



Strasbourg, 17 December 2020

CAHAI(2020)26

AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)

3rd meeting

Strasbourg, 15-17 December 2020

Online meeting – KUDO Platform

ABRIDGED 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 to as "CAHAI" or "the Committee") held its 3rd plenary meeting online on 15-17 December 2020, in conformity with its terms of reference adopted by the Committee of Ministers on 11 September 2019.
2. The Chair, Mr Gregor Strojín (Slovenia), opened the meeting and welcomed the participants.

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

Agenda item 1: Opening of the meeting

3. The Chair welcomed Ms Marija Pejčinović Burić, Secretary General of the Council of Europe, Mr Rik Daems, President of the Parliamentary Assembly of the Council of Europe and Prof. Christian Kastrop, State Secretary from the Federal Ministry of Justice and Consumer Protection, on behalf of the German Presidency of the Committee of Ministers, to the meeting. The Committee thanked them for their opening remarks and for their words of appreciation for the work of the CAHAI.
4. The Chair also welcomed Mr Casper Klynge, Microsoft's Vice President for European Government Affairs, Denmark's former Tech Ambassador in Silicon Valley, and thanked him for his remarks and for expressing his support to the work of the CAHAI and the Council of Europe's activities in the field of regulation of digital technologies.

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

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

Agenda item 3: General presentation of the draft feasibility study

6. The Committee exchanged views on the general presentation of the study made by the co-Chair of the CAHAI Policy Development Group (CAHAI-PDG) and thanked the CAHAI-PDG co-Chairs and members for their work. It expressed its appreciation for the high quality of the draft feasibility study which has been produced under time constraints.

items 3.1 – 3.10 (Chapters 1 to 10)

7. The Committee took note of the presentations of Chapters 1-10 of the feasibility study by the co-Chair of the CAHAI-PDG and Secretariat and expressed its views and comments on the chapters.
8. The Committee reviewed the comments presented by its members, observers and participants and agreed on a consolidated text for Chapters 1-10.
9. Representatives of the European Commission for Democracy through Law of the Council of Europe (Venice Commission) presented their recently adopted principles for a fundamental rights-compliant use of digital technologies in electoral processes.

Agenda item 4: Analysis of the electronic consultation of CAHAI members, observers and participants

10. The Secretariat informed the Committee that a deadline of 17 January has been set to provide comments or new contributions on the analysis of the electronic consultation for CAHAI members and representatives of bodies, committees, observer organisations and partner companies (CAHAI(2020)09-rev2).

Agenda item 5: Hearing of candidates for observer status to the CAHAI (in camera; for Heads of Delegations only)

11. The Committee held a hearing of the four organisations having requested the status of observer to the CAHAI. These organisations were Together Against Cybercrime International (TAC), International Research Center on Artificial Intelligence (IRCAI), ALLAI and International Chamber of Commerce (ICC).
12. The Committee unanimously decided to admit the International Research Center on Artificial Intelligence (IRCAI), ALLAI and International Chamber of Commerce as observers to the CAHAI.
13. With regard to the applicant TAC, the Secretariat recalled that, in the framework of a written procedure in June 2020, unanimity had not been reached for the admission of the applicant to the CAHAI. It had therefore been proposed to further decide on its application at the 2nd plenary meeting on 6-8 July 2020, during which the applicant could not be heard by the CAHAI due to connectivity problems. In line with the CM/Res(2011)24, the Committee decided to refer the matter of the admission of the applicant TAC to the Committee of Ministers for decision.
14. The Committee instructed the Secretariat to notify the organisations of the outcome of the process.

Agenda item 6: Information point, updates provided by CAHAI members, observers and participants

15. The committee took note of the main developments at the domestic and international level as regards instruments and policies on AI, in particular of the adoption of the Ukrainian National Strategy on AI.

