

Strasbourg, 9 April 2021

CAHAI-LFG(2021)PV2

AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)

Legal Frameworks Group (CAHAI-LFG)

2nd meeting

Strasbourg, 8-9 April 2021

Online meeting – KUDO Platform

Meeting Report

Prepared by the CAHAI Secretariat

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1. Opening of the meeting

1. The CAHAI-LFG took note of the opening remarks by the Chair of the CAHAI, Mr Gregor STROJIN (Slovenia) who thanked the ten Lead Coordinators who organised the work of the Sub-Working Groups and put together the outcomes and the two Co-Chairs who have played a key role in the work. He also informed the Group that the Committee of Ministers had, at its latest session, taken note of the feasibility study and instructed the CAHAI to focus its work on the elaboration of specific elements of an appropriate legal framework, which could include a binding legal instrument, as well as non-binding instruments as appropriate.

2. The CAHAI-LFG also took note of the opening remarks by Ms Claudia LUCIANI, Director, Directorate of Human Dignity, Equality and Governance, who noted with great satisfaction the most important human rights issues relating to the use of artificial intelligence are being addressed. However, Ms LUCIANI added that there is still work to be done as regards democracy and the rule of law. The potential impact of AI on democracy should not be underestimated.

3. Finally, the CAHAI-LFG took note of the opening remarks by Mr Jan KLEIJSEN, Director, Information Society - Action against Crime, who underlined that this exercise is not about drafting a convention or a recommendation. That is for the future, should the Committee of Ministers so decide. The current task aims at preparing model provisions which may serve as inspiration for future drafters. Mr KLEIJSEN also mentioned his participation in the 11th Russian Internet Governance Forum (RIGF) on 7 April 2021, where he presented the Council of Europe's work in the field of AI and where many delegations expressed interest in the Feasibility Study and the work of the CAHAI in general.

2. Adoption of the agenda

4. The CAHAI-LFG adopted the agenda.

3. Introduction by the Co-Chairs and the Secretariat

5. The CAHAI-LFG took note of the update provided by Ms Peggy VALCKE (Belgium) and Mr Riccardo VILLA (Italy) on the current state of play. The inputs from Sub-Working Groups 1-5 were received by 30 March and were shared with members of the CAHAI-LFG. This work will be fine-tuned according to the outcomes of the discussions during the meeting and a compilation of all the inputs will then be circulated in time for the next meeting of the CAHAI-LFG in June.

6. The CAHAI-LFG agreed that the compilation document will have to adopt a common format, where, although a final legal instrument is not the expected deliverable, elements of a legal framework, including provisions as well as substantive justification as to why they are being proposed, should be used.

7. The CAHAI-LFG took note that the work of Sub-Working Groups 6 and 7 will begin after this meeting and underlined the importance of taking into account the timelines of the CAHAI-PDG and the CAHAI-COG in planning and executing its tasks.

8. The Group expressed its satisfaction that the multi-stakeholder consultation is now open and will be available online until 29 April. The information collected during this consultation will normally be shared with the CAHAI-LFG in May in time for the 3rd meeting and provide a starting point for further discussions.

4. Presentation of the outcomes of Sub-Working Groups 1-5

9. The CAHAI-LFG took note of the presentations made by the co-lead coordinators of Sub-Working Groups 1-5 of the outcomes of their work and held an exchange on the documents produced by the aforesaid Sub-Working Groups, as well as on possible follow-up to this work.

10. The Group acknowledged the challenges linked to the task and thanked its Sub-Working Groups 1-5 for their efforts in producing their respective documents in such a short time and with such high quality.

5. Follow-up to the outcomes of Sub-Working Groups 1-5

11. The CAHAI-LFG advised Sub-Working Groups 1-5 to revise the outcomes of their work in the light of the comments received from Delegations during the meeting and send these revised documents to the Secretariat by 23 April 2021.

