

# Newsletter

## Tech / Data

July – August 2025

**The right to remain silent prevails at the CNIL: a major step forward for the rights of the defense**

The Constitutional Council enshrines the right to remain silent in CNIL sanction proceedings, finally bringing data protection into line with criminal law standards.

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## LATEST NEWS - TECHNOLOGIES

### **The European Commission publishes a code of conduct for general-purpose AI**

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[Code of Practice on General-Purpose AI Models, Chapter on Transparency, 10 July 2025](#)

[Code of Practice on General-Purpose AI Models, Chapter on Copyright, 10 July 2025](#)

[Code of Practice on General-Purpose AI Models, Chapter on Safety and Security, 10 July 2025](#)

On 10 July 2025, the Code of Practice for General Purpose Artificial Intelligence Models was published. This was provided for in Article 56 of [the Artificial Intelligence Regulation 2024/1689](#). It is part of the gradual implementation of this text and aims to support providers of general-purpose artificial intelligence models in complying with their obligations under, in particular, Article 53 of the Regulation.

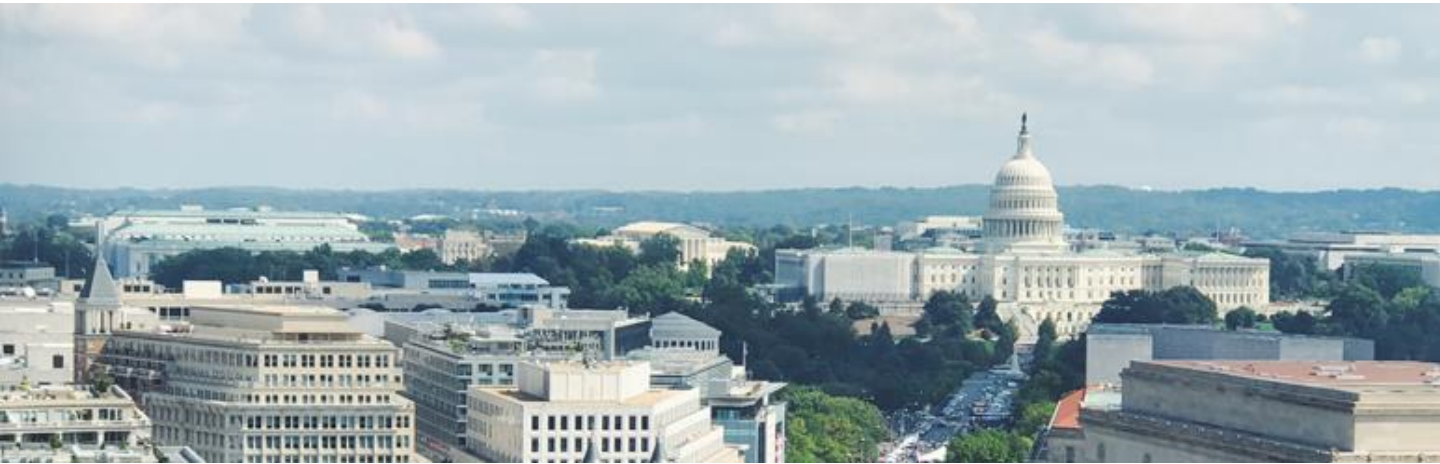
This code of good practice is a voluntary and relevant tool enabling suppliers of general-purpose artificial intelligence models to demonstrate their compliance with European AI legislation. Once approved, providers who choose to sign it can demonstrate their compliance with the rules by adhering to it. This approach allows them to reduce administrative formalities and benefit from greater legal certainty compared to other methods of proving compliance.

The code is divided into three chapters: transparency, copyright, and safety and security. The chapters on transparency and copyright offer all providers of general-purpose AI models a concrete way to demonstrate their compliance with the obligations set out in Article 53 of the AI legislation.

However, the chapter on safety and security applies only to a limited number of providers: those who develop the most advanced AI models, which are considered to pose a systemic risk. These providers are subject to the specific requirements of Article 55 of the AI legislation.



