

## Which AI systems and models will be subject to the EU AI Act?

The EU AI Act will apply to:

- **“AI systems”**: “a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit **adaptiveness after deployment**, and that, for explicit or implicit objectives, **infers, from the input it receives, how to generate outputs** such as predictions, content, recommendations, or decisions that can influence physical or virtual environments”.\*

### Autonomy

A system that has some degree of **independence** of actions from human involvement and of **capabilities to operate without human intervention**.

### Adaptiveness after deployment

A system that demonstrates **self-learning capabilities**, allowing the system to change while in use.

### Infers, from the input it receives, how to generate outputs

A key characteristic of AI system, this refers to the process of **obtaining outputs** which can influence the environments, and to a capability of deriving models or algorithms, or both, **from inputs**. It goes **beyond basic data processing** and can be enabled through techniques such as machine learning and logic-and knowledge-based approaches.

### Notes

- This definition is **largely inspired from the OECD’s** definition of AI system;
- It aims to be **technology-neutral** and **innovation-proof**;
- It aims at **distinguishing AI system from simpler traditional software systems or programming approaches**, and does not cover systems that are based on the rules defined solely by natural persons to automatically execute operations.



- **“General-purpose AI models”**: “An **AI model**, including where such an AI model is trained with a large amount of data using self-supervision at scale, that **displays significant generality and is capable of competently performing a wide range of distinct tasks** regardless of the way the model is placed on the market and that can be integrated into a variety of downstream systems or applications, except AI models that are used for research, development or prototyping activities before they are placed on the market”.\*

### AI model

Although AI models are essential components of AI systems, they do not constitute AI systems on their own. AI models **require the addition of further components** (e.g., a user interface) **to become AI systems**.

AI models are typically integrated into and form part of AI systems.

### Displays significant generality and is capable of competently performing a wide range of distinct tasks

These models are typically trained on large amounts of data, through various methods (e.g., self-supervised, unsupervised or reinforcement learning), and may be placed on the market in various ways (e.g., libraries, Application Programming Interface, etc.). This includes large generative AI models, given that they allow for **flexible generation of content** and **can accommodate a wide range of distinctive tasks**.

### Notes

- The EU AI Act provides **specific rules for General-purpose AI models**, which will also apply when these models are integrated or form part of an AI system;
- AI models used before their placing on the market for the sole purpose of **research, development and prototyping** activities are not covered by this definition.



\* Based on the text published by Council of the EU on 21 May 2024 and subject to the final version to be published at the European Union’s Official Journal.

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## Exclusions - The EU AI Act will not apply to:

**AI systems or models**, including their output, specifically developed and put into service for the **sole purpose of scientific research and development**.

**Research, testing or development activity on AI systems or models prior to their putting into service or placing on the market**, except if tested in real world conditions.

**AI systems released under free and open-source licenses**, unless they are placed on the market or put into service as high-risk AI systems, or as AI systems that are prohibited or subject to transparency obligations.

**AI systems** placed on the market, put into service, used in the EU or whose output is used in the EU **exclusively for military, defence or national security purposes**.

**Non-EU Public authorities and international organizations** when (i) they use **AI systems in the framework of international cooperation or agreements for law enforcement and judicial cooperation** with the EU or EU Member States; and (ii) provided that they offer **adequate safeguards with respect to the protection of fundamental rights and freedoms of individuals**.

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## Contact us



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