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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(3.7.2026)

Under the AI Act¹, the use of real-time remote biometric identification (RBI) systems in publicly accessible spaces for the purposes of law enforcement is prohibited, unless and in so far as such use is strictly necessary for one of the three objectives specified under Article 5(1)(h) of the AI Act and the Member State law permitting the use of such systems comply with the requirements in Article 5(2)-(7) of the AI Act.

The following three objectives are listed in Article 5(1)(h): (i) the targeted search for victims of three specific serious crimes and missing persons, (ii) the prevention of imminent threats to life or physical safety or a genuine threat of terrorist attacks, and (iii) the localisation or identification of suspects and offenders of certain serious crimes as listed in Annex II.

According to the requirements in Article 5(2)-(7) of the AI Act, the deployment of a real-time RBI system in publicly accessible spaces for law enforcement purposes shall be subject to a prior authorisation granted by a judicial authority or an independent administrative authority whose decision is binding.

The prohibition in Article 5(1)(h) of the AI Act started to apply as from 2 February 2025. However, the provisions on the enforcement of the AI Act will only start to apply on 2 August 2026. Therefore, the enforcement of Article 5 of the AI Act cannot be initiated earlier at either national or EU level. The Commission will observe this matter closely.

¹ Regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence, <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.