

Dear Executive Vice-President Virkkunen,
Dear Commissioner Micallef,

Brussels, 17 February 2025

The AI Office is currently tasked with the critical responsibility of successfully finalising the '**General-Purpose AI Code of Practice**' by May 2025.

As representative organisations of **authors and performers from all disciplines**, in their capacity as creative workers and rightsholders (copyright and related rights), we write to you to express our concerns about the second draft of this Code of Practice, which was recently published and discussed.

As it currently stands, it does not show sufficient progress and fails to take into account the comments expressed by our organisations. In fact, when it comes to **transparency and respect for copyright, it even appears to be taking several steps backwards**.

An essential part of the mission you both received consists of closely working together to **develop an AI strategy for the cultural and creative industries**. During the confirmation hearings at the European Parliament, you shared the view that for what concerns AI and Copyright we need to "*make sure that the rights holders' rights and creative sector rights are respected here, and they will have also fair remuneration when their work is used*", and that "*nobody should use other people's work and make business out of that without compensation.*"¹

In line with these statements and the provisions of the AI Act, the **Code of Practice** should therefore be designed to help General-Purpose AI (GPAI) providers develop and put in place a **copyright policy** that is in line with this objective and on which basis their compliance with the *copyright acquis* can be established.

However, the wording chosen in the current draft undermines this very objective and weakens the *acquis*. Legal obligations are limited to mere commitments to making **reasonable and proportionate efforts** (see measure 2.4 on lawful access), or sometimes even reduced to a mere **encouragement to take into account** (see measure 2.5 on known infringing websites).

Further, despite unanimous criticism from the rights holder community regarding the first draft for granting **unjustified preferential treatment to robot.txt** protocols as a means of opting out under the TDM exception, the second draft continues to uphold this unacceptable discrimination.

¹ [Verbatim report of the confirmation hearing of Henna Virkkunen](#), p. 43.

The current draft also introduces KPIs' **exemptions for SMEs**, giving them the impression that they are exempt from certain copyright infringements. In doing so, the Code of Conduct is exposing the very group of providers that the EU is keen to support, to the risk of litigation and liability. We hold the view that the capacity of the model, rather than the size of the GPAI provider, is the only thing that should ultimately matter. Moreover, this questionable preferential treatment is in stark contrast to the enormous administrative burden that authors and performers, as individuals and occasionally as SMEs, have to bear to safeguard their rights.

The comments above – indicative of a carve-out from EU law - apply equally to the **'Template for summary of training data'** that the AI Office has been working on in parallel. The current version does not provide parties with legitimate interests a complete and clear view of the available information and how it may be accessed. As such, it runs the risk of limiting the transparency obligation to the content of the summary itself, as well as making it impossible to ascertain whether AI providers have had lawful access to the content they use.

Finally, we regret that the **working method** chosen by the AI Office fails to ensure meaningful stakeholder engagement and lacks transparency on who is actually participating.

The **EU has taken the lead in establishing regulations for a responsible and trustworthy AI sector**. The Code of Practice and the Template are important tools in achieving this objective. Unfortunately, both instruments appear to be skewed in favour of GPAI providers and primarily focused on preventing their liability.

Without **urgent intervention and a change in the methodology applied by the AI Office**, they will only encourage avoidance of responsibility and erode trust, ultimately undermining their very purpose. More importantly, this will lead to increased litigation and legal uncertainty for rights holders and AI providers alike.

Such uncertainty is exacerbated by the Commission's assumption that the AI Act and the TDM exception provide a sufficiently solid foundation for achieving a workable balance between GPAI providers' and rightsholders' interests – although several Member States² and academics³ question the scope of the applicability of the TDM exception to AI training, in a context where generative AI was clearly not on the table when this exception was discussed and adopted by the EU.

The impact of AI on the authors and performers we represent constitutes a **systemic risk**. To secure a fair balance between providing AI providers access to our cultural heritage and **ensuring the protection and fair remuneration of our authors and performers**, the EU should encourage the deployment of a responsible AI industry that helps human creativity remain at the heart of our culture.

² <https://data.consilium.europa.eu/doc/document/ST-16710-2024-REV-1/en/pdf>

³ https://europeancopyrightsociety.org/wp-content/uploads/2025/02/ecs_opinion_genai_january2025.pdf

We therefore ask you to **urgently correct these flaws in the third draft of the Code of Practice** and to develop **an AI strategy for the cultural and creative industries that respects our authors' and performers' intellectual property rights**. In cases where the use of their works is **authorised**, it is essential that they are **fairly remunerated** to ensure that human creativity continues to flourish.

To ensure that our views are heard, we would respectfully suggest that we be given the opportunity to meet with you and discuss these issues further.

List of signatories

AEPO-ARTIS is a non-profit making organisation that represents 40 European performers' collective management organisations from 30 different countries. The number of performers (musicians, actors and dancers), from the audio and audiovisual sector, represented by AEPO-ARTIS member organisations is estimated at more than 650,000.

