

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 30 November 2020

CAHAI-BU(2020)REP3

AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)

Bureau – 4th Meeting

Strasbourg, 23 November 2020

Online meeting

2 p.m.– 5 p.m. (CET)

ABRIDGED MEETING REPORT

1. Opening of the meeting

1. The meeting was opened by Mr Gregor STROJIN, Chair of the CAHAI, who thanked the members of the Bureau for their hard work throughout this busy year and reminded them of the tasks to come. He welcomed the two new members of the Bureau, Mr Andrei DINCULESCU (Romania) and Mr David LESLIE (United Kingdom), who had recently been elected to the Bureau following the decision of the Committee of Ministers of the Council of Europe to extend the membership of the Bureau of the CAHAI by two additional members, bringing the number of its members to nine ([CM/Del/Dec\(2020\)1384/10.1](#)). Mr Dinculescu and Mr Leslie made brief presentations introducing themselves to the Bureau.
2. Ms Claudia Luciani, Director, Directorate of Human Dignity, Equality and Governance, Council of Europe, gave opening remarks, underlining the importance of the next plenary meeting of the CAHAI (15-17 December 2020) where decisions concerning the draft Feasibility Study would be taken. She also noted that in 2021 the CAHAI would continue with its heavy schedule in order to complete the tasks detailed in its mandate.
3. Ms Luciani reminded the Bureau of its important role in streamlining discussions and instructing constructive dialogue. Huge progress has been made since the last meeting of the Bureau back in March including the adoption of the [Progress Report](#) by the Committee of Ministers.
4. Regarding the draft Feasibility Study, Ms Luciani welcomed the fact the it is proposing clear options for a future legal instrument, namely a co-regulatory approach to AI, including binding and non-binding instruments. She also commented on the inclusive nature of the process so far.
5. Mr Jan Kleijssen, Director, Information Society - Action against Crime, Council of Europe began his intervention by drawing attention to the text adopted by the Parliamentary Assembly of the Council of Europe ([Resolution 2341 \(2020\)](#)) which called for a binding legal instrument. This is a clear indication from law makers of the will of national governments to produce a binding text.
6. Mr Kleijssen added that in recent weeks he had participated in several international events in the field of AI during which other international organisations such as the OECD and UNESCO had expressed their support for the work of the CAHAI. He underlined that this work should be complimentary to the work being carried out by other organisations.
7. He highlighted that the draft Feasibility Study already provides at this stage important guidance as regards the contents of the future legal framework and practical mechanisms to ensure its implementation and welcomed the many comments received on the Study that will be discussed during the plenary meeting.
8. Mr Kleijssen concluded by welcoming Ms Ursula STICKER, who is joining the CAHAI team as co-Secretary of the CAHAI.

2. CAHAI draft feasibility study: exchange of views in view of the CAHAI plenary meeting's discussions

9. Mr Wolfgang TEVES, Chair of the CAHAI-PDG, introduced the work of the CAHAI-PDG so far and expressed his thanks to the drafters of the various chapters of the draft Feasibility Study who have accomplished a complex task in a very short timeframe. The Study was sent to the CAHAI for comments and the valuable comments received are currently being assessed by the CAHAI-PDG with a view to providing a new draft of the Study by the end of the current week.
10. Mr Teves underlined that in Chapter 8 of the Study, the CAHAI-PDG has looked at the pros and cons of different types of legal instruments and it believes that a legally-binding instrument would be the most appropriate way forward.
11. The Bureau agreed that it is important that the CAHAI-PDG proposes solutions and gives guidance on the direction that the CAHAI could take, while at the same time it stressed the need to be careful not to pre-empt the debates and decisions of the CAHAI plenary.

