

Strasbourg, 9 November 2021

CAHAI-BU(2021)REP3

# **AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)**

**Bureau – 7th Meeting**

**Strasbourg, 9 November 2021**

Online meeting

9.30 a.m.– 12 p.m.

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**ABRIDGED MEETING REPORT**

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[www.coe.int/cahai](http://www.coe.int/cahai)

## **1. Opening of the meeting**

1. The Chair of the CAHAI, Mr Gregor STROJIN (Slovenia) welcomed the members of the Bureau. He emphasised that, this being the last Bureau meeting, it would be entirely dedicated to the preparation of the last CAHAI Plenary meeting. Mr Strojina warmly thanked the Co-Chairs of the CAHAI-LFG and CAHAI-PDG for the excellent work achieved in both working groups in preparing the document on the possible elements of a legally-binding instrument on artificial intelligence, human rights, democracy, and the rule of law (“elements document”), especially considering the difficult circumstances imposed by the Covid-19 pandemic.
2. Ms Claudia LUCIANI, Director, Directorate of Human Dignity, Equality and Governance, Council of Europe, also welcomed the Bureau members and commented on the impressive and extensive work of the working groups. She highlighted that although some items in the elements document still need to be settled by the CAHAI at its last Plenary meeting, and by the Committee of Ministers, no fundamental point was left out of discussions and all is now on the table for a final discussion.
3. Mr Jan KLEIJSSSEN, Director, Information Society – Action against Crime, Council of Europe, welcomed all participants to the last meeting of the Bureau. He noted that a lot of ground was covered by the working groups, resulting in a very helpful document which the CAHAI will have to examine and come to an agreement on. Mr Kleijssen also informed the Bureau members of the latest development as regards the Terms of Reference for the successor Committee to the CAHAI, which is to start negotiations in May of 2022, on the basis of the work produced by the CAHAI. He welcomed the introduction in the Elements document of a reference to the sustainability of AI, notably considering its environmental impact and the current discussions in the framework of the meeting of the COP26 in Glasgow. Finally, he thanked all Bureau members and Co-Chairs of the working groups for their efforts and commitment.

## **2. Adoption of the agenda**

4. The Bureau adopted the agenda.

## **3. Information provided by the Secretariat**

5. The Secretariat informed the Bureau that the CAHAI-LFG and CAHAI-PDG have finalised their work on the possible elements of a legally binding instrument on artificial intelligence, human rights, democracy, and the rule of law.
6. The Secretary to the CAHAI, Mr Kristian BARTHOLIN, reiterated that discussions are currently ongoing in the Committee of Ministers as regards the committee designated to take over after the CAHAI. He stated that negotiations of a possible transversal legally-binding instrument will start following the next ministerial meeting, to take place in May 2022 under the Italian Chairmanship of the Committee of Ministers.
7. He further informed the Bureau members of changes within the Secretariat, as Mr Yannick MENECEUR and Ms Clementina BARBARO both left their functions. Mr Bartholin announced that he is now Head of the Digital Development Unit in addition to Secretary to the CAHAI, and that Ms Louise RIONDEL was appointed as Co-Secretary to the CAHAI.
8. The Secretariat noted that it received three requests for observer status to the CAHAI. Considering that the mandate of the Committee is coming to an end, it was decided, in

consultation with the Chair, to ask the applicants to resubmit their request with the successor Committee to the CAHAI. Bureau members were also informed that one application in particular was examined by the legal service of the Council of Europe, which advised that due to the legal status of the applicant and in accordance with the Terms of Reference of the CAHAI, the request had to be denied.

