



Strasbourg, 20 November 2019

CAHAI(2019)07

AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)

1st meeting

Strasbourg, 18-20 November 2019

Palais de l'Europe, room 9

ABRIGED MEETING REPORT

Prepared by the CAHAI Secretariat

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I. Introduction

1. The Council of Europe's Ad Hoc Committee on Artificial Intelligence (hereinafter referred as "CAHAI" or "the Committee") held its 1st plenary meeting in Strasbourg on 18-20 November 2019, in conformity with its terms of reference adopted by the Committee of Ministers on 11 September 2019.
2. Mr Jan Kleijssen, Director, Information Society and Action against Crime, and Ms Claudia Luciani, Director of Human Dignity, Equality and Governance, chaired the meeting pending the election of the Chair of the Committee. Following the elections in the afternoon of the 1st meeting day, the meeting was chaired by Mr Gregor Strojic (Slovenia) The agenda and order of business (as adopted) appears in the Appendix I.

II. List of items discussed at the meeting and decisions taken by the CAHAI

Agenda item 1: Opening of the meeting

3. The Committee thanked Ms Gabriella Battaini-Dragnoni, Deputy Secretary General of the Council of Europe, for opening the meeting of the CAHAI and for her words of support to the work of the Committee.

Agenda item 2: Adoption of the agenda and order of business

4. The agenda and order of business were adopted without any modifications.

Agenda item 3: Introduction by the Secretariat

5. The Committee took note of the Terms of reference of CAHAI and of the applicable procedural rules, in particular Resolution CM/Res(2011)24.
6. The Committee also took note of the information provided by the Secretariat regarding the procedure for the organisation of elections for the positions of President, Vice-President and Bureau members, and of the deadline (11 am on the first day of the meeting) for the expression of interest in these positions.

Agenda item 4: Exchange of views: addressing the challenges of developing, designing and applying artificial intelligence

7. The Committee thanked the invited speakers for their presentations concerning the impact of artificial intelligence on individuals and society, the inventory of soft law instruments on artificial intelligence, the inventory of existing international legally-binding frameworks already applicable to artificial intelligence, as well as different instances of artificial intelligence strategies, policies and legal frameworks, in particular from the United Kingdom, France, Germany and the Russian Federation. The Committee expressed its appreciation of the wide diversity of perspectives and for the excellent contributions provided.

Agenda item 5: Work undertaken by international and regional organisations

8. The Committee was updated by the CAHAI Secretariat on the Council of Europe's work and initiatives on artificial intelligence. The Secretariat's presentation was complemented by interventions of relevant committees' representatives and secretariat staff members of other Council of Europe's bodies. The CAHAI decided to entrust the Secretariat with regularly updating the document CAHAI(2019)INF2 to serve as a reference document for its work.
9. It also heard an update on work ongoing within other international organisations in the field of artificial intelligence, in particular from the European Data Protection Supervisor, the Fundamental Rights Agency, and the European Commission and underlined the importance of synergies and coordination in the work going forward. The Committee welcomed their readiness to contribute to the work and reflections of the CAHAI.

Agenda item 6: Information on work on artificial intelligence by CAHAI participants and observers and engagement with CAHAI

10. The Committee took note with interest of the information provided by observer States (Holy See, Mexico, United States) and by the Network of National Human Rights Institutions. It thanked speakers from civil society organisations.
11. The Committee took note of the Secretariat's information about the Council of Europe's partnership arrangements with Internet companies and their representative associations. It welcomed the latter's representatives' interventions and stated engagement to contribute to the work of the CAHAI.

Agenda item 7: The CAHAI's future feasibility study on a legal framework for the development, design and application of artificial intelligence: discussion of possible elements and any other proposals for future action

12. The Committee:
 - held an exchange of views and took note of the preliminary elements put forward by various delegations, in particular that:
 - o the feasibility study should include, inter alia, a mapping of the work on AI already carried out within the Council of Europe and other international organisations, a mapping of the relevant legally binding instruments, soft law instruments and other legal frameworks, as well as a mapping of risks and opportunities arising from the development, design and application of artificial intelligence, including the impact of the latter on human rights, rule of law and democracy;
 - o attention should be paid to coordinate with existing or ongoing work with other international organisations, in particular the European Union and the OECD, in order to promote synergies and avoid any duplication;

- applicable principles to the design, development and application of artificial intelligence should be included in the study and the technical aspects should adequately be taken into account;
 - further reflections are required on what would constitute the most suitable legal framework on artificial intelligence.
- Instructed the Bureau with the support of the Secretariat to proceed with the above-mentioned mappings, which would be the starting point for the work of the CAHAI. The findings should be considered for deciding the opportunity of a definition of artificial intelligence and for defining a suitable legal framework for the design, development and application of artificial intelligence, based on Council of Europe standards on human rights, democracy and the rule of law while taking into account other regional and international instruments as referred to in the CAHAI's terms of reference.

