



Open letter on the Second Draft Code of Practice

Dear AI Office representatives,

On behalf of the organizations signed below, we write to you to express our serious concerns about the second draft of the General-Purpose AI Code of Practice under the AI Act. While we support the goal of facilitating AIA compliance and AI development in the EU, the second AIA CoP draft seems to create more problems than it solves, raising questions as to its fitness for purpose. Codes of conduct should facilitate compliance with the AI Act to ensure that Europe remains an attractive place to develop AI models and solutions. The Code in its current form is the opposite of what the EU needs now to strengthen its economy and increase productivity and competitiveness. So that the Code can meet stakeholder expectations from the very beginning and provide adequate guidance on compliance with the AI Act - the time to act is now.

The Code's fundamental issue lies in its regulatory overreach. By extending well beyond the AIA's scope, particularly in copyright matters, it creates parallel regulatory frameworks that introduce legal uncertainty rather than clarity. This overreach manifests itself in obligations that exceed existing EU law requirements, creating a complex web of compliance challenges that threatens to entangle both established companies and innovative startups.

The implementation challenges are equally concerning. The Code's overly prescriptive and complex requirements, combined with its reliance on yet-to-be-defined future standards, create a particularly burdensome environment for businesses, especially SMEs. The lack of clear compliance pathways leaves companies in a state of uncertainty, forced to navigate an unnecessarily complex regulatory landscape.

Perhaps most worrying is the Code's potential to stifle innovation. The excessive transparency requirements risk exposing intellectual property, while detailed documentation demands and disproportionate cybersecurity measures create significant operational hurdles. These barriers are particularly challenging for smaller companies and startups, which form the backbone of European innovation in AI.

The business impact of these requirements cannot be understated. By creating competitive disadvantages for EU companies and imposing particularly burdensome requirements on startups and SMEs, the Code risks discouraging AI development in Europe altogether.

The requirement to reveal potentially sensitive business information through compliance procedures further compounds these concerns.

We propose a streamlined approach that would align strictly with the AIA's scope while protecting intellectual property and enabling practical implementation. Requirements should be scaled according to company size and capability, with clear provisions for protecting proprietary information. The Code should enable technological adaptation rather than constrain it, with clear compliance paths that support rather than hinder innovation.

The current version of the Code risks transforming Europe from an AI innovator into a cautionary tale. We urge you to reconsider this draft in light of the concerns flagged in feedback received so far and to ensure the text is properly consulted with all stakeholders going forward. We stand ready to assist you and engage in constructive dialogue to develop a Code that truly serves its intended purpose: fostering safe, innovative, and competitive AI development in Europe.

We remain at your disposal to present these ideas to you personally and advance together towards the creation of a fruitful regulation for AI in Europe.

Co-signatories:

- Tomasz Snażyk – CEO – AI Chamber
- Csongor Bias – MD – Startup Hungary
- Theodor Panayotov – CIO – DNA Bulgaria
- Europuls – Center of European Expertise
- Michał Kanownik – CEO – Związek Cyfrowa Polska
- Michal Kardoš – Executive Director - Slovak Alliance for Innovation Economy (SAPIE)
- Olga Kyriliuk (on behalf of SEEDIG Executive Committee) – Chair – South Eastern European Dialogue on Internet Governance (SEEDIG)
- Przemysław Kuśmierk – CEO - Migam
- Maciej Witucki – President – Polish Confederation Lewiatan
- Corina Vasile – Executive Director - Employers' Association of the Software and Services Industry (ANIS Romania)
- Jakub Bińkowski – Członek Zarządu – ZPP
- Lukáš Kačena - Director - Czech National AI platform (Prg.Ai)