

Question for written answer E-002796/2025

to the Commission

Rule 144

Brando Benifei (S&D), Michael McNamara (Renew), Axel Voss (PPE), Kim Van Sparrentak (Verts/ALE), Sergey Lagodinsky (Verts/ALE)

Subject: Ensuring public transparency in the General-Purpose AI Code of Practice

It is with great concern that we take note of the last-minute removal of key areas, such as public transparency, from General-Purpose AI Code of Practice and the weakening of risk assessment and mitigation provisions¹. We reiterate the cross-party message of 25 March 2025 that using a code of practice to reinterpret and narrow a legal text agreed by the co-legislators is problematic and undemocratic, and creates legal uncertainty².

1. How does the Commission consider the objectives of the AI Act³ and due process to be safeguarded if Parliament was not consulted on such significant changes to the final draft, while most providers reportedly received the full text of the final draft?
2. Does the Commission agree that public transparency and accountability are essential for enforcing the AI Act and that fostering trust and widespread adoption of AI depend on the availability of accurate information for citizens, downstream providers, and users?
3. How does the Commission expect the AI Act to support a market for trustworthy and reliable AI in Europe, especially for downstream providers, small and medium-sized enterprises and consumers in Europe, with a lack of public transparency and weakened risk assessments, and when documentation can be submitted long after models appear on the market?

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¹ <https://www.mlex.com/mlex/artificial-intelligence/articles/2361422/civil-society-academics-ask-to-enhance-transparency-in-eu-code-for-ai-models>.

² According to settled case law, the adoption of rules essential to the subject-matter envisaged is reserved to the legislature of the European Union (see, to that effect, Case C 104/97 P *Atlanta v European Community* [1999] ECR I 6983, paragraph 76; and Case C 356/97 *Molkereigenossenschaft Wiedergeltingen* [2000] ECR I 5461, paragraph 21). The essential rules governing the matter in question must be laid down in the basic legislation and may not be delegated (see, to that effect, Case C 156/93 *Parliament v Commission* [1995] ECR I 2019, paragraph 18; *Parliament v Council*, paragraph 23; Case C 48/98 *Söhl & Söhlke* [1999] ECR I 7877, paragraph 34; and Case C 133/06 *Parliament v Council* [2008] ECR I 3189, paragraph 45 and CJEU ruling C-355/10 paragraph 64).

³ Regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence, OJ L, 2024/1689, 12.7.2024, ELI: <http://data.europa.eu/eli/reg/2024/1689/oj>.