## LATEST NEWS - TECHNOLOGIES



### **The United Nations General Assembly has published a draft resolution on artificial intelligence**

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[Draft resolution A/79/L.118, 18 August 2025](#)

On 18 August 2025, the United Nations General Assembly published draft resolution A/79/L.118 establishing an Independent International Scientific Panel and Global Dialogue on Artificial Intelligence Governance.

With the aim of ensuring independent scientific expertise, inclusive consultation and annual monitoring of the risks, opportunities and impacts of AI, in order to support States in developing appropriate public policies, this text is organised around three main areas : the creation of an independent international scientific panel, the establishment of a global dialogue on AI governance, and logistical and financial support to enable inclusive participation, particularly by developing countries.

Firstly, the UN plans to create an independent international scientific panel on artificial intelligence, composed of forty experts appointed for three years according to criteria guaranteeing diversity, expertise and independence. The main task of this panel will be to produce a non-prescriptive annual report on the civil challenges of AI, supplemented if necessary by thematic notes. Its conclusions will be presented to the General Assembly as part of the Global Dialogue on Artificial Intelligence Governance.

The draft resolution then provides for the creation of the "Global Dialogue on Artificial Intelligence Governance", an annual forum open to Member States and non-governmental stakeholders. This dialogue will address major issues such as the security of AI systems, human rights, transparency and the promotion of open models, and will be held alternately in New York and Geneva on the sidelines of major conferences. From 2025 onwards, its conclusions will feed into intergovernmental consultations with a view to revising the Global Digital Compact.

Thirdly, the draft provides for the Secretary-General to provide administrative support to the Panel and the Dialogue, with voluntary contributions to encourage the participation of developing countries. It also emphasises coordination with UN agencies to ensure coherent international action on AI.

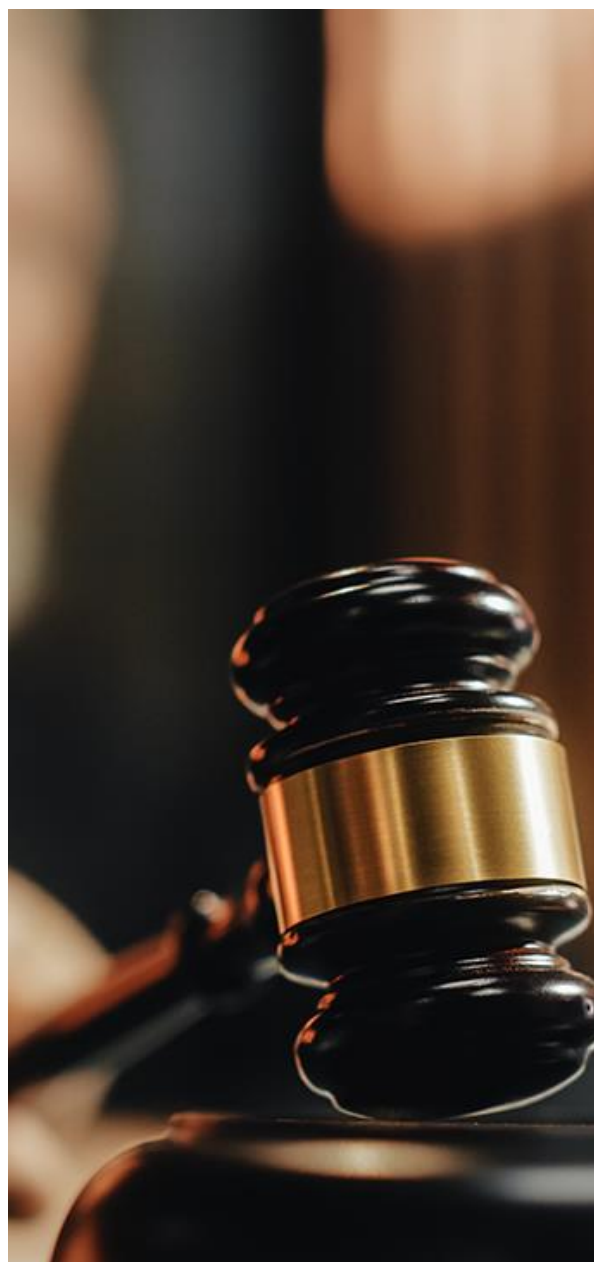
## PERSONAL DATA NEWS

**The right to remain silent also applies to administrative sanction proceedings conducted by AAI, such as the CNIL**Decision No. 2025-1154 QPC of 8 August 2025 – Cosmospace Company and other