Agenda item 8: Exchanges of views on proposed working methods of the CAHAI and the workplan for 2019-2021

13. The Committee:

- held an exchange of views on principles, format, relevant stakeholders and the CAHAI workplan for 2019-2021, and agreed on the importance of a transparent communication approach;
- adopted the document CAHAI(2019)04 describing such working methods;
- instructed the CAHAI Secretariat to invite participants, on the basis of a template, to submit additional contributions aimed to support the work of the Bureau by 16 December;
- discussed and approved the role and tasks of the Gender Equality Rapporteur of the CAHAI as set out in document CAHAI(2019)03;
- welcomed the expression of interest of Ms Jana NOVOHRADSKA and unanimously appointed her as the Gender Equality Rapporteur of the CAHAI ;
- with regard to the admission of as observers other than those already explicitly mentioned in CAHAI's terms of reference, took note of the relevant rules and heard the information of the secretariat on an additional request; decided that the following criteria should be applied as the basis for the admission of any additional observers (civil society organisations, other private sector and academic actors) to the CAHAI:
 - degree of representativeness of a requesting civil society organisation, private sector or academic actor;
 - the contribution it could make to the fulfilment of CAHAI's main task in the light of its background work and experience;
 - its previous experience of cooperation with the Council of Europe or other international organisations in this field;
- decided to invite organisations requesting observer status to the CAHAI to the next CAHAI Plenary meeting as invited guests, following the process proposed in document CAHAI(2019)5.

Agenda item 9: Election of Chair, Vice - Chair and Bureau members

14. The Committee elected for a period of one year, renewable once:

Gregor STROJIN (Slovenia) as Chair of CAHAI
Peggy VALCKE (Belgium) as Vice-Chair

15. The Committee elected for the duration of its mandate the following Bureau members:

Siiri AULIK (Estonia)
Marco BELLEZZA (Italy)
Marine KETTANI (France)
Thomas SCHNEIDER (Switzerland)
Wolfgang TEVES (Germany)

Agenda item 10: Date and place of next meetings

16. The Committee decided to hold its next plenary meetings as follows:

- 2nd plenary meeting: 11-13 March
- 3rd plenary meeting: 30 November – 2 December

17. The Committee took note of the date and place of the next Bureau meeting.

Agenda item 11: Other business

18. The CAHAI took note of the abridged report on the first meeting of the Bureau, as it appears in the document CAHAI/Bu(2019)Rep1 and its annex.

19. The CAHAI took note of the legal advice provided by the Council of Europe Jurisconsult and decided, in principle, to associate other member States in the work of the Bureau without defrayal of expenses and voting rights. A decision on member States associated to the work of the Bureau would be taken by the CAHAI in advance of each Bureau meeting, while the modalities of their involvement would be determined by the Bureau. The CAHAI took note of the expressions of interest of Armenia, Azerbaijan, Spain, the Netherlands, the Russian Federation, as well as of the Gender Equality Rapporteur, and decided to admit them at the next Bureau meeting in January 2020.

20. The Committee invited other interested member States to express their interest in advance of the next Plenary meeting, for a decision to be taken with respect to their participation to the second Bureau meeting (September 2020).

Agenda item 12: Adoption of the list of decisions and end close of the meeting

21. The CAHAI adopted the abridged meeting report and list of decisions.
22. The President thanked member States for their active participation in the meeting, and the Secretariat for its support in organising the meeting.
23. He also thanked, on behalf of the Committee, the French authorities and the French Presidency of the Committee of Ministers for the support expressed to CAHAI's establishment and work during their Chairmanship.
24. Finally, he thanked the Secretary General of the Council of Europe, Ms Marija Pejčinović Burić, for the strong support to the work of CAHAI.

APPENDIX I: AGENDA AND ORDER OF BUSINESS

AGENDA

1. Opening of the meeting

Ms Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe

[CAHAI\(2019\)OJ1-rev3](#)
[CAHAI\(2019\)OJA1](#)

2. Adoption of the Agenda and Order of Business

3. Introduction by the Secretariat

[CM/Del/Dec\(2019\)1353/1.5-app](#)

3.1 Presentation of the CAHAI, its role and tasks according to the terms of reference

[CM/Res\(2011\)24](#)

3.2 Information on elections for the positions of Chair, Vice-Chair and Bureau members

4. Exchange of views: addressing the challenges arising from the development, design and application of artificial intelligence

