

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 15 January 2021

CAHAI-BU(2021)REP1

AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)

Bureau – 5th Meeting

Strasbourg, 15 January 2021

Online meeting

2 p.m.– 5 p.m. (CET)

ABRIDGED MEETING REPORT

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1. Opening of the meeting

1. The Chair of the CAHAI, Mr Gregor STROJIN (Slovenia) welcomed the members of the Bureau. He also thanked the Co-Chairs of the CAHAI-PDG and the CAHAI-COG for taking part in the meeting and mentioned that a dedicated CAHAI plenary meeting would take place on 26 February focusing on the work of the CAHAI-COG and the multi-stakeholder consultation.
2. Mr Strojcin recalled the successful end to the CAHAI's work in 2020 with the adoption of the Feasibility Study, and mentioned that today's meeting would enable to get Bureau members' views on subjects which are important for the work of the CAHAI, with a view to expediting business and preparing for the next plenary.
3. Ms Claudia LUCIANI, Director, Directorate of Human Dignity, Equality and Governance, Council of Europe, congratulated the CAHAI-PDG for their work which had led to the approval of the Feasibility Study by the CAHAI. The work had been carried out in a truly inclusive manner and the Feasibility Study was one of the first Council of Europe documents to be negotiated online without a physical meeting having taken place.
4. Mr Jan KLEIJSSSEN, Director, Information Society – Action against Crime, Council of Europe, focused on the work ahead in 2021, with the Feasibility Study being the basis for the working groups that will now develop specific elements of a binding as well as non-binding instruments. He thanked all members of the CAHAI for the spirit of compromise when finalising the Feasibility Study and hoped this positive working attitude would continue in 2021. He also referred to the high-level conference on "Human Rights in the Era of AI -Europe as international Standard Setter for Artificial Intelligence" which is being organised by the German Presidency of the Committee of Ministers on 20 January, a very important event that will further increase CAHAI's visibility.

2. Coordination of tasks among the three CAHAI Working Groups for 2021, in the light of the conclusions of the Feasibility Study

5. The Secretariat recalled that at the third plenary meeting of the CAHAI revised working methods for 2021 had been adopted which define more clearly the tasks of the CAHAI Working Groups.
6. According to this document, the CAHAI-PDG has been tasked with developing solutions and policy options aimed at supporting the development of a legal framework on the design, development and implementation of AI based on Council of Europe's standards, building on the issues identified in Chapters 3 and 9 of the Feasibility Study. The CAHAI-COG is responsible for ensuring a broad multi-stakeholder consultations on key findings of the Feasibility Study, based on available financial resources and with a view to feeding the work on the elaboration of a legal framework for the development, design and application of artificial intelligence. The CAHAI-LFG is responsible for drafting provisions of draft legal instrument(s), building in particular on Chapter 7 of the Feasibility Study.
7. The Bureau agreed that the CAHAI-PDG could focus its work on the elaboration of elements of non-binding legal instrument(s), whereas the CAHAI-LFG would focus on the elaboration of elements a binding legal instrument.
8. The Bureau agreed that although some flexibility could be allowed on the number of participants the CAHAI-LFG with a view to fostering inclusiveness and ownership of work there should also be limits on the number of participants, so that the work can progress in an expedient manner.
9. The Chair confirmed that Bureau members and Co-Chairs of other working groups could participate in working group meetings as observers, albeit not as formal members, in order to foster ownership of the work which is about to start.

10. Mr Strojín underlined that the working groups should work in close co-operation in order to produce a coherent output by the end of the year.

3. Finalisation of the documents on the multi-stakeholder consultation prepared by the CAHAI-COG with a view to their submission to the CAHAI for discussion at a dedicated plenary meeting on 26 February 2021

13. The Chair recalled that the CAHAI had 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. It had also decided that the finalisation of the documents prepared by the CAHAI-COG would be coordinated by the Bureau with input from the three Working Groups. Finally, it had decided that the CAHAI-PDG would also provide its input as regards the topics for the consultations.

