cooperation among national competent authorities in charge of financial sector supervision and market surveillance authorities;
- ✓ providing input to the AI Office, as appropriate, and participating in discussions of the AI Board Subgroup on Financial Services.



The EBA’s mapping exercise must be considered in light of limitations from future European Commission’s guidelines and European harmonised standards. It does not represent guidance or supervisory expectations, nor an official/legal position or advice and may be subject to further clarifications as AI Office and AI Board guidance evolve.