12. Concerning the work of the CAHAI-LFG, the Bureau underlined the importance of having clarity on the direction this working group will take. The Feasibility Study when finalised will feed the work of the CAHAI-LFG on specific questions.
13. Nevertheless, the work of the CAHAI-PDG will not be over, as the CAHAI can request the CAHAI-PDG to carry out certain specific tasks.
14. Concerning the CAHAI-COG, Mr Teves and Mr Zoltan TURBEK, Co-Chair of the CAHAI-PDG, had had an online meeting with the Co-Chairs of the CAHAI-COG where they discussed which issues could be subject to a multi-stakeholder consultation. They agreed that the elements outlined in Chapter 7 of the Study could form a good basis in this regard.
15. It is hoped that, following the plenary meeting, the updated Feasibility Study will be ready at the end of December, subject to some possible fine tuning. It should then be submitted to the Committee of Ministers.
16. The Chair of the CAHAI underlined the importance of a structured and clear debate at the CAHAI plenary meeting in order to achieve the desired outcome.
17. To facilitate the work of the CAHAI, the Chair instructed the Secretariat to prepare a compilation of the comments received on the draft Feasibility Study, chapter by chapter and paragraph by paragraph. Moreover, the Secretariat should ensure that the new version of the Study is available in good time for the plenary meeting.
18. The Bureau thanked Mr Teves and Mr Turbek for their intensive and fruitful work.

3. CAHAI's multi-stakeholder consultation: exchange of views in view of CAHAI's plenary meetings discussions.

19. The CAHAI-COG is currently working on five documents in view of presenting them at the CAHAI plenary meeting.
20. Mr Andrey NEZnamOV, Co-Chair of the CAHAI-COG, addressed the Bureau outlining the different documents under preparation. These are
 - Draft report on international consultations;
 - Draft recommendation to states on methodology of in-country consultations;
 - Draft calendar of thematic consultations of different stakeholders;
 - Draft document with key issues of feasibility study;
 - Summary of contributions by the CAHAI/Support to the online consultation.
21. Mr Neznamov underlined the need to work in close collaboration with the Chairs/Co-Chairs of the CAHAI and the CAHAI-PDG. He stressed that the CAHAI-COG intends to produce the most effective scenario.
22. Mr Strojcin reiterated the importance of close co-operation between the Chairs/Co-Chairs of the working groups in line with the Terms of Reference of the working groups. He stressed the need for an output that would be realistic in terms of what is needed for the CAHAI mandate, practical in terms of the available resources and feasible within the time limits.
23. Regarding the multi-stakeholder consultation, the Bureau called for an open online consultation in which anyone from any sector relevant to CAHAI activity could contribute, following the intervention made by Mr Thomas Schneider, member of the Bureau in respect of Switzerland. It was emphasised that any questions asked should be short and precise and that transparency of the findings/results was key. The same procedure could be used for both national and international consultations in order to facilitate proceedings. The secretariat indicated that this was in line with the approach suggested in the document on CAHAI working methods, and that

online consultation could be combined with the organisation of a dedicated conference on the multi-stakeholder consultation.

24. Moreover, the timeline for the consultations needs to be realistic.
25. The Bureau called on the CAHAI-PDG to assist the CAHAI-COG in deciding which the key issues could be addressed during the consultation process. Mr Teves confirmed his availability and willingness for bilateral talks with the CAHAI-COG and to take part in the CAHAI-COG meetings.
26. Mr Teves also agreed to provide the necessary key elements from the CAHAI-PDG to the CAHAI-COG as soon as possible.
27. It was underlined that the results of consultation will feed into the work of the CAHAI. The consultations are expected to run from February to April 2021, with the results being analysed and prepared in time for the 4th CAHAI plenary meeting in June/July 2021.
28. The Bureau thanked Mr Neznamov for his engagement in the work of the CAHAI-COG and took note of the organisational questions he raised concerning the work of the CAHAI-COG and the constraints and limitations. The need for the CAHAI-COG to stay pragmatic and produce achievable outputs was underlined by the Bureau.
29. The Chair of the CAHAI stressed that the CAHAI-COG needs to fulfil its mandate in a timely manner and it was agreed with Mr Neznamov that the CAHAI-COG's final output should reach the Secretariat for 4 December. The Bureau expressed support to the involvement of the Chair of the CAHAI-PDG, the Chair of the CAHAI and the Bureau member for Switzerland in the current stage of finalisation of the documents falling within the CAHAI-COG's mandate, with a view to making sure that these documents would fulfil the required expectations from the CAHAI.

