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Answer given by Mr Kubilius
on behalf of the European Commission
(27.5.2026)

Recital 24 of the Artificial Intelligence (AI) Act (2024/1689)[1] clarifies why military and defence applications are not included in the Act: 'As regards military and defence purposes, such exclusion is justified both by Article 4(2) of the Treaty on the European Union (TEU)[2] and by the specificities of the Member States' and the common Union defence policy covered by Chapter 2 of Title V TEU that are subject to public international law, which is therefore the more appropriate legal framework for the regulation of AI systems in the context of the use of lethal force and other AI systems in the context of military and defence activities'.

The European defence industrial programmes do not fund actions related to defence products that are prohibited by applicable international law. These programmes, moreover, lay down specific provisions regarding lethal autonomous weapons.

The European Defence Fund specifically bans the EU funding of lethal autonomous weapons without the possibility of human control over the selection and engagement decisions when carrying out strikes against humans. Furthermore, as part of an ethics review, the Commission screens all proposals, with support of external ethics experts, to identify those actions raising complex or serious ethical issues. Actions which are not ethically acceptable will be rejected.

In addition, the European Defence Industry Programme[3] cannot fund defence products which are prohibited by applicable international law, nor lethal autonomous systems that operate outside a responsible chain of human command and control or cannot comply with the principles of International Humanitarian Law.

[1] https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng.
[2] https://eur-lex.europa.eu/eli/treaty/teu_2012/art_4/oj/eng.
[3] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32025R2643.