

# Article 3(47)

## AI Office

Commentary by Gregor Gindlin | Submitted: January 2026

### AI Act provision

#### Article 3

For the purposes of this Regulation, the following definitions apply:

[...]

(47) ‘AI Office’ means the Commission’s function of contributing to the implementation, monitoring and supervision of AI systems and general-purpose AI models, and AI governance, provided for in Commission Decision of 24 January 2024; references in this Regulation to the AI Office shall be construed as references to the Commission;

[...]

### Recitals

#### Recital 148

This Regulation should establish a governance framework that both allows to coordinate and support the application of this Regulation at national level, as well as build capabilities at Union level and integrate stakeholders in the field of AI. The effective implementation and enforcement of this Regulation require a governance framework that allows to coordinate and build up central expertise at Union level. The AI Office was established by Commission Decision <sup>(45)</sup> and has as its mission to develop Union expertise and capabilities in the field of AI and to contribute to the implementation of Union law on AI. Member States should facilitate the tasks of the AI Office with a view to support the development of Union expertise and capabilities at Union level and to strengthen the functioning of the digital single market. Furthermore, a Board composed of representatives of the Member States, a scientific panel to integrate the scientific community and an advisory forum to contribute stakeholder input to the implementation of this Regulation, at Union and national level, should be established. The development of Union expertise and capabilities should also include making use of existing resources and expertise, in particular through synergies with structures built up in the context of the Union level enforcement of other law and synergies

with related initiatives at Union level, such as the EuroHPC Joint Undertaking and the AI testing and experimentation facilities under the Digital Europe Programme.

(<sup>45</sup>) Commission Decision of 24.1.2024 establishing the European Artificial Intelligence Office C(2024) 390.

## Select bibliography

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## Commentary

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# 1. General remarks

1. The AI Office plays a key role in the AI Act's implementation and enforcement and in the Union's AI governance framework at large.<sup>1</sup> Article 3(47) defines the AI Office for the purposes of the AI Act<sup>2</sup> with reference to the Commission Decision of January 2024 establishing the European Artificial Intelligence Office ("Establishment Decision").<sup>3</sup> In doing so, the provision clarifies that the AI Act's references to the AI Office 'shall be construed as references to the Commission'.<sup>4</sup> While Article 3(47) also touches upon the AI Office's nature as part of the Commission<sup>5</sup> and its principal tasks<sup>6</sup>, more detailed provisions governing the AI Office's institutional status, remit and operative functioning are found elsewhere, particularly in the Establishment Decision and in Articles 64 and 88(1) AI Act.<sup>7</sup> Accordingly, to avoid duplication with the commentaries on these provisions,<sup>8</sup> this contribution's analysis is confined to a discussion of Article 3(47)'s specific definitional elements.

## 2. Substance

2. Article 3(47) defines the AI Office as 'the Commission's function of contributing to the implementation, monitoring and supervision of AI systems and general-purpose AI models, and AI governance, provided for in Commission Decision of 24 January 2024', while also establishing that 'references in this Regulation to the AI Office shall be construed as references to the Commission'. Each element of this definition is discussed in turn below.

### 2.1. Function of the Commission

3. By describing the AI Office as 'the Commission's function', Article 3(47) clarifies that the AI Office is not an independent Union body but rather forms part of the Commission.<sup>9</sup> The designation of the

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<sup>1</sup> Eric Hilgendorf and Johannes Härtleim, 'Art. 64 Büro für Künstliche Intelligenz' in Eric Hilgendorf and Johannes Härtleim (eds), *KI-VO: Verordnung über Künstliche Intelligenz: Kommentar* (Nomos 2025) para 1; Björn Herbers and David Rappenglück, 'Die Durchsetzung der KI-Verordnung auf EU-Ebene: Das EU AI Office' (2024) *Recht Digital* 432, 434 para 4. For an overview of the AI Office's remit, see commentary on Article 64, Section 4. in this work.

<sup>2</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L 1689/1 ("AI Act").

<sup>3</sup> Commission Decision of 24 January 2024 establishing the European Artificial Intelligence Office [2024] OJ C C/2024/1459 ("Establishment Decision"); see Section 2.3.

<sup>4</sup> See Section 2.4.

<sup>5</sup> See Section 2.1.

<sup>6</sup> See Section 2.2.

<sup>7</sup> For the AI Office's institutional status, its remit and its operative functioning, see commentary on Article 64, Sections 3-5 in this work. For the AI Office's role in the enforcement of GPAI model provider obligations under the AI Act specifically, see commentary on Article 88, Sections 2.1.3. and 2.1.4. in this work.