4. CAHAI's working methods: discussion of draft proposals

30. The Secretariat presented the document containing the revised working methods of the CAHAI for 2021. This update takes into account the progress made so far and outlines the working methods for next year. It identifies clear tasks for each working group some of which would be achieved in conjunction with the other groups. The CAHAI-LFG will start its work in 2021. The Bureau expressed its appreciation for this document and the clarity it provides for the future tasks.
31. The Bureau agreed that the CAHAI-PDG could give guidance both to the CAHAI-COG (on key elements for the consultation) and the CAHAI-LFG (on the development of the main elements of a future legal framework, by providing inputs coming from Chapters 3 and 9 of the Feasibility Study).
32. The Secretariat emphasised that the CAHAI reports to the Committee of Ministers. If there is an agreement in December on the draft Feasibility Study, the document will be presented to the Committee of Ministers soon after. Thereafter, work on the potential elements of a legal framework can begin.
33. Mr Kleijssen took the floor and reiterated that the CAHAI will receive the full support of the Secretariat and all its experience in legal drafting when going forward.
34. Mr Kleijssen also highlighted that the Presidency of the Committee of Ministers has its role to play and, for the new German Presidency, the topic of AI is one of the top priorities.
35. Looking ahead, for 2022 the Committee of Ministers could agree that it is feasible to establish a legal instrument and mandate the CAHAI to do this, in which case the work of the CAHAI would continue.

36. The Chair of the CAHAI confirmed that he has written to the Secretary General of the Council of Europe concerning the work of the CAHAI and how it can be included in the four-year strategic framework

5. Observers: state of play and review of the applications received

37. The Secretariat updated the Bureau on the state of play of pending applications to receive observer status with the CAHAI.

38. There are two pending applications. Firstly, there is Together against Crime (TAC) which was on the agenda of the last plenary meeting in July however due to technical issues this hearing could not take place. It was agreed that this organisation could now be heard at the coming plenary and would need two-thirds of the votes to be admitted to the CAHAI (in line with [Resolution CM/Res\(2011\)24](#)).

39. The second applicant is the International Research Centre on Artificial Intelligence under the auspices of UNESCO (IRCAI). The secretariat recalled that the voting procedure would also take into account the requirements of [Resolution CM/Res\(2011\)24](#).

40. The Secretariat confirmed that the KUDO videoconference system allowed such a vote to take place.

41. The Bureau made no objection to these two applications and agreed to their transmission to the CAHAI plenary.

6. Points for information:

42. The German member of the Bureau, Mr Teves, announced that the German Ministry for Foreign Affairs and the Federal Ministry of Justice and Consumer Protection are organising a conference on AI regulation, entitled "Protecting Human Rights in the era of AI" on 20 January 2021 in the framework of the German Presidency of the Committee of Ministers. He confirmed that the Chair of the CAHAI will be invited to present the work of the CAHAI.

43. Moreover, Mr Teves requested to present this conference at the CAHAI plenary meeting and promised to send the programme to the Bureau of CAHAI as soon as it is available.

44. Concerning the voluntary contribution from Japan, which aims at highlighting the global outreach of that CAHAI and giving visibility, among the activities envisaged are a publication on the work of the CAHAI which will be presented at the plenary meeting and a video showing this global outreach. A side event is planned during the CAHAI plenary meeting on the challenges in democratic governance of AI, which will look at the topic of AI from a more political view.

7. Any other business

45. To conclude the meeting the Chair thanked the Bureau for its work and its contributions. He also thanked the Secretariat and reminded all that there is still a lot of work to be done in order to prepare the plenary meeting.

