Joint statement by a coalition of authors, performers and other rightsholders active across the EU's cultural and creative sectors regarding the third draft of the EU AI Act's GPAI Code of Practice

The third draft of the GPAI Code of Practice undermines the objectives of the AI Act, contravenes EU law and ignores the intention of the EU legislator – we cannot support it.

AUDIOVISUAL ANTI-PIRACY ALLIANCE

AEPO-ARTIS ASSOCIATION OF EUROPEAN PERFORMERS ORGANISATIONS

CEATL European Council of Liter Translators' Associations

CEPI EUROPEAN AUDIOVISUAL PRODUCTION

CEPIC VISUAL CONTENT MATTERS

CISAC

EANA

ecsa european composer & songwriter alliance

efj European Federation of Journalists

ECAIR EUROPEAN GUILD FOR ARTIFICIAL INTELLIGENCE REGULATION

EMMA EUROPEAN MAGAZINE MEDIA ASSOCIATION

ENPA EUROPEAN NEWSPAPER PUBLISHERS' ASSOCIATION

The European Producers Club

EPC European Publishers Council

EUROCINEMA Association de producteurs de cinéma et de télévision

EVA European Visual Artists

EWC European Writers' Council

FEDERATION OF EUROPEAN PUBLISHERS FÉDÉRATION DES ÉDITEURS EUROPÉENS

FERA Federation of European Screen Directors Fédération Européenne des Réalisateurs de l'Audiovisuel

FIA INTERNATIONAL FEDERATION OF ACTORS FEDERATION INTERNATIONALE DES ACTEURS

FIAPF FILM PRODUCERS WORLDWIDE

fim

fse FEDERATION OF SCREENWRITERS IN EUROPE

GESAC AUTHORSOCIETIES.EU

International Artist Organisation Of MUSIC

ICMP

IFJ International Federation of Journalists

ifrro International Federation of Reproduction Rights Organisations

ifpi representing the recording industry worldwide

IMPALA INDEPENDENT MUSIC COMPANIES ASSOCIATION

IMPF

IVF INTERNATIONAL VIDEO FEDERATION Publishers of Audiovisual Content on Digital Media and Online

NEWS MEDIA EUROPE

SAA Society of Audiovisual Authors

STM

UNI global union media, entertainment & arts

UVA UNITED VOICE ARTISTS

Brussels, 28 March 2025

A key objective of the AI Act is to give authors, performers and other rightsholders tools to exercise and enforce their rights by requiring General-Purpose AI (GPAI) providers to put in place measures to comply with EU copyright law and provide a sufficiently detailed summary of the content ingested and used for training. This was recognised by the EU legislator as a key means to support the development of AI in Europe and protect the EU's creative sectors that drive its cultural and economic landscape.

However, the third draft of the GPAI Code of Practice represents yet another step away from achieving this objective. It creates legal uncertainty, misinterprets EU copyright law and undercuts the obligations set out in the AI Act itself. Rather than providing a robust framework for compliance, it sets the bar so low as to provide no meaningful assistance for authors, performers and other rightsholders to exercise or enforce their rights. Even more fundamentally, it would also not ensure that GPAI providers comply with either EU copyright law or the AI Act.

We have participated constructively in the drafting process and provided substantive comments to the previous drafts of the Code of Practice, underlining severe deficiencies affecting all creative sectors. However, the drafters of the Code have largely ignored or dismissed those comments. Regrettably, the third draft does not meet the adequacy requirement provided by the EU AI Act, and, therefore, should not be approved without substantial improvements. No Code would be better than the fundamentally flawed third draft.

The third draft further reduces the obligation to ensure compliance with EU copyright rules and the AI Act itself. In several places it states that GPAI providers merely need to make "*reasonable efforts*" to ensure compliance with EU copyright law. However, "*reasonable efforts*" or mere encouragement for GPAI providers to take measures is not sufficient to ensure compliance with EU copyright law or the AI Act.

The draft waters down GPAI providers' responsibility to undertake proper due diligence to ensure that the third-party datasets they use to train their models do not infringe copyright. Not only would this eliminate any meaningful due diligence obligations to comply with EU copyright law and the AI Act, but it would also risk guiding GPAI providers towards copyright infringements.

The third draft continues to render meaningless the right of authors, performers and other right holders to choose how they reserve their rights. It also fails to provide meaningful guidance on what GPAI providers must do to comply with such reservations. The draft further suggests that GPAI providers could comply with the "lawful access" requirement solely by adhering to technical access control measures, combined with "*reasonable efforts*" to exclude only a narrow and incomplete set of piracy sites from training. Given that lawful access is a mandatory requirement for eligibility to the TDM exceptions, if they apply, this measure fails to meet the standard set by substantive EU copyright law. Moreover, it not only misinterprets EU copyright law, but also does not reflect the reality of how pirated content is accessed and distributed online.