Web: www.aepo-artis.org / EU Transparency Register ID: 69221462428-97



CEATL (European Council of Literary Translators' Associations) is an international non-profit organisation created in 1993 as a platform where literary translators' associations from different European countries could exchange views and information and join forces to improve status and working conditions of translators. Today it is the largest organisation of literary translators in Europe with 36 member associations from 28 countries, representing some 10,000 individual literary translators.

Web: www.ceatl.eu / EU Transparency Register ID: 65913704675-82



ECSA (European Composer and Songwriter Alliance) represents over 30,000 professional composers and songwriters in 29 European countries. With 59 member organisations across Europe, the Alliance speaks for the interests of music creators of art & classical music (contemporary), film & audiovisual music, as well as popular music.

Web: www.composeralliance.org / EU Transparency Register ID: 71423433087-91



EFJ (European Federation of Journalists) is the largest organisation of journalists in Europe, representing over 295,000 journalists in 74 journalists' organisations across 44 countries. The EFJ is recognised by the European Union and the Council of Europe as the representative voice of journalists in Europe. The EFJ is a member of the European Trade Union Confederation (ETUC).

Web: www.europeanjournalists.org / EU Transparency Register ID: 27471236588-39



EVA (European Visual Artists) represents the interests of authors' collective management societies for the visual arts. 31 societies are gathered under its roof as members or observers. They manage collectively authors' rights of close to 170,000 creators of works of fine art, illustration, photography, design, architecture and other visual works.

Web: www.evartists.org / EU Transparency Register ID: 418078348255-16



EWC (European Writers' Council) is the world's largest federation representing solely authors from the book sector and constituted by 50 national professional writers' and literary translators' associations from 32 countries. EWC members comprise over 220,000 professional authors, writing and publishing in 35 languages.

Web: <https://europeanwriterscouncil.eu> / EU Transparency Register ID: 56788289570-24



FERA (Federation of European Screen Directors) represents film and TV directors at European level, with 48 directors' associations as members from 35 countries. Founded in 1980, FERA speaks for more than 20,000 European screen directors, representing their cultural, creative and economic interests.

Web: <https://screendirectors.eu> / EU Transparency Register ID: 29280842236-21



FIA (International Federation of Actors) is a global union federation representing performers' trade unions, guilds and professional associations in about 70 countries. In a connected world of content and entertainment, it stands for fair social, economic and moral rights for audio-visual performers working in all recorded media and live theatre.

Web: www.fia-actors.com / EU Transparency Register ID: 24070646198-51



FIM (International Federation of Musicians) is the only body representing professional musicians and their trade unions globally, with members in about 65 countries covering all regions of the world. Founded in 1948, FIM is recognised as an NGO by diverse international authorities such as the ILO, WIPO, UNESCO, the European Commission, the European Parliament or the Council of Europe.

Web: <https://www.fim-musicians.org> / EU Transparency Register ID: 01953872943-65



FSE (Federation of Screenwriters in Europe) is a network of national and regional associations, guilds and unions of writers for the screen in Europe, created in June 2001. It comprises 29 organisations from 26 countries, representing more than 10,000 screenwriters in Europe.

Web: www.federationscreenwriters.eu / EU Transparency Register ID: 642670217507-74



IAO (International Artist Organisation) is the umbrella association for national organisations advocating for the rights and interests of the Featured Artists in the music industry. Our main interests are transparency, the protection of intellectual property rights and a fair reflection of the value an artist's work generates.

Web: www.iaomusic.org / EU Transparency Register ID: 490166825799-90



IFJ (International Federation of Journalists) is the world's largest organisation of journalists, representing 600,000 media professionals from 187 trade unions and associations in more than 140 countries.

Web: www.ifj.org / EU Transparency Register ID: 999725935832-94



SAA (the Society of Audiovisual Authors) is the umbrella association of European collective management organisations representing audiovisual authors. Its 33 members in 25 countries manage rights for over 174,000 film, television and multimedia European screenwriters and directors. The SAA supports audiovisual authors and promotes cultural diversity through policies that enable the dissemination of audiovisual authors' works to the audience. CMOs' role is to give easy, legal access to those works and ensure authors are fairly paid to encourage further creativity for the benefit of society.

Web: www.saa-authors.eu / EU Transparency Register ID: 99336382936-11



UNI MEI - UNI - Media, Entertainment and Arts unites over 140 unions and guilds to raise standards and enforce rights for more than 500.000 creatives, technicians and auxiliary workers. Together, our members work for a fair, inclusive, equal, and sustainable global entertainment industry and a just transformation.

Web: www.uniglobalunion.org / EU Transparency Register ID: 605859248462-93



UVA (United Voice Artists) is a global coalition of voice acting guilds, associations, and unions that have united to pursue their shared goals of protecting and preserving the act of creating, in particular, through the human voice. This collaborative effort brings together prominent associations and unions from the European Union, including France, Spain, Italy, Germany, Austria, Belgium, and Poland, as well as organizations in Switzerland, Turkey, the United States of America, Africa and in South America.

Web: www.unitedvoiceartists.com / EU Transparency register ID: 810100650765-18