12. The CAHAI -LFG instructed the Secretariat, working under the supervision of the Co-Chairs, to bring together the various contributions of Sub-Working Groups 1-5 in one single document containing a collection of model provisions, which will form the basis for further discussions in the CAHAI-LFG. The document prepared by the Secretariat, which may avail itself of the assistance of independent experts, notably Ms Nathalie SMUHA, will be sent to all delegations by 20 May 2021.

13. The CAHAI-LFG further instructed the Secretariat, when elaborating the aforesaid collection of model provisions, to ensure that provisions are clear, precise, not unnecessarily overlapping, consistent with relevant existing legal instruments of the Council of Europe, and covering all three pillars of human rights, the rule of law, and democracy. Furthermore, the provisions shall, as necessary, take into account gender issues related to equality and the rights of the child and, where relevant, give consideration to the potential impact of AI systems on social and economic rights. In accordance with the mandate of the Council of Europe military applications of AI systems shall be excluded from the scope of the provisions, while ensuring that the potential for dual use of AI systems does not in itself exclude the regulation of their use in a civilian context.

6. Setting up of Sub-Working Group 6 (Red Lines) and Sub-Working Group 7 (Cooperation, Compliance, Follow-up)

14. The CAHAI-LFG decided to establish Sub-Working Groups 6 and 7 and agreed that Spain and Turkey will be co-lead coordinators of Sub-Working Group 6 and Russian Federation and United Kingdom of Sub-Working Group 7.

15. The Group noted that the work of these two Sub-Working Groups would only begin once the work of Sub-Working Groups 1-5 had been completed.

16. The CAHAI instructed Sub-Working Groups 6 and 7 to send their contributions to the Secretariat by 18 May 2021 in view of onwards transmission to CAHAI-LFG Delegations for a first examination at the third meeting of the Group (31 May – 1 June 2021).

17. The Group thanked those Delegations having volunteered to take part in the Sub-Working Groups 6 and 7 and encouraged them to continue with the high-quality work carried out so far.

18. Finally, the Group instructed the Secretariat to update the list of Sub-Working Groups based on the results of the poll and the expressions of interest put forward during the meeting. A revised document will be sent to Delegations of the CAHAI-LFG after the meeting.

7. Information from the Secretariat

19. This agenda item was postponed until the next meeting of the CAHAI-LFG.

8. Information concerning the state of play of the work of the CAHAI-PDG

20. The CAHAI-LFG took note of a presentation of the state of play of the work of the CAHAI-PDG by Mr Zoltan TURBEK, Co-Chair of the CAHAI-PDG. The work of the two Sub-Working Groups on impact assessment and AI in the public sector is progressing and the outcomes will be shared with the CAHAI-LFG informally at an early stage.

9. Next CAHAI-LFG meeting

21. The CAHAI-LFG decided to hold its next meeting on 31 May to 1 June 2021, with a further meeting planned for 20-21 September.

10. Any other business

22. No issues had been raised under this agenda item.

11. Closing remarks by Mr Patrick PENNINCKX, Head of Information Society Department, Council of Europe

23. The CAHAI-LFG took note of the closing remarks by Mr PENNINCKX who thanked the members of the CAHAI-LFG for the interesting debates that had taken place during the meeting and their continued commitment to the task in hand.