14. He added that the consultations should focus on key elements of the Feasibility Study so as to feed the work of CAHAI-LFG.

15. Mr Wolfgang TEVES (Germany), Chair of the CAHAI-PDG presented the draft questionnaire for the multi-stakeholder consultation which had been prepared by the CAHAI-PDG at an earlier stage. He underlined that Chapter 7 of the Feasibility Study could be a good basis for topics to be put to the multi-stakeholders in the form of a survey or questionnaire.

16. Mr Zoltan TURBEK (Hungary), Co-Chair of the CAHAI-PDG, emphasised the already diverse nature of the CAHAI-PDG and the fully inclusive nature of its work with actors from NGOs, academia or the private sector often being very vocal during the meetings.

17. The Co-Chairs of the CAHAI-COG, Mr Andrey NEZNAMEV (Russian Federation) and Ms Victoria ALSINA (Spain) presented the CAHAI-COG's views on how the multi-stakeholder consultations should proceed.

18. The CAHAI-COG Co-Chairs agreed that an online survey is the best way forward and expressed their readiness to work on the survey with the CAHAI-PDG

19. The CAHAI-COG Chairs expressed their preference for the survey to be widely available not only to those already participating in the CAHAI but also to the other stakeholders identified by the CAHAI-COG. This was agreed upon by CAHAI Bureau members.

20. Mr Strojín suggested that, depending on the evolution of the work of the CAHAI throughout the year, two rounds of consultations might take place. The first round could feed the work of the CAHAI-LFG with feedback coming from the multi-stakeholder consultation on key elements of the feasibility study and the second round could take place, if necessary, to produce more detailed input to the CAHAI-LFG on the provisions drawn up by Group. Different groups of stakeholders could be used for each round, with a more limited group for the first round based on the participants in the CAHAI.

21. The Bureau agreed that as a first step the consultation should be as inclusive as possible and that for this reason, a one-size-fits-all question-based survey would be the best way forward. Moreover, a simple online consultation would be best suited to fit into the tight schedule for the holding the consultations. In this regard, the secretariat clarified that consultations should take place between February and April, so that the results could be collected, analysed and summarised by the CAHAI-COG in time for the 5th plenary meeting taking place in early July. The dedicated conference on multi-stakeholder consultations taking place in May under the Hungarian Chairmanship could also provide some input.

22. It was mentioned that questions in the consultation should be specific on substance, in order to provide clear guidance to the CAHAI-LFG on possible regulatory choices it would come across in its work.

23. The Bureau agreed that applying a single methodology for consultation (open survey) and defining a limited set of clear questions would be the best way forward, in the light of the expected outputs and timelines for the consultation. The survey could be published on the committee's website as well as a compilation and/or analysis of replies. The Bureau

emphasised that transparency should be maintained to the greatest extent possible, for instance as regards the systematic publication of all the replies received.

24. The Bureau agreed that national consultations should be encouraged, and awareness must be raised as regards the consultations. Although the survey would be available in English and in French only, each member State would of course be free to make unofficial translations if they so wish. It would be in the hands of the member States to decide whether to organise national consultations or not. The findings of any such consultation should be communicated to the CAHAI and would be published by the Council of Europe on the CAHAI website. In addition, a compilation of the replies received to the online consultation and the final report summarising the main findings of the consultation would also be published.
25. On the basis of these discussions, the Secretariat, in consultation with the CAHAI-COG Co-Chairs and the CAHAI-PDG Co-Chairs, as well as the Bureau members, will prepare an updated document making proposals for the consultation, to be submitted to Bureau members in the week of 8 February, with a view to its further submission to the CAHAI at its 4th plenary meeting on 26 February.

4. Review of applications for observer status which have recently reached the CAHAI secretariat (item restricted to Bureau members)

- a. [Centre for Democracy and Rule of Law, CEDEM](#)
 - b. [European Association of Data Protection Professionals](#)
 - c. [Center for AI and Digital Policy \(CAIDP\) of the Michael Dukakis Institute](#)
26. With regard to applications for observer status to the CAHAI, three applications had recently been received by the Secretariat from: the Centre for Democracy and Rule of Law (CEDEM); the European Association of Data Protection Professionals; the Center for AI and Digital Policy (CAIDP) of the Michael Dukakis Institute.
27. The criteria for granting observer status are the following:
- the 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.
28. The Bureau agreed to transmit all three applications to the CAHAI plenary.