#### **4. Deliverables to be presented at the 6th CAHAI Plenary meeting: possible elements of a legally binding instrument on artificial intelligence, human rights, democracy, and the rule of law**

9. The Chair underlined that it is not the role of the Bureau to make substantive modifications to the text, but instead to prepare its presentation and finalisation during the Plenary meeting.
10. The Secretariat presented the elements document, reminding Bureau members that it sets out recommendations for the Committee of Ministers based on the work of the CAHAI, and that its aim is not to give precise provisions or definitions to be inserted in a future transversal legally-binding instrument.
11. The main points which will be discussed during the Plenary meeting were examined. It was recalled that elements for both a legally-binding instrument and one or more additional non-binding instruments are included in the document.
12. The Bureau instructed the Secretariat to make necessary editorial modifications to the text to ensure consistency in the language used for presentation at the Plenary meeting.
13. It was decided to distribute the elements document to all CAHAI delegations for written comments before the Plenary meeting, with a deadline set for 23 November 2021. All comments received will then be compiled into a document, to be shared with all delegations ahead of the Plenary meeting.
14. The need to recognise the work and commitment of delegations in the working groups was highlighted. The Bureau expressed its wish to hold a discussion during the Plenary meeting on how to deal with the work produced and the contributions received. The Secretariat confirmed that the CAHAI website would remain online as an archive and that a repository of all documents, including the restricted ones, can be made available to the committee replacing the CAHAI.

#### **5. Preparation of the 6th CAHAI Plenary meeting (30 November – 2 December 2021)**

15. The Secretariat presented the draft agenda for the Plenary meeting. It informed the Bureau members that a keynote speech will possibly be delivered to mark the occasion as the last Plenary meeting of the CAHAI. It was noted that a major part of the meeting will be devoted to the elements document, as it must be finalised at that meeting in order to be submitted to the Committee of Ministers within the deadline set.
16. The Bureau was informed that a point of information will be presented by the delegation of Hungary on the International Conference on “Current and Future Challenges of Coordinated Policies on AI Regulation” which took place under the Hungarian Presidency on 26 October 2021.

17. Underlining the need for finalising the elements document during the upcoming Plenary meeting, the Bureau agreed that the Chair and Vice-Chair should organise the examination of the elements document in the way they considered most efficient.

**6. Any other business**

18. The Chair thanked the Bureau members for their commitment and efforts to balance AI with human rights, democracy and the rule of law. He expressed his gratitude for their work.

19. Mr Patrick PENNINCKX, Head of Information Society Department, Council of Europe, highlighted the intellectual and human aspect of the work achieved in the CAHA. He congratulated all Chairs, noting that they have led a complex process in a brilliant way, especially considering most of the work had to be carried out online due to the Covid-19 pandemic.

## **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. Information provided by the Secretariat**

### **4. Deliverables to be presented at the 6th CAHAI Plenary meeting: possible elements of a legally binding instrument on artificial intelligence, human rights, democracy, and the rule of law**

Working documents: CAHAI(2021)09(restricted), [CAHAI-PDG\(2021\)PV4](#), [CAHAI-LFG\(2021\)PV5](#)

### **5. Preparation of the 6th CAHAI Plenary meeting (30 November – 2 December 2021)**

Working document: [CAHAI\(2021\)OJ3](#)

### **6. Any other business**

## APPENDIX II – LIST OF PARTICIPANTS

### MEMBERS OF THE BUREAU / MEMBRES DU BUREAU

#### BELGIUM / BELGIQUE

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

#### ESTONIA/ ESTONIE

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**Ms Siiri AULIK**  
Advisor  
Public Law Division  
Ministry of Justice

#### FRANCE

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

#### GERMANY / ALLEMAGNE

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**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

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

#### ROMANIA / ROUMANIE

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**Mr Andrei DINCULESCU**  
IA and IOT Adviser  
Government of Romania

#### SLOVENIA / SLOVENIE

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

#### SWITZERLAND / SUISSE

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**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

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**Mr David LESLIE**  
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 PENNINCKX**

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**

**Mr Kristian BARTHOLIN**

Secretary of CAHAI / *Secrétaire du CAHAI*

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

**Ms Louise RIONDEL**

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

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

**Ms Laetitia DIMANCHE**, Project Assistant,  
Information Society Department / *Assistante  
de projet, Service de la société de  
l'information*

**Ms Geisa-Conceicao CIPRIANI** – Trainee /  
*Stagiaire*

**Mr Rafael ISMAYILOV** – Administrative  
assistant / *Assistant administratif*

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**INTERPRETERS / INTERPRÈTES**

**Ms Lucie DE BURLET**

**Mr Grégoire DEVICTOR**