APPENDIX I - AGENDA

Thursday, 8 April 2021		
9.30 am		1. Opening of the meeting. <ul style="list-style-type: none"> Mr Gregor Strojín, Chair of CAHAI Ms Claudia Luciani, Director, Directorate of Human Dignity, Equality and Governance, Council of Europe Mr Jan Kleijssen, Director, Information Society- Action against Crime, Council of Europe
9.50 am		2. Adoption of the agenda
10.00 am		3. Introduction by the Co-chairs and the Secretariat
10.45 am	<p><u>Document common to all chapters:</u> Feasibility Study CAHAI(2020)23</p> <p>CAHAI-LFG(2021)02 Restricted</p> <p>Version with comments Restricted</p>	4.1. Presentation of the outcomes of the work done by Sub-Working Group 1 (Scope and Basic Principles), followed by discussion.
11.30 am	<p>CAHAI-LFG(2021)03 Restricted</p>	4.2. Presentation of the outcomes of the work done by Sub-Working Group 2 (Human Value, Dignity, Autonomy & Freedoms), followed by discussion
12.00 am		<i>Lunch break</i>
2.30 pm		[Continued: 4.2. Presentation of the outcomes of the work done by Sub-Working Group 2 (Human Value, Dignity, Autonomy & Freedoms), followed by discussion]
2.45 pm	<p>CAHAI-LFG(2021)04 Restricted</p>	4.3. Presentation of the outcomes of the work done by Sub-Working Group 3 (Non-discrimination, Gender Equality, Fairness, Diversity), followed by discussion
3.30 pm	<p>CAHAI-LFG(2021)05 Restricted</p> <p>Comments by the Russian Federation Restricted</p>	4.4. Presentation of the outcomes of the work done by Sub-Working Group 4 (Impact on Democracy and Rule of Law), followed by discussion
4.15 pm	<p>CAHAI-LFG(2021)06 Restricted</p>	4.5. Presentation of the outcomes of the work done by Sub-Working Group 5 (Accountability, Responsibility, Transparency), followed by discussion
5.00 pm		<i>Close of the 1st day</i>

Friday, 9 April 2021		
9.30 am		5. Follow-up to the outcomes of Sub-Working Groups 1 – 5
12.00 am		<i>Lunch break</i>
2.30 pm		6. Setting up of Sub-Working Group 6 (Red Lines) and Sub-Working Group 7 (Cooperation, compliance, Follow-up)
3.15 pm	CAHAI-LFG(2021)PV1	7. Information from the Secretariat
3.30 pm	CAHAI-PDG(2021)PV2	8. Information concerning the state-of-play of the work of CAHAI-PDG
4.15 pm		9. Next CAHAI-LFG meeting
4.20 pm		10. Any other business
4.45 pm		11. Closing remarks by Mr Patrick Penninckx, Head of Information Society Department, Council of Europe
5 pm		<i>End of the meeting</i>

APPENDIX II – LIST OF PARTICIPANTS

MEMBERS OF THE LEGAL FRAMEWORKS GROUP / MEMBRES DU GROUPE SUR LES CADRES JURIDIQUES

BELGIUM / BELGIQUE

Ms Peggy VALCKE – Co-Chair of the CAHAI-LFG / Co-Présidente du CAHAI-LFG

Researcher and Professor in ICT and Media at the Faculty of Law at the KU Leuven / chercheuse et professeur en ICT et médias à la faculté de droit à la KU Leuven

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Dag DZUMRUKCIC - Minister counsellor, Department for International Legal Affairs, Ministry of Foreign Affairs / Ministre conseiller, Département des affaires juridiques internationales, Ministère des affaires étrangères

BULGARIA / BULGARIE

Ms Svetlana LYUBENOVA STILIYANOVA – Chief expert, Legal Department, Ministry of Transport, Information Technology and Communications / Expert en chef, Service juridique, Ministère des transports, des technologies de l'information et des communications

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Ms Monika HANYCH - Senior Ministerial Counsellor, Office of the Government Agent before the European Court of Human Rights, Ministry of Justice of the Czech Republic / Conseiller ministériel principal, Bureau de l'agent du gouvernement devant la Cour européenne des droits de l'homme, Ministère de la justice de la République tchèque

ESTONIA / ESTONIE

Ms Siiri AULIK - Adviser, Public Law Division, Estonian Ministry of Justice / Conseillère, division du droit public, ministère estonien de la justice

FINLAND / FINLANDE

Ms Mia SPOLANDER - Legal Officer, Legal Service, Unit for Human Rights Courts and Conventions, Ministry of Foreign Affairs / Juriste, Service juridique, Unité des tribunaux et conventions des droits de l'homme, Ministère des affaires étrangères

