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E-002564/2024

Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(7.3.2025)

The Artificial Intelligence Act (the AI Act)¹ defines an AI system in its Article 3(1). This definition is already aligned to the definition of ‘AI system’ included in the 2024 revised Recommendation of the Council on Artificial Intelligence of the Organisation for Economic Co-operation and Development (OECD)².

In line with Article 96 (1)(f) AI Act, the Commission developed guidelines on the application of the definition of ‘AI system’ used in the AI Act³. These guidelines explain that neither Article 3(1) AI Act, nor recital 12 AI Act which clarifies that provision, explicitly excludes statistical methods from the scope of the definition of ‘AI system’. Recital 12 clarifies that ‘the definition should be based on key characteristics of AI systems that distinguish it from simpler traditional software systems or programming approaches and should not cover systems that are based on the rules defined solely by natural persons to automatically execute operations’. Recital 12 further states that ‘[a] key characteristic of AI systems is their capability to infer. The capacity of an AI system to infer transcends basic data processing by enabling learning, reasoning or modelling’.

In the guidelines, systems for improving mathematical optimisation, basic data processing systems, systems based on classical heuristics and simple prediction systems, are considered outside the scope of the AI system definition.

¹ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828.

² OECD, Recommendation of the Council on Artificial Intelligence, OECD/LEGAL/0449.

³ <https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-ai-system-definition-facilitate-first-ai-acts-rules-application>