



Joint letter to the attention of:

Executive-Vice President Henna Virkkunen
European Commission
Rue de la Loi 200
B-1049 Brussels

cc: Member of Cabinet Werner Stengg

Brussels, 17.06.2026

Dear Executive-Vice President Henna Virkkunen,

We are writing on behalf of associations representing the audio and audiovisual media community in Europe. Our members produce and distribute trusted media content across the EU, contributing significantly to media pluralism and serving as a credible counterweight to disinformation.

We welcome the Commission's efforts to provide clarity on the transparency obligations under Article 50 AI Act. However, we have serious concerns about several aspects of the draft Guidelines that risk producing outcomes that are disproportionate, technically unworkable and ultimately counterproductive.

Our overarching concern is that the draft guidelines adopt an overly broad interpretation of the provisions in article 50(4), (5) and article 3 No. 60. Therefore, we urge for the following amendments to the guidelines.

- Narrow and clarify the *deepfake* definition (para. 107-109): Limit it to content presenting an actual risk of deception instead of extending onto merely “realistic” content. Explicitly exclude fictitious, non-deceptive content as well as minor content or technical adjustments.

- Clarify timing of disclosure to avoid persistent labelling (para. 132): Avoid continuous or persistent labelling obligations across content that would compromise audience engagement.
- Ensure proportionate and technically workable labelling standards that account for human perceptual limits and avoid a “banner blindness” effect.

As currently drafted, the guidelines would generate excessive and unsustainable over-labelling across a broad range of professional media content. Complying with all requirements would effectively mean that a permanent label must be displayed, even in low-risk environments. This outcome would entail substantial technical and operational burdens and – more importantly – undermine audiences’ trust in media by creating the perception of unreliability through visual clutter rather than genuine concern. This is particularly concerning, given that media service providers already operate under strict standards, ensuring regulatory oversight and human editorial responsibility.

First, the *deepfake* definition in the draft guidelines far exceeds the scope foreseen in the AI Act. By equating the criterion of “existing” with a broader notion of “realistic” content, the guidelines depart significantly from the text and intent of Article 3(60). Similarly, by assessing audience impact against the most easily misled viewer rather than an average recipient, the draft lowers the standard far below that applied in Article 50(1) and the Commission’s established practice.

Taken together, these choices would extend the labelling obligation to content that is clearly fictitious or non-deceptive, generating legal uncertainty, undermining the risk-based approach of the AI Act and producing systemic over-labelling. The definition and related obligations should not extend to content that is clearly fictitious or unrealistic and does not create genuine confusion about authenticity. Furthermore, not only minor technical but also minor content adjustments should be excluded from the notion of *deepfake*.

Secondly, the Guidelines misread the *timing* rule foreseen in the AI Act. Article 50(5) fixes the latest moment for disclosure. It does not create a continuous obligation. The reading in paragraph 132 that *deepfakes* must be labelled persistently or at later stages of a live broadcast is therefore disproportionate and has no basis in the law. This affects audiovisual as well as audio content, where persistent or repeated disclosure is particularly impractical and risks disrupting the listening experience. The guidelines themselves acknowledge the risk of “banner blindness”: labelling large volumes of non-deceptive content will desensitise audiences, undermining the transparency objective in precisely the cases where it matters most.

The Guidelines, as drafted, risk achieving the opposite of their stated objective: rather than building audience trust in AI transparency, they would flood viewers with labels on non-deceptive content, eroding the very signal they are meant to convey. Targeted adjustments to the *deepfake* definition and the implementation/labelling requirements and the

allocation of responsibility are essential to ensure the Guidelines are both legally sound and workable in practice.

We would welcome the opportunity to jointly discuss and further elaborate on this matter with you and your team at your convenience.

Yours sincerely

Signatories (in alphabetical order):

1. Arbeitsgemeinschaft Privater Rundfunk (APR)
2. Asociace komerčních televizí (AKTV)
3. Association of Commercial Television and Video on Demand Services in Europe (ACT)
4. Association of European Radios (AER)
5. European Association of Television and Radio Sales Houses (egta)
6. European Broadcasting Union (EBU)
7. Verband Privater Medien (VAUNET)
8. Verband Österreichischer Privatsender (VÖP)