On 8 August 2025, the Constitutional Council ruled that Article 22 of the Data Protection Act, as amended in May 2024, is partially unconstitutional because it does not provide for persons brought before the CNIL to be informed of their right to remain silent. However, the sanctions imposed by the CNIL are punitive in nature, and statements made during the proceedings may be used against the persons concerned, which contravenes the fundamental principle that no one is required to incriminate themselves ("Nemo tenetur se ipsum accusare" - Article 9 of the 1789 Declaration of the Rights of Man and of the Citizen).

The Council emphasises that this shortcoming may mislead the persons concerned, leading them to incriminate themselves unintentionally. This results in an infringement of the rights of defense, justifying a deferred repeal of Article 22 on 1 October 2026, so as not to paralyse ongoing proceedings. However, as of 8 August 2025, the CNIL is required to inform any person implicated of their right to remain silent, and penalties already imposed cannot be challenged on this basis.

This decision marks an important development in data protection law, bringing the CNIL's sanctioning procedure into line with the standards of criminal law. It strengthens procedural safeguards for companies, in particular data controllers and processors, by limiting the risks of self-incrimination. For Data Protection Officers and lawyers, this implies an adaptation of practices: preparing responses to the CNIL, training teams for hearings, and rigorously documenting cooperation with the CNIL while managing legal risks with the authority.



## PERSONAL DATA NEWS

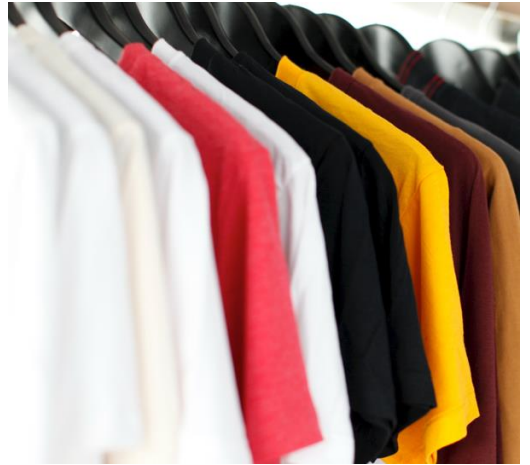
### **The European Commission has preliminarily concluded that Temu has violated the DSA with regard to illegal products on its platform**

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[European Commission press release, 28 July 2025](#)

The European Commission has preliminarily found that Temu is not complying with certain obligations under the Digital Services Act (DSA), in particular with regard to the assessment of risks related to the presence of illegal products on its platform.

An investigation launched in October 2024, including a mystery shopping exercise, revealed that European consumers are highly exposed to products that do not comply with European law, such as children's toys and electronic devices. Temu's risk assessment was found to be inaccurate, as it was based on general industry data rather than information specific to its own business.



The Commission is also continuing its investigation into other potential breaches, including:

- the effectiveness of the moderation measures put in place,
- the use of addictive designs,
- the lack of transparency in recommendation systems,
- insufficient access to data for researchers.

Temu now has the opportunity to respond to the preliminary findings and assert its rights in defense. If the violations are confirmed, the Commission could adopt a non-compliance decision, resulting in:

- fines of up to 6% of annual global turnover,
- corrective obligations,
- a period of enhanced supervision.



Stéphanie Berland

**Partner**

T: +33 1 40 69 26 63

E: s.berland@dwf.law



Emmanuel Durand

**Partner**

T: +33 1 40 69 26 83

E: e.durand@dwf.law



Florence Karila

**Partner**

T: +33 1 40 69 26 57

E: f.karila@dwf.law



Anne-Sylvie Vassenaix-Paxton

**Partner**

T: +33 1 40 69 26 51

E: as.vassenaix-paxton@dwf.law

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