



Strasbourg, 27 April 2021

CAHAI-BU(2021)REP2

AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)

Bureau – 6th Meeting

Strasbourg, 27 April 2021

Online meeting

9.30 a.m.– 12 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 emphasised the global impact of AI which crosses borders and regions and welcomed the fact that States from outside the Council of Europe have been involved in the work so far. In this regard, he underlined the importance of reaching out to these States.
2. Mr Jan KLEIJSSSEN, Director, Information Society – Action against Crime, Council of Europe, informed the Bureau of the European Commission's Proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) which was published on 21 April. Upon a preliminary analysis, this proposal for a regulation would seem to be complementary to the work of the Council of Europe.
3. Mr Kleijssen also mentioned the new terms of reference for the ongoing work of the CAHAI which is currently under development. These terms of reference will be part of the four-year plan and last from 2022 to 2026 continuing on the basis of the elements for a possible legal framework that are still to be produced by the CAHAI.
4. Ms Claudia LUCIANI, Director, Directorate of Human Dignity, Equality and Governance, Council of Europe, congratulated the Working Groups of the CAHAI for the progress made. This will be complemented with the results of the multi-stakeholder consultation which is currently taking place.
5. Ms Luciani mentioned that the Secretary General of the Council of Europe will be holding meetings with the European Union where it is hoped the EU Commission's Proposal and the complementary aspects could be discussed.

2. Adoption of the agenda

6. The Bureau adopted the agenda.

3. Ongoing work within the CAHAI-LFG and deliverables to be presented at the 5th CAHAI Plenary meeting

7. The Co-Chair of the CAHAI-LFG, Ms Peggy VALCKE, gave the latest information on the progress of the work of the Group. Seven sub-working groups had been set up, and the first five have completed the first draft of provisions which were submitted to the Secretariat on 30 March. These drafts were discussed at the 2nd meeting of the CAHAI-LFG on 8-9 April. The sub-working groups then integrated the comments made during this meeting and the updated versions have been sent to the Secretariat who along with the consultant(s) will bring all the drafts together and streamline the provisions to ensure consistency.
8. Following the 2nd meeting, the final two sub-groups, 6 on red lines and 7 on co-operation, compliance and follow-up have now begun their work.
9. The CAHAI-LFG will meet again on 31 May and 1 June and continue its work on the elements of possible legal framework.
10. In this regard the results of the ongoing multi-stakeholder consultation will be taken into account. Moreover, the CAHAI-LFG will continue to work in close co-operation with the CAHAI-PDG.

4. Ongoing work within the CAHAI-PDG and deliverables to be presented at the 5th CAHAI Plenary meeting

11. The Co-Chair of the CAHAI-PDG, Mr Wolfgang TEVES, gave an update on the work of the CAHAI-PDG. The two sub-working groups on impact assessment and AI in the public sector have now submitted the second draft of their documents. For the next step the Secretariat, Co-Chairs and consultant(s) will now work on a paper combining these results to be presented at the next meeting of the CAHAI-PDG on 27 May.
12. Mr Teves underlined that the work on impact assessment would focus on the risks of AI and not the opportunities, however the work on AI in the public sector could cover both benefits and risks.
13. As regards the mapping exercise the input received from the different sectors on possible subjects has been very limited, as priorities for sectorial work are currently being identified in the framework of the Programme of Activities for 2022 – 2026. The CAHAI-PDG will wait for the results of this process and come back to this in the autumn.
14. The CAHAI-PDG could consider recommending to the CAHAI that the work already underway within the Organisation in 2021, which addresses many different aspects of impact of AI on human rights, democracy and the rule of law is subject of further study and development in coming years, if necessary through the elaboration of specific instruments of binding or non-binding nature and of possible compliance mechanisms, should such instruments be already available.

5. Ongoing work within the CAHAI-COG, in particular the CAHAI multi-stakeholder's consultation and deliverables to be presented at the 5th CAHAI Plenary meeting

15. The Secretariat informed the Bureau that the multi-stakeholder consultation is set to end on 29 April. Partly due to the fact that only institutions are allowed to reply and any replies from individuals have been discounted, approximately 100 replies have so far been received.
16. The Bureau agreed that 100 replies is already a good number from which interesting material can be extracted. It was also underlined that the responses received have been of a high quality and quite diversified, and the Bureau agreed that it is quality over quantity that counts.
17. Notwithstanding that fact that many replies will be received at the last minute, the Bureau agreed to extend the deadline of the consultation to 9 May at 18h. The Bureau also highlighted the need for a good geographical spread of answers that may have been lacking in the replies received so far.
18. In light of this, the next meeting of the CAHAI-COG initially planned for early June will be moved to 20-21 June.
19. Taking into account the new CAHAI-COG meeting dates, this new deadline would still allow enough time for the results of the consultation to be examined by the CAHAI-COG and submitted to the CAHAI plenary at the beginning of July.

