Subject: Concerns and Recommendations Regarding the AI Code of Practice (CoP)

Dear WG Chairs,

On behalf of organizations AI-focused Small and Medium-sized Businesses (SMBs) based in the Central and Eastern European (CEE) region, we extend our sincere gratitude for your time and dedication in developing the AI Code of Practice. We recognize the immense effort invested in this critical endeavor.

The undersigned organisations are committed to amplifying the voice of the CEE AI community within the broader European regulatory landscape. We also hope you will understand that some of our comments may reflect broader concerns that our members have regarding the AI Act and Digital Single Market (DSM) Directives.

We commend the significant progress achieved in the third CoP draft. In relation to the second draft we see an overall improvement of the text in terms of both form and content. We welcome the efforts of the Chairs to take the text forward while balancing demands from all sides of the discussion.

On the formal side in particular the streamlining has improved the readability of the Code to some extent. Eliminating KPIs has served well generally, but pulling some of their content into the measures makes some of them lengthy and very difficult to understand. We understand that the final text will also group Commitments with Measures for better readability.

The Model Documentation Form seems like a step in the right direction in terms of helping SMBs with compliance by providing easy to use tools. Expanding this approach to other parts of the Code should be considered.

However, we also express concerns regarding the balance between speed and quality. While we understand the political imperative to meet deadlines, we urge a focus on thoroughness to ensure the CoP's efficacy.

Our primary concern revolves around the CoP's effectiveness in assisting SMBs to comply with the AI Act. We feel that the current draft, while potentially beneficial for large model providers, does not adequately address the resource constraints faced by our members. While we understand that the aim is not to cover SMBs by the Code, but given the pace of progress on AI and how ambiguous some AIA provisions are, we cannot rule out our members being covered as GPAI or even GPAISR model providers.

Specifically, we believe the CoP should offer clear, actionable guidelines to alleviate the compliance burden, rather than introducing vague or overly burdensome requirements that exceed the AI Act and DSM Directive. The Model Documentation Form exemplifies a positive approach, emphasizing ease of compliance over increased regulatory risk.

We further highlight the following specific concerns:

- **Proportionality (Recital b):** While the recital emphasizes proportionality based on provider size, the operative section lacks concrete measures to implement this principle.
- **Measure I.2.3 (Opt-out Standards):** The inclusion of unproven asset-based and potentially unilaterally adopted standards by rightsholders is potentially problematic. We strongly advocate for an inclusive, multi-stakeholder process. The relationship between points 1 and 2 of this measure requires clarification. Point 4 could be simplified to require only the provision of a web crawler ID string.
- **Measure I.2.4 (Data Acquisition):** The phrase "make reasonable efforts to obtain" is excessively vague. We suggest replacing it with a clear, verifiable requirement, such as obtaining written confirmation of data acquisition compliance.
- **Measure 2.5 (Freedom of Expression):** We seek clarity on the balance between this measure and freedom of expression.
- **External Audits and Reporting:** The implications of the commitment to external audits and reporting, particularly stringent deadlines, are concerning for our members.
- **Open-source models:** while it is mostly considered a mitigation, we are concerned about models coming from less transparent sources and the criteria for considering a model to be fully open source.
- **GPAISR framework:** We suggest the inclusion of a downloadable model framework as an appendix, to simplify implementation for providers.
- **Complete CoP adoption:** We seek clarification on whether full adoption of the CoP is mandatory or will it be possible to sign up only to parts or individual commitments.
- **Language** - we underscore that there is a language barrier for many of our members to be able to fully comprehend the Code and make informed decisions on it.

We strongly believe that the CoP, as a voluntary instrument, should incentivize participation by offering tangible benefits to SMBs. We urge the working group to consider our recommendations to ensure the CoP effectively supports the entire AI ecosystem.

Thank you for your consideration of these important matters.

Sincerely,

Tomasz Snażyk, CEO AI Chamber

Theodor Panayotov, CIO, DNA Bulgaria

Michal Kardoš, Executive Director, Slovak Alliance for Innovation Economy (SAPIE)

Olga Kyryliuk (on behalf of SEEDIG Executive Committee), Chair, South Eastern European Dialogue on Internet Governance (SEEDIG)

Maciej Witucki, President, Polish Confederation Lewiatan

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