**CONCLUSION OF**

**THE ARTIFICIAL INTELLIGENCE BOARD**

**on the Assessment of the General-Purpose AI Code of Practice pursuant to Article 56 of Regulation 2024/1689 (Artificial Intelligence Act or "AI Act")**

The uptake of safe, human-centric and trustworthy AI is a priority area in the European Union. The EU AI regulatory framework has been shaped by the entry into force of the Artificial Intelligence Act in 2024. This Regulation is the first-ever comprehensive legal framework on AI worldwide which addresses the risks of AI and its rapidly advancing capabilities, and positions Europe to play a leading role in AI governance globally.

Pursuant to Article 56(6) of the AI Act '[t]he AI Office and the Board shall assess whether the codes of practice cover the obligations provided for in Articles 53 and 55'. This document is the assessment by the Artificial Intelligence Board ('Board'). It is to be published alongside the 'Commission Opinion on the assessment of the General-Purpose AI Code of Practice within the meaning of Article 56 of Regulation 2024/1689'.

This document does not prejudge any future actions the European Commission ('Commission'), the Board, and other competent authorities, as applicable, may undertake in the enforcement of the AI Act. In particular, adherence to this Code will only constitute a means to demonstrate compliance with the obligations foreseen in the AI Act. This document does not bind the Board in the future interpretation of the Code, nor does it preempt the Board from assessing the Code as inadequate and in need of updating in the future following its regular monitoring and evaluation of the achievement of the Code's objectives pursuant to Article 56(6) of the AI Act or following the Commission's review and adaptation of the Code in particular in light of emerging standards pursuant to Article 56(8) of the AI Act.

## GENERAL VIEWS EXPRESSED BY THE BOARD ON THE CODE

The Board welcomes the General-Purpose AI Code of Practice ('Code') and appreciates the time, effort, and dedication put into delivering the Code by the independent expert Chairs and Vice-Chairs and all stakeholders involved in this process. This Code serves as a significant benchmark for compliance with the AI Act.

As a general comment, the Board positively recognises the effort to take the specific circumstances of stakeholders such as SMEs or open-source model providers into account, without resulting in an exemption from compliance. The Board stresses that these concerns should always be kept in mind when applying the alleviations for SMEs, SMCs, or open-source model providers.

The Board also stresses that the Code should be read together with the template to be provided by the European AI Office ('AI Office') under Article 53(1), point (d), and the relevant guidelines by the Commission, in order to eliminate any unnecessary overlap, ensure consistency and coverage of all relevant provisions of the AI Act.

**On the Transparency Chapter**, the Board notes positively the inclusion of an interactive form (Model Documentation Form) to provide clear and practical instructions on the information which participants should document and may be filled in directly by participants as a means of demonstrating compliance with this requirement.

**On the Copyright Chapter**, the Board notes positively the alignment of this Chapter with the Union law on copyright and related rights in the context of demonstrating compliance with Article 53(1). This includes the acknowledgement of the importance of national implementations of relevant directives. Moreover, the Board notes positively that the Copyright Chapter now explicitly confirms that compliance with the Code and the related obligations in the AI Act is to be distinguished from compliance with Union law on copyright and related rights. Regarding the opt-out protocols, the Board strongly incentivises providers to support the development of alternative standards and protocols regarding the reservation of rights under (EU) Directive 2019/790. Relatedly, the Board encourages the Commission to launch promptly the inclusive process with the participation of relevant stakeholders for the identification and general agreement on existing state-of-the-art opt-out protocols as an immediate solution to provide clarity regarding other opt-out protocols than robot.txt that must be respected in anticipation of the development of international and European cross-industry standards. The Board emphasises the importance for rightsholders also to have information on the training data used, as required in the sufficiently detailed summaries under Article 53(1), point (d), that should facilitate the exercise and enforcement of rightsholders' rights, while taking into due account the need to protect providers' trade secrets and confidential business information, and proportionality of the level of detail.

**On the Safety and Security Chapter**, the Board notes positively the inclusion of an open-ended identification process of systemic risks (to public health, safety, public security, fundamental rights, or the society as a whole) in Measure 2.1. Such an approach creates flexibility, allowing for the tailoring of systemic risk assessments to the specific model concerned. The Board also commends the structured process provided in Commitments 2 to 4 to assist participants in their systemic risk acceptance determination. The Board takes note that under the Code, independent external evaluators in model evaluations are needed, unless a model is considered a similarly safe or safer model with regard to the same systemic risk (pursuant to Appendix 2) or no suitable independent external evaluator can be appointed, as specified in Measure 3.5 and Appendix 3.5. The Board recommends to closely monitor and review the implementation of independent external evaluations ahead of future iterations. Moreover, the Board notes positively that the Safety and Security Chapter intends to provide simplified compliance pathways for SMEs and SMCs, including start-ups. The Board recommends to closely monitor the impact of the implementation of the Code in this context and, in future iterations, to review the measures with a view to ensure further simplification for small organisations when appropriate.

