

AI Act Proposal Trilogue: Letter of concern on the stopped negotiations over Foundation Models

Brussels, 14th of November 2023

The European Writers' Council (EWC) is the world's only and largest representation of writers in the book sector and of all genres. With 49 organisations from 31 countries, the EWC represents 220.000 writers and translators, writing and publishing in 34 languages.

It was with great dismay that we learned of the termination of the negotiations during the Technical Meeting on the 10th of November, after the request of certain Member States to refuse regulations for Foundation Models of AI companies. This breaks the established consensus reached at the session on the 24th of October to introduce appropriate rules in a tiered approach. Now, certain Member States, among them France and Germany, posed that the regulation would “harm” European enterprises or put them in a “disadvantaged position” beyond the U.S. or China.

The technical meeting obliges the Spanish EU Council Presidency to present another option, which seems to be impossible given the span of time. If no agreement is reached, the whole AI Act is at risk. This would put the EU, its cultural sectors as well as its societies and citizens, in a highly vulnerable situation, as the one-time opportunity to be in vanguard of the legislative efforts worldwide will vanish.

Considering these worrying developments, the European Writers' Council states:

- Moral and economic intellectual property rights of authors and of citizens shall not be sacrificed in search of advantages for commercial entities, like “AI start-ups” in this case. It's a value transfer that has no legal or moral justification.
- Losing the opportunity to reach a strong and sustainable regulation in the EU will eliminate the global “Brussels effect”, which would be of great importance for all regions in the world and will undermine the prestige and position of the EU.
- It would be a very alarming sign if European governments were to follow the unreasonable demands for judicial exemption of few national companies and non-European AI monopolies instead of defending the European values of democracy, justice, appreciation and sustainability. The loss of trust would be irreparable.

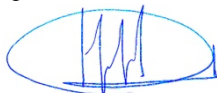
Therefore, the European Writers' Council appeals to the ethics and foresight of the decision-makers in the trialogue as follows:

- A reconsideration of the position of the objecting countries and to get back to the point of consensus already reached in October setting aside national and private interests considered by some Member States.
- A strong defence of the moral and economic rights of authors and rightsholders in all cultural sectors, to safeguard the sources of one of the largest European economic sectors.
- A decisive impulse to approve an AI Act including regulations of generative AI and of applications linked to Foundation Models, that protects authors, citizens and societies, from misuse of their data and from deceptive AI text and image products, which already led to criminal acts, disinformation, fake news, propaganda, and identity theft.

We hope this unfortunate situation will be reverted within the next days. We are at the verge of a systemic change, and it is time to put European values, built throughout centuries by human minds and crafts, first, not kneeled to the greed of insufficiently controlled tech companies. The EU institutions should act for the benefit of the EU economy only, including Culture. The lack of regulation would lead to further litigations and much more harm of interests of the publishing sector and the whole society.

Receive our testimony of concern with our sincere regards:

Miguel Ángel Serrano
President
Spain



Maïa Bensimon
Vice President
France



Eystein Hanssen
Vice President
Norway



Nicole Pfister Fetz
Secretary General
Switzerland



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Germany

