

Additional EU AI Terms

These additional EU AI terms (the “**Additional EU AI Attachment**”) are in addition to the terms in the AI Attachment located at: <https://www.bmc.com/content/dam/bmc/corporate/Alterms.pdf>. All capitalized terms used herein and not defined have the meaning given in the AI Attachment and the applicable Order or Agreement.

EU Artificial Intelligence Act Compliance. In accordance with Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (the “**EU AI Act**”), the parties acknowledge and agree that BMC acts as the “provider” of the AI Offerings, and Customer acts as the “deployer” of those AI Offerings.

The AI Offerings are supplied solely for the Customer’s internal business purposes, as further described in the applicable Documentation or User Guide and expressly exclude any use that (i) is prohibited under Article 5 of the EU AI Act, or (ii) falls within Section 21 (High-Risk Activities) of the Agreement (the “**Intended Purpose**”).

BMC represents that, as of the Effective Date of the applicable Order or Agreement, the AI Offerings, when used for their Intended Purpose, do not, nor are intended to, qualify as high-risk AI systems under the EU AI Act. Customer will not use the AI Offerings outside of their Intended Purpose nor will it modify or integrate the AI Offerings in a manner that would or could cause them to be classified as high-risk AI systems.

BMC will comply with its obligations under the EU AI Act applicable to a provider of non-high-risk AI system, including by maintaining technical documentation and records proportionate to the nature, scale and complexity of the AI Offerings. Upon reasonable written request, and subject to its obligations of confidentiality under the Agreement, BMC will provide such additional information or assistance as is reasonably necessary for Customer to meet its obligations under the EU AI Act. Customer is solely responsible for performing any deployer obligations, risk assessments, or post-market monitoring required under the EU AI Act.