FRANCE

Mme Victoria LAFAGE-ROUX - Office for Expertise and Institutional Issues, Delegation for European and International Affairs, General Secretariat - Ministry of Justice / Bureau de l'expertise et des questions institutionnelles, Délégation aux affaires européennes et internationales, Secrétariat général - Ministère de la Justice

GERMANY / ALLEMAGNE

Ms Lena HOCKE - Federal Ministry of Justice and Consumer Protection / Ministère fédéral de la justice et de la protection des consommateurs (Bundesministerium der Justiz und für Verbraucherschutz - BMJV)

Mr Wolfgang TEVES – Chair of the CAHAI-PDG/ Président du CAHAI PDG

Apologised / Excusé

Head of Division for Digital Strategy; Key Policy Issues of the Information Society, Federal Ministry of Justice and Consumer Protection / Chef de la Division de la stratégie numérique, questions politiques clés de la société de l'information, ministère fédéral de la justice et de la protection des consommateurs

Ms Isabella FLORES OVIEDO - Ministry of Justice and Consumer Protection / Ministère fédéral de la justice et de la protection des consommateurs

GREECE / GRECE

Ms Stamatina LEKKA - Executive, Department of Open Governance and Transparency / Executive, Département de la gouvernance ouverte et de la transparence

HUNGARY / HONGRIE

Ms Kata BENCZE, Dr. - Legal Officer, State Secretariat for Cooperation in International and European Justice Affairs, Ministry of Justice / Conseiller juridique, Secrétariat d'État à la coopération dans les affaires internationales et européennes de la justice, Ministère de la justice

Mr Zoltán TURBÉK – Co-Chair of the CAHAI-PDG/ Co-Président du CAHAI-PDG

Director, Department of International Organisations, Ministry of Foreign Affairs and Trade / Directeur, Département des organisations internationales, Ministère des affaires étrangères et du commerce

Ms Abigel GYORGY - Department of International Organisations, Ministry of Foreign Affairs and Trade / Département des organisations internationales, Ministère des affaires étrangères et du commerce

ITALY / ITALIE

Mr Riccardo VILLA – Co-Chair of the CAHAI-LFG / Co-Président du CAHAI-LFG

Counsellor, Deputy Head of Cyber Department, Directorate General Political and Security Affairs, Ministry of Foreign Affairs and International Co-operation, Rome / Conseiller, Chef adjoint du département Cyber, Direction générale des affaires politiques et de sécurité, Ministère des affaires étrangères et de la coopération internationale, Rome

LUXEMBOURG

Ms Michèle FINCK - Senior Research Fellow, Max Planck Institute for Innovation and Competition / Chercheuse principale, Institut Max Planck pour l'innovation et la concurrence

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

NORWAY / NORVEGE

Ms Heather BROOMFIELD - Senior Advisor, Norwegian Digitalisation Agency / Conseiller principal, Agence norvégienne de numérisation

POLAND / POLOGNE

PORTUGAL

Mr Pedro Alexandre MONTEIRO ALMEIDA - Legal Adviser, European Affairs Coordination Unit, Ministry of Justice / Conseiller juridique, Unité de coordination des affaires européennes, Ministère de la justice

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Konstantin KOSORUKOV - Head of the Division of General Legal Issues, Legal Department, Ministry of Foreign Affairs / Chef de la Division des questions juridiques générales, Département juridique, Ministère des affaires étrangères

SLOVAKIA / SLOVAQUIE

Ms Barbora ŠIKUTOVA - Legal expert, International Law Section, Department of European Affairs and Foreign Relations, Ministry of Justice / Juriste expert, Section du droit international, Service des affaires européennes et des relations extérieures, Ministère de la justice

SLOVENIA / SLOVENIE

Mr Gregor STROJIN – Chair of the CAHAI / Président du CAHAI
Advisor to the President, Supreme Court of the Republic of Slovenia / Conseiller du Président, Cour suprême de la République de Slovénie