Agenda item 7: Information point: Conference on “Protecting Human Rights in the era of AI - Europe as an international standard setter for the regulation of Artificial Intelligence”

16. The German member of the CAHAI presented the main elements of the conference that will be organised on 20 January 2021, in the framework of the German Chairmanship of the Committee of Ministers of the Council of Europe and invited the members, participants and observers of the Committee to take part in the event.
17. The Chair welcomed the initiative and took note of the provisional agenda of the event.

Agenda item 8: Information point: draft Committee of Ministers' Declaration on the risks of computer-assisted or artificial-intelligence-enabled decision making in the field of the social safety net.

18. The Committee took note of the information provided by the Secretariat on a draft Committee of Ministers' declaration on the risks of computer-assisted or AI-enabled decision making in the field of social services prepared by the Secretariat of the European Social Cohesion Platform (PECS).

Agenda item 9: Co-operation with other international organisations

19. The CAHAI thanked the representatives of UNESCO, the OECD, the European Commission and the Fundamental Rights Agency for their updates on their work related to AI and underlined the importance of ensuring continued coordination and complementarity with the initiatives undertaken.

Agenda item 10: CAHAI multi-stakeholder consultations

20. The Committee thanked the co-Chairs of the CAHAI Consultation and Outreach Group (CAHAI-COG) and its members for their comprehensive preparatory work for the multi-stakeholder consultation and held an exchange of views on the documents presented by the CAHAI-COG. It decided that an extra meeting of the CAHAI will be organised to discuss more thoroughly the different issues related to the multi-stakeholder consultation in February 2021.
21. The Committee agreed on the need to ensure a close coordination among the different CAHAI Working Groups in the framework of the multi-stakeholder consultation and entrusted the Bureau to ensure such coordination. The finalisation of the documents prepared by the CAHAI-COG will be coordinated by the Bureau with input from the three Working Groups.

Agenda item 11: Next steps for the finalisation of the draft feasibility study in view of its submission to the Committee of Ministers

22. The Committee unanimously adopted the feasibility study as amended during the meeting and was informed by the Secretariat that the feasibility study would be submitted to the GR-J (Rapporteur Group on Legal Cooperation) with a view to its further transmission to the Committee of Ministers.

Agenda item 12: CAHAI Working Groups (nominations, calendar, tasks)

23. The Secretariat presented document CAHAI(2020)10ADDREV2 on working methods of the CAHAI for 2021, which envisages that the three previously established working groups would continue to be operational in 2021.
24. The Committee agreed on the updated tasks and terms of references for the three working groups in 2021 and took note of the document, while underlining the need for flexibility in the modalities of implementation of the working groups' terms of reference.

Agenda item 13: Information on the CAHAI Bureau

25. The Committee welcomed the two recently elected members of the Bureau, Mr Andrei Dinculescu (Romania) and Mr David Leslie (United Kingdom) and took note of the information provided by the Secretariat as regards the fourth Bureau meeting which was held on 23 November 2020.

Agenda item 14: Election or re-election of the Chair and the Vice-Chair for 2021

26. The Committee re-elected by acclamation until the end of the mandate of the CAHAI:

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

Agenda item 15: Dates and place of the next meetings

27. The Committee took note of document CAHAI(2020)25rev including the dates of CAHAI plenary meetings, Bureau meetings and working group meetings for 2021. The secretariat will notify participants shortly about the date of the plenary meeting on the multi-stakeholder consultation to be held in the second half of February 2021.

Agenda item 16: Any other business

28. No point was raised by delegations.

Agenda item 17: Adoption of the abridged report and close of the meeting

29. The CAHAI adopted the abridged meeting report and list of decisions.
30. The Committee took note that a full meeting report will be made available by 31 January 2021.
31. The Chair thanked all participants for their active participation in the meeting and the Secretariat for its support in organising the meeting.