**DETAILED ASSESSMENT BY THE BOARD**

Pursuant to Article 56(2) and Article 56(4) of the AI Act, the Board's assessment is based on following four criteria, namely:

1. whether the Code covers at least the obligations provided for in Articles 53 and 55, including pursuant to Article 56(2), points (a) to (d):
    a. the means to ensure that the information referred to in Article 53(1), points (a) and (b), is kept up to date in light of market and technological developments;
    b. the adequate level of detail for the summary about the content used for training;
    c. the identification of the type and nature of the systemic risks at Union level, including their sources, where appropriate;
    d. the measures, procedures, and modalities for the assessment and management of the systemic risks at Union level, including the documentation thereof, which shall be proportionate to the risks, take into consideration their severity and probability and take into account the specific challenges of tackling those risks in light of the possible ways in which such risks may emerge and materialise along the AI value chain.
2. whether the Code clearly sets out its specific objectives pursuant to Article 56(4);

3. whether the Code contains commitments or measures, including key performance indicators as appropriate ("KPIs"), to ensure the achievement of those objectives pursuant to Article 56(4);
4. whether the Code takes due account of the needs and interests of all interested parties, including affected persons, at Union level pursuant to Article 56(4).

Below the Board presents its assessment of each of above-mentioned criteria.

**1. Assessment of the first criterion (i.e. the minimum content to be covered by the Code) according to Article 56(2)**

According to Article 56(2) of the AI Act, the Code should cover at least the transparency and copyright obligations provided for in Article 53 (for the providers of general-purpose AI models) and Article 55 (for the providers of general-purpose AI models with systemic risk). In particular, Article 56(2) presents four issues [outlined above in points (1)(a) to (d)], which are assessed below.

**1.1. Coverage of the obligations imposed on a provider of a general-purpose AI model [Article 53 of the AI Act, including Article 56(2), points (a) and (b)]**

*1.1.1. Transparency obligations [Article 53(1), points (a) and (b), including Article 56(2), point (a)]*

The Board considers that the information required under the Model Documentation Form in the Transparency Chapter of the Code covers Annex XI, Section 1, and Annex XII, as well as the additional requirements from Article 53(1), points (a) and (b), and recommends closely monitoring its effectiveness, taking into account market and technological developments, with a view to possible updates. Further, Commitment 10 in the Safety and Security Chapter of the Code covers Annex XI, Section 2, that applies only to providers of general-purpose AI models with systemic risk. This should ensure that the transparency requirements in regard to the AI Office, national competent authorities, and downstream providers are fulfilled.

*1.1.2. Copyright obligations [Article 53(1), point (c) and (d), including Article 56(2), point (b)]*

The Board considers the Copyright Chapter of the Code consistent with the Union law on copyright and related rights. This includes the acknowledgement of the importance of the national implementations of the relevant directives, without prejudice to recital 106 of the AI Act, and the explicit confirmation that compliance with the Code and the related obligations in the AI Act is to be distinguished from compliance with Union law on copyright and related rights.

The Board considers the consistent terminology and the measures complementary to Union copyright law (e.g. on exclusion of piracy websites, complaints mechanism, preventive technical safeguards to avoid copyright infringing outputs pursuant to Measures 1.2, point (b), 1.4, and 1.5 of the Copyright Chapter) to cover Article 53(1), point (c), of the AI Act.

While a stronger commitment from participants to publish a summary of their copyright policy may have been desirable, the Board also acknowledges that Measure 1.1 of the Copyright Chapter should not result in an active public transparency requirement as that would go beyond the obligation under Article 53(1), point (c), of the AI Act.

Overall, the Board considers that Commitment 1 and the related Measures of the Copyright Chapter cover the obligation contained in Article 53(1), point (c), of the AI Act. The Board recommends closely monitoring their effectiveness, taking into account market and technological developments, with a view to possible updates.

Moreover, the Board takes note that the obligation provided for in Article 53(1), point (d), and Article 56(2), point (b), should be directly covered by the template provided by the AI Office in line with Article 53(1), point (d), the adequacy of which the Board did not assess. This template should specify the required level of detail, as clarified in recital 107 of the AI Act.