<sup>8</sup> Commentary on Article 64 in this work; commentary on Article 88, Sections 2.1.3. and 2.1.4. in this work.

<sup>9</sup> Marieke Merkle, 'Art. 3 Begriffsbestimmungen' in David Bomhard, Fritz-Ulli Pieper and Susanne Wende (eds), *Kommentar KI-VO: Verordnung über Künstliche Intelligenz* (Fachmedien Recht und Wirtschaft 2025) para 362. The European Parliament had proposed during the AI Act's drafting process that the AI Office be established as an independent Union body, but this proposal did not survive the trilogue negotiations (European Parliament, Amendments adopted on 14 June 2023 on the proposal for a regulation of the European Parliament and of the Council on laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain

AI Office as a ‘function’ of the Commission in Article 3(47) instead of a ‘department’ or ‘directorate’ may appear somewhat unusual.<sup>10</sup> This terminology plausibly reflects the fact that the AI Office was not established by the AI Act but by prior Commission decision, which also determines the AI Office’s place within the Commission as part of the Directorate-General for Communication Networks, Content and Technology (“DG CNECT”).<sup>11</sup> By describing the AI Office as a ‘function’, Article 3(47) leaves open the organisational status of the AI Office within the Commission. The AI Act’s lack of concern with the internal organisation of the Commission is further confirmed by Article 88(1). This provision sets out that, with regard to the supervision and enforcement of Chapter V of the AI Act concerning general-purpose AI (“GPAI”) models, the Commission ‘shall entrust the implementation of [its supervision and enforcement] tasks to the AI Office’, while expressly noting that this is ‘without prejudice to the powers of organisation of the Commission’.<sup>12</sup>

## 2.2. Contribution to AI Act implementation and AI governance

4. By referring to the AI Office’s contribution ‘to the implementation, monitoring and supervision of AI systems and general-purpose AI models, and AI governance’, Article 3(47) provides an overview of the tasks of the AI Office.<sup>13</sup> The description of the AI Office’s tasks as contributory corresponds to the AI Office’s dependent status as a Commission directorate<sup>14</sup> and reflects the internal allocation of responsibilities within the Commission.<sup>15</sup> The reference to ‘implementation’ likely refers – consistently with Article 2(1) and Recital 4 of the Establishment Decision as well as Article 88(1)<sup>16</sup> –

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Union legislative acts’ P9\_TA(2023)0236, amendments 524–530; see Matthias Schmidl and Andreas Rohner, ‘Article 64 AI Office’ in Ceyhan Necati Pehlivan, Nikolaus Forgó and Peggy Valcke (eds), *The EU Artificial Intelligence (AI) Act: A Commentary* (Wolters Kluwer 2024) 983, sec 3.1; Clemens Bernsteiner and Thomas Rainer Schmitt, ‘Art. 88 Durchsetzung der Pflichten der Anbieter von KI-Modellen mit allgemeinem Verwendungszweck’ in Mario Martini and Christiane Wendehorst (eds), *KI-VO: Verordnung über Künstliche Intelligenz: Kommentar* (2nd edn, C H Beck 2026) para 10).

<sup>10</sup> See Jonathan Kirschke-Biller and Anna Lena Füllsack, ‘Art. 3 Begriffsbestimmungen’ in Jens Schefzig and Robert Kilian (eds), *Beck’scher Online-Kommentar KI-Recht* (4th edn, C H Beck 2025) para 550 (criticising the use of ‘Aufgabe’ for ‘function’ in the German language version and contending that the use of ‘function’ in the English language version is more open-textured and therefore more appropriate).

<sup>11</sup> See Establishment Decision (n 3) art 1(2). For the role of Directorates-General within the Commission, see Commission Decision (EU) 2024/3080 of 4 December 2024 establishing the Rules of Procedure of the Commission and amending Decision C(2000) 3614 [2024] OJ L 3080 (“Rules of Procedure”), art 45(1); Koen Lenaerts and Piet Van Nuffel, *EU Constitutional Law* (Oxford University Press 2021) para 12.071.

<sup>12</sup> See commentary on Article 88, Sections 2.1.1. and 2.1.4. in this work.

<sup>13</sup> For the AI Office’s tasks, see also Establishment Decision (n 3) arts 2 and 3; AI Act, arts 64 and 88(1). Further, see commentary on Article 64, Section 4 in this work.

