



CEE Digital Democracy Watch

Warsaw, 13 January 2025

Re: General-Purpose AI Code of Practice Second Draft Feedback

We appreciate the efforts of the Chairs and the broader group in developing this Code of Practice.

As members of the group we believe that the broadest possible discussion is necessary and this is why we take on the opportunity to promote this work on the ground in Poland – see [here](#) for an op-ed reporting on the work of GPAI CoP. We are also scheduled to present the work up to date and discuss the current draft at the Polish Ministry of Digital Affairs working group for „AI, Democracy and Human Rights” meeting this January.

Our feedback continues:

Measure 3.3 | We are pleased to see that our previous comments on persuasion and manipulation have been considered and the definitions improved.

However, the inclusion of an open-ended list of additional "risks for consideration" undermines the precision of the text. Based on current challenges with the implementation and application of the Digital Services Act in relation to democratic processes and public security, we are concerned that this approach may not lead to substantial change. Instead, it could expose the Code and EU institutions to criticisms of encroaching on freedom of expression.

It is important to acknowledge that AI models are also employed to monitor and understand large-scale manipulation attempts. Various non-profit and socially-driven organisations, including ours, rely on AI tools to enhance information integrity.

Measure 2.5 | We have concerns about the exclusion of websites with potentially copyright-infringing content. This vague, blanket ban disregards the diversity in types of copyright protection and the differing territorial protections. As currently worded, it risks over-regulating and limiting access to intentionally public domain resources while inadvertently strengthening the tools for copyright trolling without effectively safeguarding users. Allowing signatories to publish their lists of included websites could lead to conflicting lists among different actors.

General comments | The two highlighted areas reflect broader editorial issues. The Code, as a delegated act, seems in many instances to significantly extend the framework set by the AI Act, which has yet to be fully implemented and observed in practice.

In several sections, the responsibility for developing precise standards is deferred to the AI Office, leading to potentially shifting goalposts that contribute to the vagueness of multiple commitments. We reemphasise that while we commend the participatory nature of the Code of Practice process, it is vital to recognise that this initiative builds upon the balanced text of the AI Act – a regulation developed through a democratic process by elected representatives. Any expansion of this foundation must be precise and grounded in that democratic mandate.

The ambitious content of the Code appears misaligned with the even more ambitious timeframe for finalising the document. As seen before, hasty decisions may result in overlaps and imprecisions with existing frameworks.

Jakub Szymik
Founder