### 1.2. Coverage of obligations imposed on a provider of a general-purpose AI model with systemic risk [Article 55 of the AI Act, including Article 56(2), point (c) and (d)]

*1.2.1. Model evaluation [Article 55(1), point (a)]*

The Board considers that Measure 3.2, in conjunction with Appendix 3 of the Safety and Security Chapter of the Code, clarifies the application of Article 55(1), point (a), to perform model evaluations. Appendix 3 clarifies various properties of model evaluations, including the rigour and depth (Appendix 3.1), the level of model elicitation (Appendix 3.2), the effectiveness of technical safeguards (Appendix 3.3), the qualification and resourcing of evaluation teams (Appendix 3.4), and under which conditions external evaluations are appropriate (Appendix 3.5). In addition, Measure 1.2 clarifies that lighter-touch model evaluations should be done more frequently along the entire model lifecycle, and Measure 3.5 addresses model testing as part of post-market monitoring, including under which conditions external evaluations are appropriate.

*1.2.2. Risk identification and mitigation [Article 55(1), point (b), including Article 56(2), points (c) and (d)]*

The Board considers that Appendix 1 of the Safety and Security Chapter of the Code covers Article 56(2), point (c), in conjunction with Article 3(65) of the AI Act. More specifically,

Appendix 1.1 provides a list of examples of risks that fall under the types of risks that Article 3(65) of the AI Act sets out. Appendix 1.2 provides considerations for the nature of systemic risks and distinguishes between essential and contributing characteristics in Appendices 1.2.1 and 1.2.2. Appendices 1.3.1 to 1.3.3 entail categories of systemic risk sources, including model capabilities, propensities, and affordances. Appendix 1.4 specifies certain systemic risks derived from recital 110 of the AI Act and from international approaches that form part of the open-ended systemic risk identification process pursuant to Commitment 2.

Further, the Board considers that the Safety and Security Chapter of the Code covers Article 55(1), point (b), and 56(2), point (d). The whole Safety and Security Chapter is framed around the assessment and mitigation of systemic risks at Union level, as clarified in its recital (i). The required documentation thereof is specified in Commitment 10. Recital (b) emphasises that the systemic risk assessment and mitigation should be contextual and reflect integrations of the model into AI systems and recital (c) acknowledges that the interpretation of the Code needs to reflect the proportionality principle. More specifically, Commitments 1 to 4 clarify the obligation to assess possible systemic risks at Union level stemming from the model through an iterative and recursive process of systemic risk identification (Commitment 2), analysis (Commitment 3), and acceptance determination (Commitment 4). Commitments 1, 5, and 6 clarify the obligation to mitigate possible systemic risks at Union level stemming from the model. In particular, participants commit to implementing appropriate safety mitigations (Commitment 5) and security mitigations (Commitment 6) to ensure systemic risks are acceptable (Commitment 4).

*1.2.3. Information about serious incidents [Article 55(1), point (c)]*

The Board considers that Commitment 9 of the Safety and Security Chapter of the Code clarifies the application of Article 55(1), point (c), to keep track of, document, and report relevant information about serious incidents and possible corrective measures to address them. In particular, it sets out methods for the identification of serious incidents (Measure 9.1), which information is relevant for a given serious incident (Measure 9.2), what "without undue delay" typically requires from reporting timelines (Measure 9.3), and for how long the information should be kept (Measure 9.4).

*1.2.4. Cybersecurity protection [Article 55(1), point (d)]*

The Board considers that Commitment 6 of the Safety and Security Chapter of the Code clarifies the application of Article 55(1), point (d), to ensure an adequate level of cybersecurity protection for the model and its physical infrastructure. In particular, participants commit to

specifying a security goal that takes account of expected threat actors and to ensuring that their security measures meet this goal (Measure 6.1). Further, Measure 6.2 in conjunction with Appendix 4 specify various security objectives and suggested security measures thereunder, which participants commit to implementing, while allowing for deviating measures if participants can justify that a similar level of cybersecurity protection is ensured.

### 1.3. Conclusion on the first criterion (i.e. minimum content to be covered by the Code)

In light of the above, the Board concludes that the Code covers the obligations provided for in Article 53 and Article 55 of the AI Act. Moreover, the Board concludes that the Code covers issues outlined in Article 56(2), points (a), (c), and (d), leaving point (b) to be covered in the template prepared by the AI Office in line with Article 53(1), point (d), of the AI Act. The Board nonetheless recommends closely monitoring the effectiveness of these measures to that end, taking into account market and technological developments, with a view to possible updates.