<sup>14</sup> A Commission directorate is an administrative division of a Directorate-General (see Rules of Procedure (n 11) art 45(1), third sentence). For the AI Office’s status as a Commission directorate, see commentary on Article 64, Section 3.1. in this work.

<sup>15</sup> In principle, the power to issue legally binding acts – including delegated acts, implementing acts, designation decisions, requests vis-à-vis GPAI model providers and the imposition of fines – remains with the College of Commissioners, while the AI Office supports the Commission in exercising these powers by preparing draft decisions and, once approved, communicating them externally on the Commission’s behalf (see Susanne Wende, ‘Art. 64 Büro für Künstliche Intelligenz’ in David Bomhard, Fritz-Ulli Pieper and Susanne Wende (eds), *Kommentar KI-VO: Verordnung über Künstliche Intelligenz* (Fachmedien Recht und Wirtschaft 2025) para 15 (pointing out that core decision competences concerning the AI Act’s implementation lie with the Commission); Bernsteiner and Schmitt (n 9) para 15 (laying out that the fact that the AI Office has been afforded tasks is without prejudice to the principle of collegiate responsibility governing the Commission’s actions and that the Commission remains politically and legally responsible for the AI Office’s actions)). For a more in-depth analysis of this allocation of responsibilities within the Commission, see commentary on Article 64, Section 4.1.3. in this work.

<sup>16</sup> See Establishment Decision (n 3) art 2(1): ‘The Office shall perform the tasks set out in Article 3 for the purposes of implementing and enforcing the forthcoming Regulation laying down harmonised rules on artificial intelligence

to the implementation of the AI Act. In this respect, the wording of Article 3(47) is somewhat awkward, as it suggests that the AI Office contributes to the implementation of AI systems and GPAI models rather than of the AI Act itself.<sup>17</sup>

5. The AI Office’s contribution to the ‘monitoring and supervision of AI systems and general-purpose AI models’ must be understood against the background of the allocation of responsibilities between the EU and Member States within the AI Act’s governance framework. Contrary to what Article 3(47) may suggest at first glance, the Member States’ market surveillance authorities – not the Commission – generally oversee compliance with the *AI system obligations* imposed by the AI Act.<sup>18</sup> The Commission is only responsible for overseeing compliance with the AI system obligations where an AI system is based on a GPAI model and both the model and the system are developed by the same provider.<sup>19</sup> By contrast, compliance with the AI Act’s *GPAI model provider obligations*<sup>20</sup> is overseen exclusively at Union level by the Commission.<sup>21</sup> Finally, the reference to the broad notion of ‘AI governance’ indicates that Article 3(47) does not purport to circumscribe the AI Office’s remit in detail<sup>22</sup> and signals that the AI Office’s remit extends beyond the implementation of the AI Act alone, as set out in Articles 2(2) and 5 to 7 of the Establishment Decision.<sup>23</sup>

### 2.3. Reference to the Establishment Decision

6. Article 3(47)’s reference to the Establishment Decision clarifies that the AI Act does not itself establish or conclusively govern the AI Office.<sup>24</sup> In some language versions of the AI Act, the parenthetical ‘provided for in Commission Decision of 24 January 2024’ relates to ‘AI governance’ rather than to the AI Office,<sup>25</sup> which is not an obvious translation choice. The Establishment Decision

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(the “forthcoming Regulation”); Establishment Decision (n 3) recital 4: ‘It is necessary to develop expertise and capabilities at Union level with a view to foster such understanding, to contribute to the implementation and enforcement of the forthcoming Regulation laying down harmonised rules on artificial intelligence [...]’; AI Act, art 88(1): ‘The Commission shall have exclusive powers to supervise and enforce Chapter V, taking into account the procedural guarantees under Article 94. The Commission shall entrust the implementation of these tasks to the AI Office [...]’.

<sup>17</sup> This awkward formulation may be explained in part from Article 3(47) being a late addition during the trilogue (see Kirschke-Biller and Füllsack (n 10) para 546).

<sup>18</sup> AI Act, art 74(1).

<sup>19</sup> AI Act, art 75(1). For an analysis of this provision, see forthcoming commentary on Article 75(1) in this work.

<sup>20</sup> See, in particular, AI Act, arts 52(1), 53(1) and 55(1).

<sup>21</sup> AI Act, art 88(1). For an analysis of this provision, see commentary on Article 88 in this work.