APPENDIX I

AGENDA

1. Opening of the meeting

Opening remarks by:

- Mr Jan Kleijssen, Director, Information Society - Action against Crime, Council of Europe
- Ms Claudia Luciani, Director, Directorate of Human Dignity, Equality and Governance, Council of Europe

2. CAHAI draft feasibility study: exchange of views in view of the CAHAI plenary meeting's discussions

Working documents: [CAHAI-PDG\(2020\)01rev2](#), [CAHAI-BU\(2020\)02](#)

3. CAHAI's multi-stakeholder consultation: exchange of views in view of CAHAI's plenary meetings discussions.

Background documents: [CAHAI-COG\(2020\)PV1](#), [CAHAI-COG\(2020\)PV2](#), [CAHAI\(2019\)04](#), [CAHAI\(2020\)03rev.1](#)

4. CAHAI's working methods: discussion of draft proposals

Working documents: [CAHAI\(2020\)10 ADD REV2](#)

Background documents: [CM\(2020\)90-final](#), [Letter from the Chair to the Secretary General](#)

5. Observers: state of play and review of the applications received

Background documents : [CAHAI\(2019\)05-fin](#); [CAHAI\(2020\)12final](#), [Letter from International Research Centre on Artificial Intelligence under the auspices of UNESCO \(IRCAI\)](#)

Points for information:

5.1 Protecting Human Rights in the era of AI – Online conference of the German Chairmanship of the Committee of Ministers at the Council of Europe, 20 January 2021

5.2 Voluntary Contribution from Japan

6. Any other business

APPENDIX II

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

BELGIUM/BELGIQUE

Ms Peggy VALCKE (Vice-Chair / Vice-Président)
Researcher and Professor in ICT and Media
Faculty of Law at the KULC

ESTONIA / ESTONIE

Ms Siiri AULIK
Advisor
Public Law Division
Ministry of Justice

FRANCE

Mme Marine KETTANI
Chargée de mission auprès du chef du service de l'expertise et de la modernisation
Ministère de la justice

GERMANY / ALLEMAGNE

Mr Wolfgang TEVES
Head of Division for Digital Strategy Key Policy
Issues of the Information Society
Federal Ministry of Justice and Consumer
Protection

ITALY / ITALIE

Mr Marco BELLEZZA
Innovation Advisor to the Minister of Economic
Development
Ministry of Economic Development

ROMANIA / ROUMANIE

Mr Andrei DINCULESCU
IA and IOT Adviser
Government of Romania

SLOVENIA / SLOVENIE

Mr Gregor STROJIN (Chair / Président)
Advisor to the President, Supreme Court of the
Republic of Slovenia

SWITZERLAND / SUISSE

Mr Thomas SCHNEIDER
Ambassador
Federal Department of the Environment,
Transport, Energy and Communications
Deputy Director, Federal Office of
Communications
Head of International Relations

UNITED KINGDOM / ROYAUME-UNI

Mr David LESLIE
Ethics Theme Lead and Ethics Fellow
Public Policy Programme
The Alan Turing Institute

OTHER PARTICIPANT (only for item 3 of the agenda)

Mr Andrey NEZNAMOV
Co-Chair of CAHAI-COG/ Co-président du CAHAI-COG
Senior researcher of the Russian Academy of
Sciences, Executive Director for AI regulation,
Sberbank

SECRETARIAT GENERAL OF THE COUNCIL OF EUROPE

DIRECTORATE GENERAL OF HUMAN RIGHTS AND RULE OF LAW / DIRECTION GÉNÉRALE DES DROITS DE L'HOMME ET DE L'ÉTAT DE DROIT (DG I)

Mr Jan KLEIJSEN

Director / *Directeur*

Information Society – Action against Crime /
*Société de l'Information – Lutte contre la
Criminalité*

Mr Patrick PENNINGCKX

Head of Department / *Chef du Service*

Information Society Department / *Service de la
société de l'information*

DIRECTORATE GENERAL OF DEMOCRACY / DIRECTION GÉNÉRALE DE LA DÉMOCRATIE (DG II)

Ms Claudia LUCIANI

Director / *Directrice*

Directorate of Human Dignity, Equality and
Governance / *Direction de la dignité humaine, de
l'égalité et de la gouvernance*

SECRETARIAT OF THE CAHAI / SECRÉTARIAT DU CAHAI

Ms Clementina BARBARO

Co-Secretary of CAHAI / *Co-Secrétaire du CAHAI*

Ms Ursula STICKER

Co-Secretary of CAHAI / *Co-Secrétaire du CAHAI*

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INTERPRETERS / INTERPRÈTES

Mr Michael HILL

Ms Julia TANNER