## 2. Assessment of the second criterion (i.e. specific objectives being clearly set out in the code) according to article 56(4)

According to Article 56(4) of the AI Act, the Code should clearly set out its specific objectives.

The Board positively assesses that the Code sets out its specific objectives in a dedicated section at the start of each Chapter (Section 'Objectives'). In particular, the Code aims to serve as a guiding document for providers of general-purpose AI models with and without systemic risk to demonstrate compliance with Articles 53 and 55 (Objective A) and – thus – to ensure compliance and enable the assessment of compliance by the AI Office (Objective B). More specifically, the **Transparency, Copyright, and Safety and Security Chapters** contain dedicated recitals clarifying various purposes and considerations that the commitments serve.

In light of the above, the Board concludes that the Code clearly sets out its specific objectives and – thus – meets the second criterion referred to in Article 56(4) of the AI Act.

The Board recommends close collaboration with the AI Office on monitoring and evaluating the achievements of the objectives of the Code, preceding any future updating of the Code. In that respect, the Board recommends assessing whether adding further objectives or measures supporting the evaluation and assessment of the Code in future iterations is appropriate. As part of the monitoring and evaluating process for future iterations, the Board also recommends paying particular attention to the Code's articulation with international approaches where appropriate.

### 3. Assessment of the third criterion (i.e. commitments or measures to ensure achievement of the objectives) according to article 56(4)

According to Article 56(4) of the AI Act, the Code should contain commitments or measures, including KPIs as appropriate, to ensure the achievement of specific objectives of the Code.

The Board recognises that the Code establishes a number of commitments: two are applicable to all providers of general-purpose AI models in the Transparency and Copyright Chapters; ten additional commitments are in the Safety and Security Chapter and address specifically providers of general-purpose AI models that are classified as presenting systemic risk. These Commitments are further elaborated in three separate documents, which outline the corresponding measures.

In relation to the **Transparency and Copyright Chapters** of the Code, the Board considers dedicated reporting commitments not necessarily appropriate here as the obligations under Article 53(1) of the AI Act that are covered by these Chapters of the Code require documentation, policies, and summaries by providers of general-purpose AI models. As such, the Board considers monitoring the adherence to related commitments of the Transparency and Copyright Chapters may rely on other means than proactive reporting by participants without necessarily ruling out this option for the future. The Board recommends closely monitoring the impact and effectiveness of these measures, with a view to possible updates.

In relation to the **Safety and Security Chapter**, the Board considers that Commitment 1 entails in its Measures 1.1 and 1.4 a list of high-level systemic-risk-related information that the participants commit to compiling and reporting to the AI Office, to suitably ensure achievement of this Chapter's objectives. In addition, participants commit to reporting to the AI Office information about their model, their systemic risk assessment and mitigation measures, and adherence to the Safety and Security Chapter of the Code pursuant to Commitment 7.

The Board recommends closely monitoring the impact and effectiveness of the risk assessment process proposed. In particular, the role of the specification of tasks, the severity and probability of specific risks, the choice of risk control measures, and minimum risk management measures, with a view to possible updates. The Board also recommends monitoring if further clarifications regarding the articulation of these measures with the requirements of the Cyber Resilience Act are needed in future iterations.

In light of the above, the Board concludes that the Code contains commitments or measures in order to ensure the achievement of specific objectives of the Code in line with Article 56(4) of the AI Act.

### 4. Assessment of the fourth criterion (i.e. the needs and interests of all interested parties) according to article 56(4)

According to Article 56(4) of the AI Act, the Code should take due account of the needs and interests of all interested parties, including affected persons, at Union level.

In general, the Board acknowledges that the Code was developed by taking into account feedback from approximately 1,000 stakeholders, including international observers and EU Member State representatives.

In relation to the **Transparency Chapter**, the Board positively assesses that the transparency requirements regarding the AI Office, national competent authorities, and downstream providers ensure that providers of general-purpose AI models are not disproportionately burdened. Although the Board recognises that the Code is not intended to address questions related to the scope of the obligations for providers of general-purpose AI models. The Board positively notes the clarification made in the Code that actors who modify a given general-purpose AI model and become the provider of the modified model only need to document information regarding the modification. Acknowledging the special situation of providers of open-source models who are not exempt from the obligations pursuant to Article 53(1), points (a) and (b), because they do not comply with the requirements for open source foreseen in Article 53(2) of the AI Act, the Board positively notes the updates made to the items concerning "distribution channels" and "licenses" which now better take into account the situation of such providers.