<sup>22</sup> See Kirschke-Biller and Füllsack (n 10) para 553 (contending that Article 64 is the AI Act’s central provision on the AI Office); Merkle (n 9) para 364 (highlighting the importance of the Establishment Decision (n 3) insofar as the AI Office’s remit is concerned).

<sup>23</sup> For a discussion of the AI Office’s tasks beyond the AI Act’s implementation and enforcement, see commentary on Article 64, Section 4.2. in this work.

<sup>24</sup> See also AI Act, recital 148, third sentence: ‘The AI Office was established by Commission Decision and has as its mission to develop Union expertise and capabilities in the field of AI and to contribute to the implementation of Union law on AI.’

<sup>25</sup> This applies to the German language version (‘Für die Zwecke dieser Verordnung bezeichnet der Ausdruck [...] “Büro für Künstliche Intelligenz“ die Aufgabe der Kommission, zur Umsetzung, Beobachtung und Überwachung von KI-Systemen und KI-Modellen mit allgemeinem Verwendungszweck und zu der im Beschluss der Kommission vom 24. Januar 2024 vorgesehenen KI-Governance beizutragen [...]’) and the Spanish language version (‘A los efectos del presente Reglamento, se entenderá por: [...] “Oficina de IA”: la función de la Comisión consistente en contribuir a la implantación, el seguimiento y la supervisión de los sistemas de IA y modelos de IA de uso general, y a la gobernanza de la IA prevista por la Decisión de la Comisión de 24 de enero de 2024 [...]’) but not to the French language version (‘Aux fins du présent règlement, on entend par: [...] “Bureau de l’IA”, la fonction de la Commission consistant à contribuer à la mise en œuvre, au suivi et à la surveillance des systèmes d’IA et de modèles

establishes the AI Office,<sup>26</sup> setting out its mission and tasks,<sup>27</sup> operational functioning,<sup>28</sup> and financing;<sup>29</sup> in doing so, it does not itself set out the Union’s approach to AI governance but rather refers to other Union acts that do so.<sup>30</sup>

## 2.4. Interpretation of the AI Act’s references to the AI Office

7. Article 3(47) sets out that ‘references in [the AI Act] to the AI Office shall be construed as references to the Commission’. Through this formulation, the provision establishes an interpretive rule according to which references to the AI Office must, in principle, be read as references to the Commission itself.<sup>31</sup> This interpretive rule again reflects the AI Office’s institutional status as a Commission directorate without separate legal personality.<sup>32</sup> It guides the interpretation, for example, of Article 75(1). That provision would, read in isolation, appear to confer directly upon the AI Office, rather than upon the Commission as a whole, monitoring and supervision powers vis-à-vis providers of AI systems where the AI system is based on GPAI models and both are developed by the same provider.<sup>33</sup>
8. The interpretive rule established by Article 3(47) arguably only applies to the AI Act’s provisions insofar as they govern the AI Office’s interactions with entities external to the Commission, and not - or only with limitations - where the role of the AI Office within the Commission is directly concerned. In particular, Article 88(1) empowers the Commission to supervise and enforce Chapter V of the AI Act on GPAI models and requires that ‘[t]he Commission shall entrust the

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d’IA à usage général et de la gouvernance de l’IA, établi par la décision de la Commission du 24 janvier 2024 [...].’) of Article 3.

<sup>26</sup> Establishment Decision (n 3) art 1; see commentary on Article 64, para 2 in this work.

<sup>27</sup> Establishment Decision (n 3) arts 2(1), 2(2) and 3; see commentary on Article 64, Section 4 in this work.

<sup>28</sup> Establishment Decision (n 3) arts 3(3) and 4-7; see commentary on Article 64, Section 5 in this work.

<sup>29</sup> Establishment Decision (n 3) art 8; see commentary on Article 64, Section 3, second paragraph in this work.

<sup>30</sup> In particular, the Establishment Decision (n 3) refers to the AI Act (Establishment Decision (n 3) arts 2 and 3 and recitals 2, 7 and 8); the Commission’s 2021 Coordinated Plan on Artificial Intelligence (Establishment Decision (n 3), recital 2; see [European Commission, ‘Annexes to the Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – Fostering a European approach to Artificial Intelligence’ COM\(2021\) 205 final](#)); the Digital Europe Programme (Establishment Decision (n 3) recital 2 and art 8(2) and (3); see [Regulation \(EU\) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision \(EU\) 2015/2240 \[2021\] OJ L 166/1](#)); Horizon Europe - the Framework Programme for Research and Innovation (Establishment Decision (n 3) recital 2; see [Regulation \(EU\) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe - the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations \(EU\) No 1290/2013 and \(EU\) No 1291/2013 \[2021\] OJ L 170/1](#)); and the Digital Decade Policy Programme (Establishment Decision (n 3) recital 3; see [Decision \(EU\) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 \[2022\] OJ L 323/4](#)).

