

Warsaw, 10 May 2025

Ms.
Henna Virkkunen
Executive Vice-President
Tech Sovereignty, Security and Democracy
European Commission

Dear Madam President!

We call on you, Madam President, to take urgent action on a fundamental issue for the entire creative sector related to the GPAI „Code of Practice” currently being proceeded with at EU level.

The third draft of the code, which was published on 11 March, is the worst of all versions. It contains solutions that will not only prevent creators and producers of various types of creative content, including journalistic, cinematic, artistic, literary content, from claiming protection under copyright or related rights, but will also contradict the objectives that guided the EU legislator when enacting the EU Artificial Intelligence Act.

To be clear – we are not opposed to technological developments; on the contrary, we ourselves are making investments in new forms of communication and software. We also see the positive effects of using artificial intelligence. We are only asking for the introduction of an obvious and indisputable principle – if you use someone else's work, share the profit. Unfortunately, the current regulations do not make this principle a reality. Their introduction in their existing form will not maintain the balance between, on the one hand, the fostering of competitiveness and technological development and, on the other, the safeguarding of fundamental human rights, including copyright.

We call on the European Commission to take constant and determined actions to guarantee the protection of European creators and producers. The EU must not succumb to the hegemony of non-EU technology giants who do not care of maintaining proper standards that support political discourse and the development of civil society. Elements that are essential in democratic systems.

The forthcoming meeting of the European Council (Council of the EU – Education, Youth, Culture and Sport; on the agenda for 13 May, under AOB, Culture, Audiovisual and Media, point (b)) offers an opportunity to advocate for changes to the „Code of Practice”, for which – among numerous organisations of the Polish cultural world affiliated with the Stowarzyszenie Kreatywna Polska (Creative Poland Association) – we appealed to Polish decision-makers in letters sent, among others, to the Prime Minister and key ministries (we allow ourselves to attach a letter to the Prime Minister in its original and computer-translated version).

In addition to the AI Act, Directive EU/2019/790 (the so-called DSM Directive) plays a huge role. As you are well aware, this particular regulation was written 10 years ago – its first draft was published in September 2016. It is therefore not surprising, that the directive did not address the issue of AI,

which was only just being developed in secret laboratories. Today, AI is widely available and massively used. What is wrong, however, is the attempt to adjust the provisions of the DSM Directive to the new technology, in particular the new exception – TDM for commercial purposes. The possibility in Article 4 of the DSM Directive to prohibit the use of content for text and data mining is completely illusory for (non-EU) providers of AI systems – there are no ways to enforce the proviso. We therefore urge the Commission not to wait until 2026 for the revision of the DSM Directive, but to already now exclude the application of the TDM exception for AI systems (e.g. by deleting Article 4 of the DSM Directive).

Failure to act decisively quickly jeopardises the existence of professional, reliable press publishers and journalists, undermining one of the pillars of democracy. More (we are not afraid to use a strong word here), such a non-action will kill the entire creative sector, as the creators and producers of culture will be replaced by technological giants. This must not be allowed to happen unless we do not want to protect the democracy and European culture that constitute our identity.

Yours sincerely



Marek Frąckowiak

President of the Chamber of Press Publishers



Renata Krzewska

President of Association of Journalists and Publishers Repopol