End of the meeting

DRAFT AGENDA AND ORDER OF BUSINESS

Tuesday, 15 December		
Timing	Document reference	Agenda item
9.15 am		1. Opening of the meeting <ul style="list-style-type: none"> Ms Marija Pejčinović Burić, Secretary General of the Council of Europe Mr Rik Daems, President of the Parliamentary Assembly of the Council of Europe Prof. Christian Kastrop, State secretary, Federal Ministry of Justice and Consumer Protection, Germany Mr Casper Klynge, Microsoft's Vice President for European Government Affairs, former Denmark's Tech Ambassador in Silicon Valley
9.55 am	CAHAI (2020)OJ3	2. Adoption of the Agenda and Order of Business
10.00 am	<u>Document common to all chapters:</u> CAHAI(2020)23 Draft feasibility study CAHAI (2020)24 Compilation of comments received CAHAI(2020)12 CAHAI-PDG(2020)PV1 CAHAI-PDG(2020)PV2	3. General presentation of the draft feasibility study <ul style="list-style-type: none"> Presentation by the Co-Chairs of the CAHAI Policy Development Group (PDG) General comments on the draft feasibility study by CAHAI members, observers and participants
10.30 am		3.1 Chapter 1 - General introduction <ul style="list-style-type: none"> Presentation of the chapter (Chair, Secretariat) Comments by CAHAI members, observers and participants
10.55 am		3.2 Chapter 2. Scope of a Council of Europe legal framework on artificial intelligence <ul style="list-style-type: none"> Presentation of the chapter (Chair, Secretariat)

		<ul style="list-style-type: none"> • Comments by CAHAI members, observers and participants
11.35 am	CAHAI(2020)06-fin CAHAI(2020)09-rev2 <i>(restricted)</i>	<p>3.3. Chapter 3 - Opportunities and risks arising from the design, development and application of artificial intelligence on human rights, the rule of law and democracy. “Green” and “red” areas - meaning respectively positive and problematic examples of artificial intelligence applications from a human rights, the rule of law and democracy perspective, while considering the context-sensitive environment for artificial intelligence design, development and application in Europe and developments at global level.</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair/Co-Chairs PDG) • Comments by CAHAI members, observers and participants
12.00 am		<i>Lunch break [Optional side event from 1 pm to 2 pm]</i>
2.30 pm		<p>Continued] 3.3. Chapter 3 - Opportunities and risks arising from the design, development and application of artificial intelligence on human rights, the rule of law and democracy. “Green” and “red” areas - meaning respectively positive and problematic examples of artificial intelligence applications from a human rights, the rule of law and democracy perspective, while considering the context-sensitive environment for artificial intelligence design, development and application in Europe and developments at global level.</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair/Co-Chairs PDG/Secretariat) • Comments by CAHAI members, observers and participants
3.20 pm		<p>3.4. Chapter 4 – The Council of Europe’s work on artificial intelligence to date</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair, Secretariat) • Venice Commission’s principles for a fundamental rights-compliant use of digital technologies in electoral processes • Comments by members, observers and participants
3.50 pm	CAHAI(2020)08-fin CAHAI(2020)07-fin CAHAI(2020)09-rev2 <i>(restricted)</i>	<p>3.5. Chapter 5 - Mapping of instruments applicable to artificial intelligence</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair/Co-Chairs PDG) • Comments by CAHAI members, observers and participants
4.50 pm		<p>3.6 Chapter 6 - Key findings of the multi-stakeholder consultations</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair, Secretariat) • Comments by CAHAI members, observers and participants

