



Strasbourg, 10 March 2023

CAI(2023)07

# **COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAI)**

**4<sup>th</sup> Plenary Meeting**

**Strasbourg, 1 - 3 February 2023**

**Hybrid meeting**

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**MEETING REPORT**

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Prepared by the Secretariat

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## **I. Introduction**

1. The Council of Europe's Committee on Artificial Intelligence (hereinafter referred to as "the CAI" or "the Committee") held its 4<sup>th</sup> Plenary meeting in Strasbourg, in hybrid format, from 1 to 3 February 2023, in conformity with its terms of reference adopted by the Committee of Ministers.
2. The Chair, Ambassador Thomas Schneider (Switzerland), opened the meeting and welcomed the Members, Participants and Observers. The Chair referred to the recent breaches of confidentiality of meetings and documents of the CAI, including references having been made to specific positions of Delegations. He emphasized that such actions were unacceptable.
3. The Chair reiterated the requirements under Resolution CM/Res (2021)3 "on intergovernmental committees and subordinate bodies, their terms of references and working methods", adopted by the Committee of Ministers on 12 May 2021. He further explained that the need for confidentiality of meetings and documents of the CAI was not to curtail transparency, but because international negotiations require the ability for Delegates to make statements or take positions without being quoted in public. Transparency and inclusivity are important aspects of modern policy making and in the case of the CAI, they can and will be ensured in appropriate ways.
4. The Chair also called on all Members, Participants and Observers to safeguard the integrity of the meetings and respect the confidentiality requirements of the Council of Europe. Regrettably, the recent incidents have forced the Secretariat to raise the level of classification of documents from "restricted" to "confidential".

## **II. List of items discussed at the meeting and decisions taken by the CAI**

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

5. Ms Claudia LUCIANI, Director, Directorate of Human Dignity, Equality and Governance, addressed her opening words to the Committee. She expressed sincere appreciation for the interest expressed by all stakeholders, including the Observers, in participating in all aspects of the work of the CAI. She reiterated that openness and transparency are and remain important for the Council of Europe. She further reminded the Committee that negotiations are still scheduled to end by September 2023.
6. In his remarks, Mr Patrick PENNINCKX, Head of the Information Society Department, underlined the window of opportunity for the work of the CAI, in view notably of the

upcoming 4th Summit of Heads of State and Government of the Council of Europe, to be held in Reykjavik, Iceland, on 16-17 May 2023.

### **Agenda item 2. Adoption of the Agenda and Order of Business**

7. The agenda and order of business were adopted without any modifications.
8. The Committee decided to adopt, as amended, the report of the 3<sup>rd</sup> Plenary meeting of the Committee.

### **Agenda item 3. Information by the Secretariat**

9. The Committee took note of the information provided by the Secretariat regarding its activities since the 3<sup>rd</sup> Plenary meeting, notably the organisation of the 4<sup>th</sup> meeting of the AI Coordination Group of the Secretariat held on 24 January 2023.
10. The Committee further took note of the information provided by the Secretariat concerning the classification of documents of the Committee. The Secretariat explained rules regarding the confidentiality of documents of the Committee and that in view of the recent events, the level of classification of documents has been raised from “restricted” to “confidential”. The Secretariat explained the legal consequences of such change of classification.

### **Agenda item 4. Exchange of information**

11. The Committee took note of the intervention by Mr Paul ROWSELL (United Kingdom), Chair of the European Committee on Democracy and Governance (CDDG) who spoke on the importance of protecting democratic values and democratic institutions, in particular in the [framework] Convention on artificial intelligence, human rights, democracy and the rule of law. The Committee warmly thanked him for his participation in the meeting.

