COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 2 July 2020 CAHAI(2020)10 ADD REV1

AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)

Working methods of the CAHAI: functioning of the working groups

www.coe.int/cahai

Working methods of the CAHAI: functioning of the working groups

Paper by the CAHAI secretariat

Summary

This paper covers a set of proposals on the functioning modalities of the established working groups and the roadmap ahead.

Objective

CAHAI delegations are invited to review the updated proposals set out in this paper, which aim to address the questions and comments received from delegations as a result of the online consultation of CAHAI (May 2020). They are invited to discuss the proposed modalities for the functioning of the working groups , the calendar of activities, and subject to any further additional comments and changes, approve the proposed workplan and roadmap.

I. Background

1. This paper includes a set of proposals with respect to CAHAI's working methods, in order to ensure that the committee responds and implements effectively the task entrusted by the Committee of Ministers in line with its terms of reference.

2. The proposals take into account the discussions of the second and third Bureau meetings, in which it was indicated that a draft workplan, relevant timelines (including the inputs which should be provided in the framework of the multi-stakeholders consultation) and options for working methods should be prepared and submitted to the CAHAI for consideration and review. The proposals below are also based on existing practices of other committees which have established working groups to expedite their work, in order to ensure that work during plenary meetings is efficient and effective. They take into account the comments and proposals received as a result of the online consultation of CAHAI (May 2020).

II. Activities, working methods and timelines

3. The CAHAI has agreed to establish three working groups, in line with Article 14 a) of Annex 1 to Resolution CM/Res(2011)24 concerning intergovernmental committees and subordinate bodies, their terms of reference and working methods as follows:
   a) The Policy Development Group (CAHAI- PDG)
   b) The Consultations and outreach Group (CAHAI-COG)
   c) The Legal Frameworks Group (CAHAI- LFG) (operational as of January 2021)

4. These working groups are aimed at expediting CAHAI's work related to the preparation of the feasibility study and the elements of a legal framework by completing a series of specific tasks, which are complementary in nature and require close cooperation and synergies (see annex I for a full description of their tasks).

5. Participating experts shall be expected to be available to contribute substantively, through written submissions, exchanges of views and preparation of the draft documents, which shall be submitted to the CAHAI for approval. Taking into account that the aspects discussed by the working group may require expertise from a variety of fields, member states' designated expert is expected, where necessary, to coordinate internally with other national experts in advance of each meeting.

6. Considering the current COVID-19 situation, meetings in 2020 are likely to be held primarily online, with the support of the secretariat. Meetings will be held in one working language (English).

7. The CAHAI is expected to review on a regular basis the progress made in the implementation of the tasks devolved to each working group, the working methods, the timelines, and any further needs, in order to evaluate the results achieved, to review resources required and further needs, and as appropriate, take steps to revise the groups' tasks and working methods, and/or discontinue their mandate.

CAHAI-PDG

8. The following table summarizes the proposed workplan and roadmap for CAHAI-PDG for the period 2020/2021:

Table 1. Indicative workplan and roadmap (2020-2021) for CAHAI-PDG

Vision	
Ensure that the preparation of CAHAI's deliverable (i.e. feasibility study and potential elements of a legal framework for the development, design and application of artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law) is expedited and elaborated by November 2020.	
Proposed actions	**Proposed implementation period**
1) Develop the elements of the feasibility study of a legal framework	by early November 2020
2) Develop proposals for engaging and consulting with the relevant stakeholders on the above-mentioned elements in close coordination and consultations with the CAHAI-COG	by early November 2020
3) Develop elements on policy options to be included in the initial consultative document	December 2020
4) Contribute and/or lead on the focused thematic consultations/ online consultations/hearings/ events on policy options identified (subject to available resources)	January – December 2021
5) Actions for 2021 to be agreed by the CAHAI	CAHAI third plenary meeting in 2020

CAHAI-COG

9. The following table summarizes the proposed actions and roadmap for CAHAI-COG in the period 2020/2021:

Table 2. *Indicative workplan and roadmap (2020-2021) for CAHAI-COG*

Vision
Ensure that CAHAI's deliverable (i.e. feasibility study and potential elements of a legal framework for the development, design and application of artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law) is finalised on the basis of broad multi-stakeholder consultations