5.00 pm		Closing of the first day
Wednesday, 16 December 2020		
9.30 am		<p>[continued] 3.6 Chapter 6 - Key findings of the multi-stakeholder consultations</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair, Secretariat) • Comments by CAHAI members, observers and participants
9.40 am	CAHAI(2020)08-fin CAHAI(2020)07-fin	<p>3.7 Chapter 7 - Main elements of a legal framework for the design, development and application of artificial intelligence</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair/Co-Chairs PDG/Secretariat) • Comments by CAHAI members, observers and participants
10.40 am		<p>3.8 Chapter 8 - Possible options for a Council of Europe legal framework on the design, development and application of artificial intelligence based on human rights, rule of law and democracy</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair/Co-Chairs PDG) • Comments by CAHAI members, observers and participants
11.40 am		<p>3.9 – Chapter 9 - Possible practical mechanisms to ensure compliance and effectiveness of the legal framework (such as for instance the creation of mechanisms of ex-ante-verification and/or certification, oversight by independent authorities, sandboxing, etc.)</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair/Co-Chairs PDG) • Comments by CAHAI members, observers and participants
12.00 pm		Lunch break
2.30 pm		<p>[Continuation] 3.9 – Chapter 9 - Possible practical mechanisms to ensure compliance and effectiveness of the legal framework (such as for instance the creation of mechanisms of ex-ante-verification and/or certification, oversight by independent authorities, sandboxing, etc.)</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair/Co-Chairs PDG) • Comments by CAHAI members, observers and participants
3.10 pm		<p>3.10 Chapter 10 – Final considerations</p> <ul style="list-style-type: none"> • Presentation of the chapter (Chair/Co-Chairs PDG) • Comments by CAHAI members, observers and participants

4 pm	CAHAI(2020)09-rev2 (restricted)	4. Analysis of the electronic consultation of CAHAI members, observers and participants Presentation by the secretariat followed by discussion
4.30 pm		5. Hearing of candidates for observer status to the CAHAI (in camera; for Heads of Delegations only)
5 pm		Closing of second day
Thursday, 17 December		
9. 30 am	CAHAI(2019)INF2-rev3	6. Information point: Updates provided by CAHAI members, observers and participants
9.40 am		7. Information point: Conference on “Protecting Human Rights in the era of AI - Europe as an international standard setter for the regulation of Artificial Intelligence” – Conference organised by the German Chairmanship of the Committee of Ministers
9.45 am		8. Information point: draft Committee of Ministers’ Declaration on the risks of computer-assisted or artificial-intelligence-enabled decision making in the field of the social safety net.
9. 50 am		9. Co-operation with other international organisations
		9.1 Presentation of the ongoing work within UNESCO
		9.2 Presentation of the ongoing work within OECD
		9.3 Presentation of the ongoing work within the European Commission
		9.4 Presentation of the ongoing work within FRA
10.15 am		9.5 Discussion
10.35 am	CAHAI(2020)03rev1-prov CAHAI(2019)04-fin CAHAI-COG(2020)PV1 CAHAI-COG(2020)PV2	10. CAHAI multi-stakeholder consultations Presentation by the Co-Chairs of the Consultation and Outreach Group (CAHAI-COG), followed by comments by CAHAI members, observers and participants

	CAHAI-COG (2020)04 CAHAI-COG(2020)05	
12.00 pm		Lunch break
2.30 pm		11. Next steps for the finalisation of the draft feasibility study in view of its submission to the Committee of Ministers
3.00 pm	CAHAI (2020)10ADDrev2 CAHAI progress report CAHAI (2020)10ADDrev1	12. CAHAI Working Groups (nominations, calendar, tasks) Information provided by the Secretariat followed by discussion
3.50 pm	CAHAI-BU(2020)REP3 CAHAI(2020)22	13. Information on the CAHAI Bureau
4 pm	CM/Res(2011)24	14. Election or re-election of the Chair and the Vice-Chair for 2021
4.10 pm	CAHAI(2020)25	15. Dates and place of the next meetings
4.15 pm		16. Any other business
4.20 pm		17. Adoption of the abridged report and close of the meeting
5 pm		End of the meeting

OTHER EVENT

This event was funded by a voluntary contribution from Japan.

15 December 2020, 13.00 to 14.00 – Online international panel, “Ensuring a democratic governance of AI – Challenges and perspective”

Public and live panel discussion broadcasted on BlueJeans Events (English only) with:

- Ms Deborah Bergamini, member of the Parliamentary Assembly of the Council of Europe (PACE)
- Mr Hiroaki Kitano, President and CEO of Sony Computer Science Laboratories, Inc., CEO of Sony AI, Inc.
- Mr Armando Guío Español, Consultant of the Development Bank of Latin America and author of the Colombian Ethical Framework on AI