### **Agenda item 5. Negotiation of Draft Chapter VIII: Final Clauses (Plenary Session)**

12. The Chair and the Secretariat presented the Draft Chapter VIII: Final Clauses prepared by the Drafting Group at its last session.
13. The Committee negotiated the Draft Chapter VIII: Final Clauses prepared by the Drafting Group at its last session and agreed on amendments to the text, subject to preliminary scrutiny reservations. In particular the Committee discussed the following issues:

- the effects *ratione personae* of draft Article 30 paragraph 2;
- the exact meaning of and the need for draft Article 32, as well as the effects of this draft provision for the European Union and its member States in their relations with each other;
- the exact terminology to be used in draft Article 33 paragraph 1 to describe non-member States which have participated in the elaboration of the Convention;
- the number of signatures required for the Convention to enter into force and the manner of counting them under draft Article 33 paragraph 3;
- the exact terminology to be used in draft Article 34 to refer to futures Parties acceding to the Convention;
- the purpose and meaning of draft Article 35, as well as the terminology to be used in paragraph 1 to refer to Parties potentially concerned by this provision;
- the exact terminology to be used in draft Article 38 to refer to future Parties in various stages of the process of joining the Convention.

14. The Committee instructed the Drafting Group to take into account these amendments.

**Agenda item 6. Re-examination of Draft Chapter VIII: Final Clauses (Drafting Group Session)**

15. The Drafting Group redrafted Draft Chapter VIII: Final Clauses in light of the proposals made by the Plenary and written comments and suggestions submitted by individual Delegations.

**Agenda item 7. Comments on the Preamble and Chapter VII: Follow-up mechanism and cooperation of the revised “Zero Draft” (Plenary Session)**

16. The Chair and the Secretariat presented the text of Chapter VII: Follow-up mechanism and cooperation of the revised “Zero Draft” and the text of the Preamble to the Committee. In addition to the comments submitted in writing beforehand, Delegations also expressed their respective positions regarding the provisions under the discussion.

17. As regards the draft text of the Preamble, the Committee discussed proposals made by Delegations to reformulate, clarify or amend some parts of draft paragraphs 5 and 6, to supplement draft paragraph 10 with references to further relevant international Human

Rights instruments, reformulate or amend the wording describing the complementary character of the [framework] Convention in draft paragraph 11 and to make draft paragraph 13 more balanced by mentioning potentially beneficial uses of AI.

18. As to the draft text of Chapter VII, Delegations made, in particular, proposals to clarify or amend the terminology, name, composition and functions of the body which would be set up in accordance with draft Article 27 paragraph 1 and to clarify or amend the wording regarding the exact manner of funding of this body with regards to the situation of non-member State potential future Parties to the future [framework] Convention in draft Article 27 paragraph 5.
19. They also reiterated the intention of making the future [framework] Convention a global instrument and opening it up to States outside the region of Europe, in particular, with regards to international cooperation as described in draft Article 28. Lastly, Delegations proposed to clarify or amend the terminology, functions and exact mandate of supervisory authorities mentioned in draft Article 29.
20. As a result of the exchange, the Committee provided general comments on the draft text of the Preamble and Chapter VII: Follow-up mechanism and cooperation of the revised “Zero Draft” for consideration by the Drafting Group.

**Agenda item 8. Drafting of the Preamble and Chapter VII: Follow-up mechanism and cooperation of the revised “Zero Draft” (Drafting Group Session)**

21. The Drafting Group examined the Preamble and Chapter VII: Follow-up mechanism and cooperation of the revised “Zero Draft” and redrafted it considering the comments made in the Plenary session and the written contributions, and instructed the Secretariat to distribute the text of the Draft Preamble and Draft Chapter VII: Follow-up mechanism and cooperation with explanatory remarks to the Plenary for examination at its next meeting.

**Agenda item 9. Date and place of the next meeting**

22. The Committee decided to hold the 5<sup>th</sup> Plenary meeting in Strasbourg on 19 - 21 April 2023.

**Agenda item 10. Any other business**

23. The Committee instructed the Secretariat to make the “Revised Zero Draft” of 6 January 2023 public, with the information that this document has been prepared by the Chair

and the Secretariat and that it does not reflect the final outcome of negotiations in the Committee.

**Agenda item 11. Adoption of the List of Items Discussed and Decisions Taken, and close of the meeting**

24. The Committee decided to adopt the List of Items Discussed and Decisions Taken.

**End of the meeting**