Proposed actions	**Proposed implementation period**
1. Conduct **a stakeholder analysis and mapping**	by 6 November 2020
2. Develop the **modalities and templates for in-country consultations** organised by member states	By 6 November 2020
3. Develop **the calendar of thematic consultations** of different stakeholders **and other events**, based on available financial resources 4. If considered appropriate a calendar of further CAHAI outreach activities to engage in dialogue with other countries and stakeholders (i.e. non-Council of Europe member states and other) to find common ground to build consensus on the vision outlined in the future feasibility study with respect to a legal framework.	By 6 November 2020
5. Develop **an initial consultative document** which confirms details of the processes to be followed (and a dedicated **CAHAI webpage** which will be regularly updated)	By November / December 2020
6. Hold thematic consultations/ online consultations/hearings/ events (subject to available resources) and prepare stock-taking documents of the outcome of the consultations	January – December 2021
7. Actions for 2021 to be agreed by the CAHAI	CAHAI third plenary meeting in 2020

CAHAI -LFG

10. The following table summarizes the indicative workplan and roadmap for CAHAI-LFG for the period 2020/2021:

Table 3. Indicative workplan and roadmap (2020-2021) for CAHAI-LFG

Vision	
Ensure that the CAHAI's deliverable (i.e. feasibility study and potential elements of a legal framework for the development, design and application of artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law) includes concrete text proposals in the form of possible legal instrument(s) by December 2021.	
Proposed actions[1]	**Proposed implementation period**
1) Review the elements of the feasibility study and prepare proposed provisions of draft legal instrument(s) as appropriate	January 2021-Dec 2021 For approval by CAHAI by December 2021
2) Identify legal areas and issues on which consultation are required and review consultation documents prepared for engaging and consulting with relevant stakeholders	January- March 2021

[1] Any further actions to be discussed and agreed upon by the CAHAI at its third plenary meeting.

3) Contribute and/or lead on the focused thematic consultations/ online consultations/hearings/ events on legal options identified (subject to available resources)	March – December 2021

Proposed calendar of activities in 2020

11. The working groups' deliverables shall be submitted to the CAHAI plenary for consideration and final approval. The CAHAI will receive updates on meetings held, progress made, and will be consulted at regular intervals to enable the working groups to base their work on substantive input collected from all delegations through written consultations.

Table 4. Proposed timeline for the activities of the working groups in 2020

Date	Activities
30 August 2020	Written consultations on the elements of the feasibility study[2]: call for written contributions from CAHAI members, observers and participants, as well as PDG experts
05 September 2020	Call for written contributions from CAHAI-COG experts
21-22 September 2020	CAHAI PDG: first meeting
5-6 October 2020	CAHAI-COG: first meeting
12-13 October 2020	CAHAI PDG: second meeting
5-6 November 2020	CAHAI-COG: second meeting
October – November 2020	Consult with relevant bodies and committees across the Council of Europe
November 2020	Finalise drafts reports/working documents and submit them to the CAHAI for comments before approval
December 2020	CAHAI to examine and approve the outputs of the working groups and agree on their activities workplan in 2021

III. Budgetary implications

These proposed actions take into account the approved budget of CAHAI, which covers for the period from 2019-2021 only the expenditure related to plenary and bureau meetings, a limited expenditure for costs related to meetings of working groups, and participation of CAHAI's representatives to selected external events. Therefore, under current budgetary appropriations, the participation of member states to the work of the working groups is envisaged without defrayal of expenses.

During the COVID-19 situation, meetings will also be organised by use of information technology whenever possible so that the groups can also perform their functions and responsibilities through online exchanges as necessary.

Annex I. Terms of reference of the Working Groups

(agreed by CAHAI by consensus as a result of the written consultation of May 2020)

[2] See CAHAI(2020)18 : Draft table of contents of the Feasibility Study (working version: 16 June 2020)

1. Policy Development Group (CAHAI- PDG)

Composition

The CAHAI-PDG shall be composed of up to 20 experts designated by member States, and of participants and observers which express interest in taking part in this working group and contribute professionally and continuously to its work.