<sup>31</sup> See David Roth-Isigkeit, ‘Art. 64 Büro für Künstliche Intelligenz’ in Mario Martini and Christiane Wendehorst (eds), *KI-VO: Verordnung über Künstliche Intelligenz: Kommentar* (2nd edn, C H Beck 2026) para 11 (contending that where the AI Act refers to the AI Office, the Commission is bound).

<sup>32</sup> Lukas Feiler and Beat König, ‘Article 3 Definitions’ in Ceyhun Necati Pehlivan, Nikolaus Forgó and Peggy Valcke (eds), *The EU Artificial Intelligence (AI) Act: A Commentary* (Wolters Kluwer 2024) 76, s 3.47; Schmidl and Rohner (n 9) 983, s 3.1. For the AI Office’s institutional status, see commentary on Article 64, Section 3 in this work.

<sup>33</sup> See AI Act, art 75(1): ‘Where an AI system is based on a general-purpose AI model, and the model and the system are developed by the same provider, the AI Office shall have powers to monitor and supervise compliance of that AI system with obligations under this Regulation. To carry out its monitoring and supervision tasks, the AI Office shall have all the powers of a market surveillance authority provided for in this Section and Regulation (EU) 2019/1020.’; see also forthcoming commentary on Article 75(1) in this work.

implementation of these tasks to the AI Office'. In contrast, a strict application of Article 3(47) would render this requirement meaningless, contrary to the interpretive principle that where a provision is open to several interpretations, preference must be given to the interpretation which ensures that it retains its effectiveness.<sup>34</sup> The same applies to Article 96(2)'s requirement that '[a]t the request of [...] the AI Office, or on its own initiative, the Commission shall update guidelines previously adopted when deemed necessary'.<sup>35</sup> Similarly, Article 112(5)'s requirement that 'the Commission shall evaluate the functioning of the AI Office' by 2 August 2028 arguably concerns the AI Office's functioning in particular, and not the functioning of the Commission as a whole.<sup>36</sup> The partial misalignment between the interpretive rule in Article 3(47) and the various uses of the term AI Office throughout the AI Act may be explained by Article 3(47) being a late addition during the trilogue negotiations.<sup>37</sup>

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<sup>34</sup> See, for example, Cases C-154/21 *RW v Österreichische Post AG* [2023] ECLI:EU:C:2023:3 para 29 and C-31/17 *Cristal Union, the legal successor to Sucrerie de Toury SA v Ministre de l'Économie et des Finances* [2018] ECLI:EU:C:2018:168 para 41; further, see Koen Lenaerts and José A. Gutiérrez-Fons, 'To Say What the Law of the EU Is: Methods of Interpretation and the European Court of Justice' (2014) 20 *Columbia Journal of European Law* 3, 17–21.

<sup>35</sup> See Christina Brandt-Steinke, 'Art. 96 Leitlinien der Kommission zur Durchführung dieser Verordnung' in Jens Schefzig and Robert Kilian (eds), *Beck'scher Online-Kommentar KI-Recht* (4th edn, C H Beck 2025) paras 52–53; Sarah Hartmann, 'Art. 96 Leitlinien der Kommission zur Durchführung dieser Verordnung' in Mario Martini and Christiane Wendehorst (eds), *KI-VO: Verordnung über Künstliche Intelligenz: Kommentar* (2nd edn, C H Beck 2026) para 6.

<sup>36</sup> See Christiane Wendehorst, 'Art. 112 Bewertung und Überprüfung' in Mario Martini and Christiane Wendehorst (eds), *KI-VO: Verordnung über Künstliche Intelligenz: Kommentar* (2nd edn, C H Beck 2026) para 9; Benedikt Rohrßen, 'Art. 112 Bewertung und Überprüfung' in David Bomhard, Fritz-Ulli Pieper and Susanne Wende (eds), *Kommentar KI-VO: Verordnung über Künstliche Intelligenz* (Fachmedien Recht und Wirtschaft 2025) paras 29–30.

<sup>37</sup> See Kirschke-Biller and Füllsack (n 10) para 546.