

To Her Excellency,
Member of the European Commission
Executive Vice-President Ms. Henna
Virkkunen, Tech Sovereignty, Security and
Democracy

To His Excellency,
Member of the European Commission
Commissioner M. Glenn Micallef,
Intergenerational Equity, Youth, Culture
and Sport

Madrid, 30th April 2025

Dear Vice-President and dear Commissioner,

As stated at the very beginning of the EU AI Act, the purpose of this crucial piece of legislation is to improve the functioning of the internal market by laying down a uniform legal framework -in particular for the development, placing on the market, deployment and use of artificial intelligence systems within the Union- in accordance with Union values. It aims to ensure a high level of protection of fundamental rights as enshrined in the Charter of Fundamental Human Rights of the European Union, including the fundamental right to copyright, as set out in Article 17 of this charter.

The AI Act embodies one of the most important pillars of European legal tradition: placing the human being at the centre of regulation by striking the right balance between, on the one hand, fostering competitiveness and technological development, and, on the other, safeguarding fundamental human rights, including copyright.

This Act empowers the European Commission, through implementing acts and with the assistance of the IA Board, to approve a General-Purpose AI Code of Practice. This code should help ensure that providers of general-purpose AI models fulfil their obligations to (i) provide an adequately detailed summary of the content used for training, and (ii) implement a policy to comply with Union law on copyright and related rights. In this regard, the drafting process of the General-Purpose AI Code of Practice began a few several months ago, and its third draft was published on 11 March.

This code was originally intended to guide AI providers in complying with the AI Act and copyright law. However, this third draft appears to depart from the well-balanced and humanist approach that characterises the European legal system. Considering this third draft, the obligations concerning AI systems providers are reduced to mere "reasonable efforts". In this way, fulfilling the legal requirements would become voluntary for providers of general-purpose AI models with systemic risk, placing technologic providers above people and undermining the respect of copyright law at the centre of the regulation.

As Minister of Culture of Spain, I observe this development with deep concern. We cannot help but join the many voices from across economic, cultural and creative sectors in calling for his urgent revision. It is imperative that the GPAI Code of Practice reflects the fundamental principles of AI Act and protects European fundamental rights, including copyright, striking the aforementioned right balance. This Code should not serve as a reinterpretation of the law; and any revisionist approach risks undermining our core rights.

A balanced application of copyright protection in the development of generative AI is essential to preserving one of the key elements that define us as a European society -our culture and values- as well as to ensuring sustainable and robust economic growth. For this reason, this Code must provide our authors, artists, performers and rightsholders with clear, strong and accessible tools to exercise and enforce their rights, while recognising their vital contribution to the training and development of AI systems.

Providers of AI systems wishing to operate within the European market must comply with EU copyright law and fully adhere to the transparency obligations as provided in the AI Act. A sound implementation of the AI Regulation must serve to strengthen legal certainty across the Union. Respect for copyright law will enable providers to operate within a clear and consistent legal framework.

For all these reasons, we urge the European Commission to revise the third draft of the General-Purpose AI Code of Practice to ensure full alignment with EU copyright law, considering the EU's cultural and creative sectors and its demands, and in the broader interest of our Union.

Yours sincerely,



Ernest Urtasun Domènech
Minister of Culture of Spain