SPAIN / ESPAGNE

Mr Mario HERNÁNDEZ RAMOS - Associate Professor of Constitutional Law, University of Salamanca; Senior Legal Advisor Ministry of Justice, Government of Spain / Professeur agrégé de droit constitutionnel, Université de Salamanque; Conseiller juridique principal Ministère de la Justice, Gouvernement espagnol

SWITZERLAND / SUISSE

M. Bertrand BISE - Deputy Head of the Legislative Projects Unit, Federal Department of Justice and Police, Organisation/Organisation Federal Office of Justice / Chef suppléant de l'unité Projets législatifs, Département Département fédéral de justice et police, Organisation/organisme Office fédéral de la justice

Mr Roger DUBACH Apologised / Excusé

Ambassador, Deputy Director, Directorate of International Law, Swiss Federal Department of Foreign Affairs (FDFA) / Ambassadeur, Directeur adjoint, Direction du droit international, Département fédéral suisse des affaires étrangères (DFAE)

Mr Jürg LINDENMANN - Advisor, Federal Department of Foreign Affairs, Directorate of International Law / Conseiller, Département fédéral des affaires étrangères, Direction du droit international public

Mr Thomas SCHNEIDER - Ambassador, Federal Department of the Environment, Transport, Energy and Communications, Deputy Director, Federal Office of Communications, Director of International Relations / Ambassadeur, Département fédéral de l'environnement, des transports, de l'énergie et de la communication, Vice-Directeur, Office fédéral de la communication, Directeur Relations internationales

TURKEY / TURQUIE

Ms Leyla KESER BERBER, Prof. Dr. - Associate Professor & Dr., Information Technology Law Institute, Istanbul Bilgi University Law Faculty / Professeur associé et Dr., Institut de droit des technologies de l'information, Faculté de droit de l'Université Bilgi d'Istanbul

Ms Selen Av. İşıl Selen DENEMEÇ, Digital Transformation Office of the Presidency of the Republic of Turkey / Bureau de la transformation numérique de la présidence de la République de Turquie

Mr Kaan Furkan GULSOY – Ministry of Justice / Ministère de la justice

Mr Eren SOUZUER –

Mr Ismet GUVENC - Ministry of Justice / Ministère de la justice

UNITED KINGDOM / ROYAUME-UNI

Ms Rose WOOLHOUSE - Head of Europe Desk at the UK Government Office for Artificial Intelligence / Chef du bureau Europe de l'Office du gouvernement britannique pour l'intelligence artificielle

Ms Melissa COUTINHO – Senior Lawyer, Products, Business & Better Regulation, Department for Business, Energy and Industrial Strategy (BEIS) Legal Advisers, Government Legal Department / Juriste principal, Produits, entreprises et meilleure réglementation, Ministère des affaires, de l'énergie et de la stratégie industrielle (BEIS) Conseillers juridiques, Département juridique du gouvernement

Other Member States of the Council of Europe / Autres Etats membres du Conseil de l'Europe

LATVIA / LETTONIE

Mr Jānis KĀRKLINŠ - Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Latvia to the Council of Europe / Ambassadeur extraordinaire et plénipotentiaire, Représentant permanent de la Lettonie auprès du Conseil de l'Europe

PARTICIPANTS

Council of Europe bodies and institutions / Organes et institutions du Conseil de l'Europe

CONFERENCE OF INGOS / CONFÉRENCE DES OING

Ms Francesca FANUCCI - Senior legal advisor at European Center for Not-for-Profit Law, Netherlands / Conseiller juridique principal au Centre européen pour le droit des associations à but non lucrative, Pays-Bas

CONSULTATIVE COMMITTEE – DATA PROTECTION / COMITE CONSULTATIF- PROTECTION DES DONNEES (T-PD)

Mme Sophie KWASNY - Head of the Data Protection Unit / Chef de l'Unité Protection des données

Mr Alessandro MANTELERO - Associate Professor of Private Law and Law & Technology at the Polytechnic University of Turin / Professeur associé de droit privé et de droit et technologie à l'Université polytechnique de Turin