Tasks

The CAHAI - PDG shall:

1. Contribute to the development of the feasibility study of a legal framework on artificial intelligence applications, building upon the mapping work already undertaken by the CAHAI and focusing in particular on the following issues:

    a) To identify and analyse how AI applications by States and private actors impact on human rights, rule of law and democracy, including the risks, threats, and opportunities posed or brought by AI, including where appropriate through an evaluation of proposals on AI regulation made by member States and other stakeholders; and taking into account the importance of keeping pace with AI developments worldwide;
    b) Based on the conclusions of the mapping, to prepare key findings and proposals on policy and other measures, to ensure that international standards and international legal instruments in this area are up-to-date and effective and prepare proposals for a specific legal instrument regulating artificial intelligence;
    c) To identify high-risk and high-opportunity AI applications, consider and develop policy and other measures to address risks posed by them and ensure the protection of human rights, rule of law and democracy;
    d) In connection with the work carried out under points b) and c) prepare proposals to facilitate implementation of relevant international and European human rights obligations, and aimed at supporting the implementation of effective human rights risk assessments and any other necessary actions to respond as necessary to significant new and emerging opportunities, threats and risks;

2. Develop proposals for engaging and consulting with the relevant stakeholders on the above-mentioned elements in close co-ordination and consultations with the Consultations and Outreach Group (CAHAI-COG).

Working methods

The CAHAI-PDG will hold 2 meetings in 2020, and subject to a plenary decision to that effect, any other additional meetings as required in 2021. It will conduct its work through technology, such as e-mail or other similar means of electronic communication, virtual meetings, and/or physical meetings. The group shall designate a Chair and a Co-chair among its members at its first meeting.

The Council of Europe's budget will cover the costs of participation of the chairpersons (for physical meetings) and those for the organisation of meetings through technological means, to enable the working group to perform its functions and responsibilities through online exchanges.

Participation of members for physical meetings will as a principle be borne by the sending institutions and organisations without defrayal of expenses.

Duration
June 2020-December 2021

2) The Consultations and Outreach Group (CAHAI-COG)

Composition

The CAHAI - COG shall be composed of up to 20 experts designated by member States and of participants and observers which express interest in taking part in this working group and contribute professionally and continuously to its work.

Tasks

The CAHAI - COG shall take stock of the analysis undertaken by the secretariat of responses to the first online consultation and elaborate for CAHAI's consideration and approval:

1. A stakeholder analysis and mapping (due: September 2020)

2. On the basis of an outreach to countries having expressed interest in holding in-country consultations, a methodology and template(s) for use by member States in in-country consultations (due: November 2020)

3. A calendar of thematic consultations (due: November 2020) and an initial consultative document (due: December 2020)

4. An analysis of ongoing developments and reports which are directly relevant for CAHAI's working groups' tasks (due: ongoing – October 2020) as well as an analysis of contributions by respondents to online consultations for consideration by the CAHAI (due: 2021)

Working methods

The CAHAI-COG is expected to work primarily online and will be supported by the CAHAI secretariat. The group shall designate a Chair and a Co-chair among its members at its first meeting.

Duration

June 2020-January 2021

3) Legal Frameworks Group (CAHAI- LFG)

Composition

The CAHAI - LFG shall be composed of up to 20 experts designated by member States, and of participants and observers which express interest in taking part in this working group and in contributing substantively to its work.

Tasks

The CAHAI - LFG shall:

1. Prepare key findings and proposals on possible elements and provisions of a legal framework with a view to elaborating, as appropriate, draft legal instrument(s), for consideration and approval by the CAHAI, taking into account the review of existing legal instruments applicable to artificial intelligence and policy options set out in the feasibility study approved by the CAHAI;

2. Develop specific proposals for regulation for the development, design and application of AI in the areas identified as risky by member States and other stakeholders, taking into account member States' regulatory approaches.

Working methods

The CAHAI-LFG will hold 2 meetings in 2021, and subject to a plenary decision to that effect, any other additional meetings as required. It will conduct its work through technology, such as e-mail or other similar means of electronic communication, virtual meetings, and/or physical meetings. The group shall designate a Chair and a Co-chair among its members at its first meeting.

The Council of Europe's budget will cover the costs of participation of the chairpersons (for physical meetings) and those for the organisation of meetings through technological means, to enable the working group to perform its functions and responsibilities through online exchanges.

Participation of members to physical meetings will as a principle be borne by the sending institutions and organisations without defrayal of expenses.

Duration

January 2021 - December 2021