The third draft removes entirely the requirements to demonstrate transparency regarding GPAI providers' compliance with the right reservation mechanisms; GPAI providers are not required to disclose whether or how they comply with the rights reservations expressed by authors, performers and other rightsholders. Despite strong opposition and comprehensive explanations on its inadequacy, robots.txt is still considered as the only method GPAI providers must recognise and respond to, while other reservation methods are ignored or treated as optional, in direct contradiction with EU law.

Furthermore, the measure for GPAI providers to introduce a copyright complaints process only requires the introduction of a mechanism to lodge complaints in relation to the Code of Practice alone and without any reference to the measures GPAI providers should take to resolve them, rendering it an empty gesture rather than a meaningful enforcement tool.

The Code of Practice should provide proper measures to facilitate and persuade GPAI models to respect the two basic principles of copyright law: they should seek prior authorisation and abstain from unauthorised uses of copyrighted material. The Code of Practice should also make clear, as explained also by EVP Virkkunen in her recent response to a parliamentary question, that the obligations in the AI Act apply where a GPAI provider places their model into the EU market, regardless of where they are established or where the training of that model took place.

The Code of Practice must also be coupled with an effective template for the "*sufficiently detailed summary of the content used for training"*, enabling authors, performers and other rightsholders to effectively exercise or enforce their rights. Meaningful, actionable transparency on the content used for training and other purposes, and its disclosure, is not only feasible but can be achieved with little technical or financial effort. Misusing trade secret law to hide infringements would render the obligation meaningless and obstruct the fundamental right of rightsholders to exercise and enforce their rights.

The intention of the EU's AI Act was to enable the development of responsible AI and ensure that the cultural and creative sectors can continue to grow across European territories. Entirely counter to this, the third draft of the GPAI Code of Practice sets an implementation standard which undermines the objectives of the AI Act, contravenes EU law and ignores the intention of the EU legislator.

The third draft is therefore completely unacceptable. We cannot support the GPAI Code of Practice in its current version. No Code would be better than the fundamentally flawed third draft.

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List of signatories

AAPA (Audiovisual Anti-Piracy Alliance) represents companies involved in the provision of protected audiovisual services, including rights owners and broadcasters, security technology for such services, and the manufacturing of products which facilitate the delivery of such services. AAPA's mission is to lead the fight against audiovisual piracy across Europe, and beyond through effective advocacy, supporting law enforcement and building partnerships to better tackle piracy.

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.

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.

CEPI (the European Audiovisual Production Association) represents over 2,600 independent film and TV producers across Europe through 19 national associations across 17 European countries.

CEPIC represents hundreds of Picture Libraries and Agencies, who themselves represent hundreds of thousands of photographers whose core business is the direct licensing of visual content offline and online. Acting as rightsholders, Picture Libraries and Agencies license digital assets for all kinds of commercial uses, to newspapers, magazines, advertising, broadcasters, etc. CEPIC members are continuously adapting to innovative technology and have developed sophisticated digital platforms to both market digital content online and provide digital access to images. CEPIC's purpose is to act as a united voice for the visual media industry in Europe and beyond.

CISAC (International Confederation of Societies of Authors and Composers) is the world's leading network of authors' societies. With 227 member societies in 116 countries, CISAC represents more than 5 million creators from all geographic areas and all artistic repertoires: music, audiovisual, drama, literature and visual arts.

EANA (European Alliance of News Agencies, founded in 1956) is a non-profit membership association representing 32 leading news agencies across Europe. EANA serves as a platform for cooperation, knowledge exchange, and advocacy, with a focus on securing a fair and safe environment for the development of news agencies in particular and of the entire news media as a whole. With a collective direct and indirect global reach of their newswires of over 750 million people, EANA members share the common goal of delivering unbiased, high-quality news and supporting a healthy media environment throughout Europe.

ECSA (European Composer and Songwriter Alliance) represents over 30,000 professional composers and songwriters in 28 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.

EFJ (The European Federation of Journalists) is the largest organisation of journalists in Europe, representing over 296,000 journalists in 74 journalists' organisations across 44 countries. The EFJ fights for social and professional rights of journalists working in all sectors of the media across Europe through strong trade unions and associations.Member of the European Trade Union Confederation

(ETUC), the EFJ is recognised by the European Union and the Council of Europe as the representative voice of journalists in Europe.

EGAIR (European Guild for Artificial Intelligence Regulation) is a network of creatives and associations from all over Europe, lobbying for the protection of artists' works and data from AI companies. Originally founded by MeFu, the Italian association of comic book creators, EGAIR now represents over 20.000 creatives, artists and associations.

EMMA (European Magazine Media Association) is the unique and complete representation of Europe's magazine media, enjoyed by millions of consumers on both paper and digital formats, covering automotive, business, financial, news, children, comics, teenage, general interest, home, men's and women's titles, TV guides, B2B and scientific journals.

ENPA (European Newspaper Publishers' Association) is the largest representative body of newspaper publishers across Europe, promoting press freedom and authoritative news content on print and digital formats. ENPA advocates for 14 national associations across 14 European countries and is a principal interlocutor to the EU institutions and a key driver of media policy debates.