6. Preliminary draft Terms of Reference of CAHAI for 2022 – 2026

20. The Secretariat informed the Bureau that the terms of reference of Council of Europe committees would likely be for four years as of 2022. This would enable better planning and organisation of the budget.
21. The Secretariat then gave a PowerPoint presentation of the proposed main tasks and deliverables for the CAHAI in the coming years. The Bureau was informed that there is a very tight deadline for submitting the new terms of reference to the Committee of Ministers and was invited to provide written comments on the draft proposal by 4 May. It was underlined, that the submission of the draft terms of reference for all CoE committees under the Committee of Ministers, including the CAHAI, falls under the sole competency of the Secretary General. However, the relevant committees will be kept informed.
22. The Bureau welcomed a broad and flexible mandate, in light of the fast-moving developments in technology which will need to be taken into account. Moreover, the Bureau agreed that the mandate should be left open for non-binding instruments.
23. The Bureau agreed that the draft terms of reference should be informally discussed with the Bureau before the next plenary meeting of the CAHAI.

7. Admission of observers

24. With regard to applications for observer status to the CAHAI, four applications had recently been received by the Secretariat from: Istanbul Bar Association, Information and Technology Commission, AI Working Group; Global Partners Digital (GPD); Law Society of Ireland (Law Society); VDE Association for Electrical, Electronic & Information Technologies.
25. 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.
26. The Bureau agreed to transmit all four applications to the CAHAI plenary for decision.

8. Preparation of the 5th CAHAI Plenary meeting (5-7 July 2021)

27. The Bureau agreed that other international organisations such as the EU Commission, OECD, UNESCO, should be invited to give presentations at the next plenary on their planned and ongoing initiatives in the field of AI.
28. The Bureau held an exchange on how to ensure that a balance between the views of all delegations be found.
29. It was agreed that delegations would be invited to provide input in advance of the plenary meeting in writing that could already be on the table.

30. The Bureau also agreed that any documents presented to the plenary meeting should be legally coherent and politically acceptable and focus on what is achievable under the CAHAI's mandate.

9. Any other business

31. The Secretariat presented its preliminary analysis of the EU Commission's Proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) of 21 April.

32. It was noted that there are many convergences between this proposal and the ongoing work of the CAHAI. The Bureau agreed that this EU proposal merits further examination by the CAHAI with a view to avoiding unnecessary duplications and ensuring complementarity.

33. The Bureau underlined the importance of the two organisations working in close coordination.

34. Finally, the Bureau expressed its wish that the Council of Europe would provide a common platform for working on and sharing documents. The Secretariat informed the Bureau that such a platform was currently under development.

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. Adoption of the agenda

3. Ongoing work within the CAHAI-LFG and deliverables to be presented at the 5th CAHAI Plenary meeting

Working documents: [CAHAI-LFG\(2021\)PV1](#), [CAHAI-LFG\(2021\)PV2](#)

4. Ongoing work within the CAHAI-PDG and deliverables to be presented at the 5th CAHAI Plenary meeting

Working documents: [CAHAI-PDG\(2021\)PV1](#); [CAHAI-PDG\(2021\)PV2](#)

5. Ongoing work within the CAHAI-COG, in particular the CAHAI multi-stakeholder's consultation and deliverables to be presented at the 5th CAHAI Plenary meeting

Working documents: [Action Plan](#); [Multi-stakeholder Consultation](#)

6. Preliminary draft Terms of Reference of CAHAI for 2022 – 2026

7. Admission of observers

Working documents: [CAHAI\(2019\)05fin](#);
[Istanbul Bar Association, Information and Technology Commission, AI Working Group](#);
[Global Partners Digital \(GPD\)](#);
[Law Society of Ireland \(Law Society\)](#);
[VDE Association for Electrical, Electronic & Information Technologies](#)

8. Preparation of the 5th CAHAI Plenary meeting (5-7 July 2021)

9. 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 Apologised / Excusé
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 Apologised / Excusé
Ethics Theme Lead and Ethics Fellow
Public Policy Programme
The Alan Turing Institute

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 / *Secrétaire du
CAHAI*

Mr Kristian BARTHOLIN

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

Ms Lucy ANCELIN - Assistant to the
CAHAI / *Assistante du CAHAI*

Ms Claire ROBINS - Secretariat, Counter-
terrorism division / *Secrétariat, Division Anti-
terrorisme*

Ms Laetitia DIMANCHE, Project Assistant,
Information Society Department / *Assistante
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