4.1 Impact of artificial intelligence applications on individuals and society

- ✓ Presentation by Ms Catelijne Muller, President of the Alliance for Artificial Intelligence (ALLAI), and Professor Barry O' Sullivan, President of the European Artificial Intelligence Association

4.2 Inventory of soft law instruments on artificial intelligence

- ✓ Presentation by Mr Matthias Spielkamp, Co-founder and executive director, Algorithm Watch

4.3 Inventory of existing international legally-binding frameworks already applicable to artificial intelligence

- ✓ Presentation by Mr Gabriele Mazzini, Legal and Policy Officer, DG-CONNECT, European Commission

4.4 Different instances of artificial intelligence strategies, policies and legal frameworks

- ✓ Presentation by Lord Timothy Clement-Jones, Chairman of the Select Committee on Artificial Intelligence of the House of Lords, United Kingdom
- ✓ Presentation by Mr Wolfgang Teves, Head of Division for Digital Strategy, Key Policy Issues of

the Information Society, Federal Ministry of Justice and Consumer Protection, Germany

- ✓ Presentation by Mr Félicien Vallet, Privacy Technologist, Representative of the National Technologies and Civil Liberties Commission (*Commission Nationale Informatique et Libertés*), France
- ✓ Presentation by Mr Egor Shipitsyn, Deputy Director of the Department of Strategic Development and Innovation of the Ministry of Economic Development, Russian Federation and Mr Andrey Neznamov, Executive Director for Regulation of Artificial Intelligence, JSC Sberbank

5. Work undertaken by international and regional organisations

[CAHAI\(2019\)INF2](#)

5.1 Council of Europe's work on artificial intelligence and relevant instruments

- ✓ Presentation by the Secretariat of CAHAI

5.2 Update on work undertaken by other international organisations and other multi-stakeholder initiatives

[CAHAI\(2019\)INF1](#)
[English only](#)

6. Information on work on artificial intelligence by CAHAI participants and observers and engagement with the CAHAI

6.1 Update by observer States

6.2 Update by the European Network of National Human Rights Institutions and civil society

- ✓ Presentation by Professor Marc-Antoine Dilhac, University of Montréal
- ✓ Presentation by Mr Marc Rotenberg, President, Electronic Privacy Information Center (EPIC)

6.3 Update by Council of Europe partner Internet companies and representative associations

7. The CAHAI's future feasibility study on a legal framework for the development, design and application of artificial intelligence: discussion of possible elements and any other proposals for further action

7.1 *Tour de table* among member States on the terms of reference of the CAHAI and its expected output

7.2 What could be the content of a horizontal approach to artificial intelligence by the Council of Europe?

7.2.1 Setting a common definition of artificial intelligence

7.2.2 Mapping of risks and opportunities arising from development, design and application of artificial intelligence, including impact on human rights, rule of law and democracy

7.2.3 From soft law and ethical principles to a binding legal framework?

8. Exchange of views on proposed working methods of the CAHAI and the work plan for 2019-2021

8.1 Working groups and multi-stakeholder consultations: exchange of views on principles, format, relevant stakeholders, calendar

8.2 Appointment of the Gender Equality Rapporteur

8.3 Admission of observers to the CAHAI

[CAHAI\(2019\)04](#)

[CAHAI\(2019\)03](#)

[CAHAI\(2019\)05](#)

[CAHAI\(2019\)05 ADD](#)

[CM/Res\(2011\)24](#)

[CAHAI\(2019\)01](#)

[CAHAI\(2019\)06](#)

9. Election of Chair, Vice-Chair, and Bureau members

[CAHAI\(2019\)02](#)

10. Date and place of next meetings

11. Any other business

12. Adoption of the list of decisions and close of the meeting

ORDER OF BUSINESS

| | | |
|--------------------|---------------------------|---|
| 18 November | Morning (from 9.30 am) | Items 1,2,3,4 |
| | afternoon | Item 4 (continued) Elections (Item 9) |
| 19 November | morning | Elections (Item 9, continued) Items 5, 6 |
| | afternoon | Item 7 Bureau meeting |
| 20 November | morning | Items 8, 10, 11, 12 |

OTHER EVENTS

18 November, 20.00 pm – Dinner (self-paid; confirmed participants only)

Location: Caveau Restaurant Gutlerhoft, 13 Place de la Cathédrale, 67000 Strasbourg

19 November, 13.00 pm - Reception

On the occasion of the first meeting of the CAHAI, his Excellency Jean-Baptiste Mattei, Ambassador and Permanent Representative of France to the Council of Europe, has the honour to invite the participants and diplomatic staff of the Permanent Representations to a reception in the presence of Marija Pejčinović Burić, Secretary General of the Council of Europe.

Location: Lobby of the Hemicycle of the Parliamentary Assembly, Palais de l'Europe (2nd floor)