EPC (The European Producers Club) is an association representing nearly 200 independent European producers from 35 countries, highly specialized in international co-productions.

EPC (European Publishers Council) is a high-level group of 27 Chairmen and CEOs of Europe's leading media groups representing companies which are active in news media, television, radio, digital market places, journals, eLearning, databases and books. We have been communicating with Europe's legislators since 1991 on issues that affect the health and viability of journalistically-driven media and publishing companies in the European Union, which uphold the freedom of expression, media diversity, and democratic debate.

EUROCINEMA (Association of Film and Audiovisual Producers) aims to defend and promote the fundamental role of the audiovisual industry and film-makers in a politically and economically integrated Europe.

EVA (European Visual Artists) represents the interests of authors' collective management organisations for visual arts. 31 societies are gathered under this 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.

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.

FEP (Federation of European Publishers) represents 31 national associations of publishers of books, learned journals and educational materials, in all formats, in Europe. FEP is the voice of the great majority of publishers in Europe.

FERA (Federation of European Screen Directors) serves as the independent voice of European screen directors in Brussels. Bringing together 46 member organisations from 31 countries, it represents over 20,000 active directors across film, television, and streaming - recognised as primary audiovisual authors. FERA advocates for their cultural, creative, and economic interests at both national and EU levels.

FIA (International Federation of Actors) represents more than 85 performers' trade unions, guilds and professional associations in 61 countries. In a connected world of content and entertainment, it

stands for fair social, economic and moral rights for audiovisual performers working in all recorded media and live theatre.

FIAPF (International Federation of Film Producers' Associations) comprises 37 national associations representing producers of films and audiovisual programmes, including 16 national associations from the EU/EEA. Members' constituencies are involved in the development, production, marketing and in some cases distribution, of all types of films and/or other types of audiovisual productions, ranging from feature-length films, short film, documentaries, television drama and other audiovisual content, across the European Union across all distribution channels.

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.

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.

GESAC (European Grouping of Societies of Authors and Composers, founded in 1990) represents 32 of the main copyright management societies (authors 'societies) in the European Union, Iceland, Norway and Switzerland, administering the rights and remuneration of more than 1.2 million authors, composers and writers in a variety of sectors (music, audiovisual, literary and visual and graphic arts) and music publishers.

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.

ICMP is the global trade body for the music publishing industry; representing 77 national associations across 6 continents, indies, majors and The International Production Music Group - cumulatively representing approximately 90% of the world's commercially released music.

IFJ (International Federation of Journalists), the world's largest organisation of journalists, represents 600,000 media professionals from 187 trade unions and associations in more than 148 countries. Established in 1926, the IFJ is the organisation that speaks for journalists within the United Nations system and within the international trade union movement.

IFPI (International Federation of the Phonographic Industry) is the voice of the recording industry worldwide. IFPI and its National Group network represents the interests of some 8,000 members across the globe.

IFRRO (International Federation of Reproduction Rights Organisations), is an international, independent, not-for-profit organisation representing collective management organisations for text and image materials (known as Reproduction Rights Organisations, or RROs), authors' and publishers' associations in the field of text and image-based works. RROs administer reproduction and other relevant rights, including certain digital rights, on behalf of both publishers and authors, including visual artists. With over 160 members across nearly 90 countries, IFRRO plays a key role in the global copyright ecosystem.

IMPALA is the European association of independent music companies, representing over 6,000 music SMEs. Its mission is to grow the independent music sector sustainably, return more value to artists,

promote diversity and entrepreneurship, improve political access, inspire change and increase access to finance.

IMPF is the global trade and advocacy body for independent music publishers. IMPF helps to stimulate a more favourable business environment in different territories and jurisdictions for artistic, cultural, and commercial diversity for its music publisher members and the songwriters and composers they represent.

IVF - The members of the International Video Federation are associations representing businesses active in all segments of the film and audiovisual sector in Europe. The IVF's membership is thus involved across development, production, marketing, and distribution of all types of films and audiovisual works, ranging from feature-length films, short films, documentaries, television drama and other audiovisual content, as well as the publication of such content on digital media (DVD, Blu-ray, etc.) and through all online channels ranging from transactional (TVOD/EST), subscription (SVOD) and advertisement-based (AVOD and FAST) distribution models.

News Media Europe is the voice of the progressive news media industry in Europe, representing over 2,700 news brands in print, online, radio and TV, through national associations from sixteen countries. Together, we defend key principles which are vital to us: protecting the freedom of the press, championing the digital future of our industry, and ensuring that the value of content is properly protected.

SAA (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 audiences. CMOs' role is to provide easy, legal access to these works and ensure authors are fairly paid to encourage further creativity for the benefit of society.

STM is the leading global trade association for academic and professional publishers. Our mission is to advance trusted research for the benefit of society. The membership is composed of over 140 organisations who are based globally and include academic and professional publishers, learned societies, university presses, start-ups and established players; STM members collectively publish over 70% of all journal articles.

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.

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, Brazil, Africa, Australia and in South America.