Further, the Board acknowledges the balance which must be struck between the provision of transparency to the AI Office, national competent authorities, and downstream providers of AI systems who intend to integrate the general-purpose AI model into their AI systems, and the safeguarding of providers' confidential information and trade secrets, whilst remaining in line with the AI Act. In this regard, the Board positively notes the explicit references made in this Chapter of the Code to the confidentiality provisions from Article 78 and Article 53(1), point (b), of the AI Act.

In relation to the **Copyright Chapter**, the Board considers that Commitment 1 and the related Measures express a compromise that provides participants with sufficient flexibility and

minimises the administrative burden, while also strengthening the position of rightsholders, in line with recitals 105 and 106 of the AI Act. Amongst others, this has been achieved by the increased consistency in terminology and measures that are complementary to Union copyright law (e.g. on exclusion of piracy websites, complaints mechanism, preventive technical safeguards to avoid copyright infringing outputs pursuant to Measures 1.2, point (b), 1.4, and 1.5). In a similar vein, the Board appreciates the improved and clarified wording of the complaint mechanism (Measure 1.5).

In relation to the **Safety and Security Chapter**, the Board considers that Appendix 3.2 requires the model evaluations to at least match the expected use context, informed by the integrations into AI systems, and thus reflects the experience by final users and integrations by downstream providers in the systemic risk assessment of the participants. Relatedly, Measure 3.1 lists "the effects of models on natural persons, including vulnerable groups" as an exemplary investigation aim for collecting model-independent information. Measure 3.5 lists "collecting end-user feedback" as an exemplary post-market monitoring method to be taken into account by participants. Further, the participants commit in Measure 9.1 to facilitating the reporting of serious incidents of the model by downstream providers and final users and thus contribute to the visibility of incidents that may affect downstream providers and final users to the Commission and, as appropriate, national competent authorities. This is underscored by recital (e) that emphasises the principle of cooperation between the participants and downstream providers. The Board appreciates the efforts made to simplify compliance pathways within the framework of the Code, in particular for SMEs and SMCs, as well as other small organisations. In that respect, the Board urges that adequate resources be allocated to the AI Office pursuant to Appendix 3.5.

In light of the above, the Board positively assesses that the Code takes due account of the needs and interests of all interested parties, including affected persons, at Union level in line with Article 56(4) of the AI Act. The Board nonetheless recommends to closely monitor the impact of the implementation of the Code for SMEs, SMCs, and small organisations as well as for open-source model providers, with a view to adapt or complement its measures as needed in future iterations

**CONCLUSION**

In conclusion, based on the comprehensive assessment and recommendations provided above, the Board affirms that the General-Purpose AI Code of Practice satisfies the criteria outlined

in Article 56(2) and Article 56(4) of the AI Act concerning codes of practice. Consequently, subsequent to the publication of the Code and the commencement of the pertinent obligations for providers of general-purpose AI models on 2 August 2025, the Board emphasises the necessity for the Code to remain accessible to additional relevant stakeholders. Simultaneously, the Board recommends closely monitoring the implementation of the Code and its effectiveness with a view to inform future iterations. The Board highlights the importance of continued improvement with a view to supporting and simplifying compliance along the value chain.

Pursuant to Article 56(6) of the AI Act, 'the Board and the AI Office shall regularly monitor and evaluate the achievement of the objectives of the codes of practice by the participants and their contribution to the proper application of [the AI Act]'. To effectively monitor the realisation of the Code's objectives, the Board looks forward to regular updates from the AI Office on its own monitoring of the Code and implementation efforts of the AI Act and may also engage in collaborative efforts with the Commission, national competent authorities, downstream providers, and other relevant entities. Notably, the Board reserves the right to urge the Commission to initiate enforcement steps within the scope of authority conferred by the AI Act.

Subject to the outcomes of these actions, the Board may, where and when deemed appropriate, encourage the Commission to facilitate the review and amendment of the Code, particularly in response to the emergence of new standards pursuant to Article 56(8) of the AI Act, in light of the experience gained from the implementation of the Code and the AI Act themselves or due to the rapid development of AI, which may require frequent and timely updates. Updates to the Code should follow a structured plan, addressing advancements and anticipated transitions as standards are implemented. This approach accommodates the inherently adaptable nature of codes of practice compared to other instruments such as guidelines. The Board shall, where and when deemed appropriate, provide constructive feedback to participants and propose updates to the Code in response to novel technological developments and emerging challenges.