Ms Gildas EDAZANKPE – Study visitor, Data Protection Unit / Visiteur d'étude, Unité Protection des données

Ms Julie-Sarah PAUGET – Trainee, Data Protection Unit / Stagiaire, Unité Protection des données

EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE / COMITE EUROPEEN SUR LA DEMOCRATIE ET LA GOUVERNANCE (CDDG)

Mr Peter ANDRE - Senior Expert for legal affairs, Federal Ministry of Interior, Austria, CDDG Rapporteur on Democracy and Technology / Expert principal pour les affaires juridiques, Ministère fédéral de l'intérieur d'Autriche, Rapporteur du CDDG sur la démocratie et la technologie

Ms Judith ORLAND - Program Manager Democracy and AI, Democratic Governance Division, CDDG Secretariat / Chef de programme Démocratie et IA, Division de la gouvernance démocratique, Secrétariat du CDDG

Mr Stefan STANKOVIC – Project Officer, Democratic Governance Division / Chargé de projet, Division de la gouvernance démocratique

GENDER EQUALITY COMMISSION / COMMISSION POUR L'EGALITE DE GENRE

Ms Käthlin SANDER - Head of Gender Equality Policy, Equality Policies Department, Ministry of Social Affairs, Estonia / Responsable de la politique d'égalité entre les sexes, département des politiques d'égalité, ministère des affaires sociales, Estonie

Mme Cécile GREBOVAL - Programme Manager Gender Mainstreaming / Gender Equality Advisor / Responsable de programme, Gender Mainstreaming / Conseillère en matière d'égalité entre les femmes et les hommes

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE / COMMISSION EUROPEENNE POUR L'EFFICACITE DE LA JUSTICE (CEPEJ)

VENICE COMMISSION / COMMISSION DE VENISE)

Mr Michael JANSSEN - Elections and Political Parties, Secretariat of the Venice Commission / Elections et partis politiques, Secrétariat de la Commission de Venise

European Union and Observers from International Organisations / Union européenne et Observateurs des Organisations Internationales

EUROPEAN UNION / UNION EUROPEENNE

M. Antoine-Alexandre ANDRE -

Ms Yordanka IVANOVA –

EUROPEAN DATA PROTECTION SUPERVISOR (EDPS) / CONTROLEUR EUROPEEN DE LA PROTECTION DES DONNEES (CEPD)

Ms Panagiota SALASIDOU – Trainee, Policy Department / Stagiaire, Service politique

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) / ORGANISATION DE COOPÉRATION ET DE DÉVELOPPEMENT ÉCONOMIQUES (OCDE)

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE) / ORGANISATION POUR LA SECURITE ET LA COOPERATION EN EUROPE (OSCE)

Observer States to the CAHAI / Etats observateurs au CAHAI

CANADA

Ms Lesia STANGRET - Legal Specialist, Criminal, Security and Diplomatic Law Division, Global Affairs Canada, Government of Canada / Spécialiste juridique, Direction du droit criminel, du droit de la sécurité et du droit diplomatique, Affaires mondiales Canada, Gouvernement du Canada

Mr Michael ZANETTE - Senior Analyst, Global Affairs Canada, Government of Canada / Analyste principal, Affaires Mondiales Canada, Gouvernement du Canada

ISRAEL / ISRAËL

Mr Cedric (Yehuda) SABBAH - Director, International Cybersecurity & IT Law, Office of the Deputy Attorney General (International Law), Ministry of Justice / Directeur, Cybersécurité internationale et droit des technologies de l'information, Bureau du procureur général adjoint (droit international), Ministère de la Justice

Mr Mikhal SCHACHAR - International Cybersecurity & IT Law, Office of the Deputy Attorney General (International Law), Ministry of Justice / Cybersécurité internationale et droit des technologies de l'information, Bureau du procureur général adjoint (droit international), Ministère de la Justice