5. AOB

29. Mr Teves informed the participants about the high-level Conference on "Human Rights in the Era of AI -Europe as international Standard Setter for Artificial Intelligence", which is being organised by the German Presidency of the Committee of Ministers on 20 January and which will provide a good opportunity to raise awareness on the work of the CAHAI. He thanked the members of the Bureau who have agreed to be speakers at the conference and encouraged a wide dissemination of the invitation as the conference is open to all.

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. Coordination of tasks among the three CAHAI Working Groups for 2021, in the light of the conclusions of the feasibility study

Working documents: [CAHAI\(2020\)23](#); [CAHAI\(2020\)10ADDREV3](#); [CAHAI\(2020\)26](#)

3. Finalisation of the documents on the multi-stakeholder consultation prepared by the CAHAI-COG with a view to their submission to the CAHAI for discussion at a dedicated plenary meeting on 26 February 2021

Working documents: [CAHAI-COG\(2020\)04](#); [CAHAI-COG\(2020\)05](#); [CAHAI\(2020\)26](#)

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- b. [European Association of Data Protection Professionals](#)
- c. [Center for AI and Digital Policy \(CAIDP\) of the Michael Dukakis Institute](#)

Reference document: [CAHAI\(2019\)05fin](#)

APPENDIX II

LIST OF PARTICIPANTS

MEMBERS OF THE BUREAU

BELGIUM

Ms Peggy VALCKE (Vice-Chair)

Researcher and Professor in ICT and Media
Faculty of Law at the KULC

ESTONIA

Ms Siiri AULIK

Advisor
Public Law Division
Ministry of Justice

FRANCE

Mme Marine KETTANI Apologised

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

GERMANY

Mr Wolfgang TEVES

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

ITALY

Mr Marco BELLEZZA

Innovation Advisor to the Minister of Economic
Development
Ministry of Economic Development

ROMANIA

Mr Andrei DINCULESCU

IA and IOT Adviser
Government of Romania

SLOVENIA

Mr Gregor STROJIN (Chair)

Adviser to the President of the Supreme Court
of the Republic of Slovenia

SWITZERLAND

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

Mr David LESLIE

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

Other Member States of the Council of Europe

HUNGARY

Mr Zoltán TURBÉK – Co-Chair of the CAHAI-PDG

Director, Department of International Organisations, Ministry of Foreign Affairs and

RUSSIAN FEDERATION

Mr Andrey NEZNAMOV - Co-Chair of CAHAI-COG

Senior researcher of the Russian Academy of Sciences, Executive Director for AI regulation, Sberbank

SPAIN

Ms Victoria ALSINA BURGUES - Co-Chair of CAHAI-COG

Industry Assistant Professor and Academic Director, Center for Urban Science and Progress, Associated Faculty, Technology, Culture and Society Department, Senior Fellow, The Governance Lab

SECRETARIAT GENERAL OF THE COUNCIL OF EUROPE

DIRECTORATE GENERAL OF HUMAN RIGHTS AND RULE OF LAW (DG I)

Mr Jan KLEIJSEN

Director

Information Society – Action against Crime

Mr Patrick PENNINCKX

Head of Department

Information Society Department

DIRECTORATE GENERAL OF DEMOCRACY (DG II)

Ms Claudia LUCIANI

Director

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SECRETARIAT OF THE CAHAI

Ms Clementina BARBARO

Co-Secretary of CAHAI

Ms Ursula STICKER

Co-Secretary of CAHAI

Mr Yannick MENECEUR - Policy Adviser

Ms Lucy ANCELIN - Assistant to the CAHAI

Ms Claire ROBINS - Secretariat, Counter-terrorism division

Ms Laetitia DIMANCHE, Project Assistant, Information Society