MEXICO / MEXIQUE

UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE

OBSERVERS ADMITTED TO THE CAHAI / OBSERVATEURS ADMIS AU CAHAI

EUROPEAN NETWORK OF NATIONAL HUMAN RIGHTS INSTITUTIONS / RÉSEAU EUROPÉEN DES INSTITUTIONS NATIONALES DES DROITS DE L'HOMME (ENNHRI)

Council of Europe partner Internet companies / Entreprises internet partenaires du Conseil de l'Europe

INTERNATIONAL COMMUNICATIONS CONSULTANCY ORGANISATION (ICCO)

INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE)

RIPE NCC

TELEFÓNICA

Mr Gonzalo LOPEZ BARAJAS - Manager, Public Policy & Internet / Gestionnaire, Politique publique et Internet

Ms Paloma VILLA MATEOS - Manager, Public Policy and Internet / Gestionnaire, Politique publique et Internet

Mr Pablo BARRIONUEVO - Manager, Public Policy & Internet / Gestionnaire, Politique publique et Internet

Civil Society Organisations, other private sector and academic actors relevant to the work of the CAHAI / Organisations de la Societe civile, autres acteurs du secteur prive et academique, concernes par les travaux du CAHAI

ACCESS NOW

Mr Daniel LEUFER - Europe Policy Analyst / Analyste des politiques europeennes

AI TRANSPARENCY INSITUTE

Ms Eva THELISSON – CEO / PDG

ALLAI

Ms Catelijne MULLER – President ALLAI

EUROPEAN EXPERTISE & EXPERT INSTITUTE (EEI)

HOMO DIGITALIS

Mr Eleftherios CHELIOUDAKIS - Co-founder and Secretary of the Board of Directors / Co-fondateur et secrétaire du conseil d'administration

MEDIA LAWS

Mr Marco BASSINI Apologised / Excusé – Postdoctoral Researcher and Professor of IT Law, Bocconi University - Vice Editor-in-Chief, MediaLaws / Chercheur postdoctoral et professeur de droit des technologies de l'information, Université Bocconi - Vice-rédacteur en chef, MediaLaws

Ms Flavia BAVETTA – Teaching Fellow, Università Commerciale Luigi Bocconi

INDEPENDENT EXPERTS / EXPERTS INDEPENDANTS

Ms Nathalie SMUHA - Researcher - Department of International & European Law, KU Leuven, Member of the OECD Network of Experts on AI (ONE AI), Former Coordinator of the EC High-Level Expert Group on AI, Belgium / Chercheur - Département de droit international et européen, KU Leuven, membre du réseau d'experts de l'OCDE sur l'IA (ONE AI), ancien coordinateur du groupe d'experts de haut niveau de la CE sur l'IA, Belgique

Lord Tim CLEMENT-JONES CBE Apologised / Excusé
House of Lords Liberal Democrat Spokesperson (Digital), United Kingdom / Porte-parole libéral-démocrate de la Chambre des Lords (Digital), Royaume-Uni

Mr Peter PARYCEK, Prof, Mag. - Head - Department for E-Governance and Administration, Donau-Universität Krems / Chef du département de la gouvernance électronique et de l'administration, Donau-Universität Krems

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, Information Society – Action against Crime, Council of Europe / Directeur, Société de l'Information – Lutte contre la Criminalité, Conseil de l'Europe

Mr Patrick PENNINGCKX - Head of Department, Information Society Department / Chef du Service, Service de la société de l'information

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

Ms Claudia LUCIANI – Director, Directorate of Human Dignity, Equality and Governance / Directrice, 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*

Mr Kristian BARTHOLIN
Co-Secretary of CAHAI / *Co-secrétaire du CAHAI*

Mr Yannick MENECEUR - Policy Adviser /
Conseiller en politiques

Ms Laetia DIMANCHE, CAHAI Project Assistant
/ Assistante du Projet CAHAI

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

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

Mr Rafael ISMAYILOV – Trainee / Stagiaire

INTERPRETERS / INTERPRÈTES

Mme Lucie DE BURLET

Mme Chloë CHENETIER

Mr Luke TILDEN