

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 5 June 2023

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

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

**Strasbourg, 31 May - 2 June 2023**

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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 6<sup>th</sup> Plenary meeting in Strasbourg from 31 May to 2 June 2023, in conformity with its terms of reference adopted by the Committee of Ministers.

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

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

2. The Chair, Ambassador Thomas SCHNEIDER (Switzerland), opened the meeting and welcomed the Members, Participants and Observers. He mentioned that in view of the good progress in the negotiations of the future [Framework] Convention during its last three meetings, the Committee could finalise the first reading of the draft text of the [Framework] Convention. He invited the CAI to hold an exchange about how to organise the negotiation process in the months ahead.

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

3. Ms Claudia LUCIANI, Director, Directorate of Human Dignity, Equality and Governance, addressed her opening words to the Committee. She spoke about the outcomes of the 4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe, which took place in Reykjavik, Iceland, on 16-17 May 2023. During the Summit, the European leaders reaffirmed their common commitment to the Council of Europe's core values and, as one of main priorities, decided to refocus its mission in the light of new threats to human rights, democracy and the rule of law.
4. The Summit, in particular, "acknowledged the positive impact and opportunities created by new and emerging digital technologies, while recognising the need to mitigate risks of negative consequences of their use on human rights, democracy and the rule of law". With the direct reference to the work of the CAI, Heads of State and Government expressly "committed to ensuring a leading role for the Council of Europe in developing standards in the digital era to safeguard human rights online and offline, including by finalising, as a priority, the Council of Europe's Framework Convention on Artificial Intelligence".
5. In his opening remarks, Mr Patrick PENNINCKX, Head of the Information Society Department, explained that in view of previous discussion in the CAI, the work on the text of the future Convention would continue beyond the original deadline of 15

November 2023 to be finalised at the beginning of next year. At present, discussions were on-going in the Secretariat regarding the updated Terms of Reference for all Committees and their specific modalities, in view of the priorities of the Council of Europe as announced in the Reykjavik Declaration and in the Secretary General's recently published Report on the State of Democracy, Human Rights and the Rule of Law. The final decision on this question will be taken by the Committee of Ministers later in the year.

6. Mr PENNINCKX also expressed satisfaction with the good news and substantial progress made on the proposal for the AI Act at the EU level and also the fact that AI had been specifically mentioned in G7 Hiroshima Leaders' Communiqué, with the leaders of the G7 underlining that "the governance of the digital economy should continue to be updated in line with our shared democratic values".
7. The Committee decided to adopt, without any modifications, the agenda and order of business. It also adopted the report of the 5<sup>th</sup> Plenary meeting of the Committee.

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

8. The Committee took note of the information provided by the Secretariat on the outcomes of the 4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe and welcomed the commitment to ensuring a leading role for the Council of Europe in developing standards in the digital era to safeguard human rights online and offline, including by finalising, as a priority, the Council of Europe's Framework Convention on Artificial Intelligence, as stated in the Reykjavik Declaration.
9. The Committee took note of the information provided by Mr BARTHOLIN, Secretary to the CAI, who explained the functioning of the Organisation's intergovernmental structures and the on-going revision of their Terms of Reference, and also spoke about what this meant for the work of the CAI. He again invited Members of the Committee to submit comments and suggestions for tasks to be included in new Terms of Reference to the Secretariat. He also noted that neither the Secretary General, nor the Committee of Ministers, were under any legal obligation to follow suggestions made by Committees, but that ideas coming from them were always welcome.

### **Agenda item 4. Information regarding the organisation of the remaining work**

10. The Committee took note of the information provided by the Chair and the Secretariat regarding the organisation of the remaining work of the Committee and the proposed

timeline, subject to the outcomes of deliberations in the Committee of Ministers on the Terms of Reference of the Committee.

11. During the exchange on this question, many Delegations took the view that the number of Plenary meetings currently foreseen in the planning was insufficient and that it was to be increased to accommodate for the complexity of both the process and the many issues under examination. Many Delegations also supported the idea of consolidation of the text of the Draft [Framework] Convention and the proposal for members of the Drafting Group to meet informally to continue advancing the work. The Committee decided to mandate the Chair and Secretariat to provide an input to the deliberations on the Terms of Reference taking place in the Secretariat and the Committee of Ministers, notably the number and duration of meetings necessary in 2024 in order to finalise the draft Framework Convention and the HUDERIA Methodology.
12. The CAI also decided to instruct the Secretariat to organise a series of informal meetings of the Drafting Group to explore possible solutions to some of the outstanding issues in the draft Framework Convention, during the period from June to December 2023. The outcomes of the work of the Drafting Group in this regard will be submitted to the Plenary for discussion, and those Participants and Observers which are not present in the Drafting Group will be afforded the possibility to submit written comments and proposals to the Drafting Group on the issues to be examined at the informal meetings.
13. Lastly, the Committee also decided to mandate the Chair, with the assistance of the Secretariat, to prepare a new consolidated working draft of the Framework Convention, based on the discussions and on the comments received so far, by 30 June 2023, with a view to facilitating the preparation for the negotiations.

#### **Agenda item 5. Exchange of information**

14. The Committee took note of the information provided by the representative of the Council of Europe Commissioner for Human Rights, Ms Charlotte ALTENHOENER-DION, regarding the recent publication of the report “Human rights by design - future-proofing human rights protection in the era of AI”.
15. The Committee further took note of the intervention by Ms Kristine LIČIS (Latvia), Chair of the Steering Committee on Human Rights (CDDH) during which she made a short presentation of the activities of the CDDH and made a number of points and comments

regarding Chapters I to VI of the revised “Zero Draft” that the Committee was due to discuss at this meeting.

16. The Committee thanked both Ms ALTENHOENER-DION and Ms LIČIS for their participation in its meeting.
17. The Committee also took note of the intervention by Mr Kilian GROSS (Head of Unit, DG CONNECT, EU Commission) who spoke about the recent and on-going progress in the examination of the EU AI Act. In particular, the examination of the draft legislative proposal was going into its final phase in the EU Parliament with a vote on it being scheduled for 14 June 2023. As the subsequent stage, the EU Commission had the intention of proceeding as fast as possible with a view to reaching an agreement between the EU Parliament, the EU Council and itself (so-called Trilogue negotiations).
18. The Committee next took note of the intervention by Mr Gregor STROJIN (Slovenia), Vice-Chair of the CAI, regarding his participation and representation of the Committee in a round table on “Artificial intelligence, freedom of expression and disinformation: challenges and risks for democracy” organised by the Parliamentary Assembly of the Council of Europe on 26 May 2023 in Riga, Latvia.
19. Mr STROJIN had spoken in front of parliamentarians and representatives of business and academia about the work and goals of the CAHAI/CAI and the main ideas underlying the Council of Europe’s future Framework Convention on AI, Human Rights, Democracy and the Rule of Law.

#### **Agenda item 6. Preparation of a communiqué concerning the work of the CAI**

20. The Committee examined and adopted the draft statement prepared by the Secretariat. It instructed the Secretariat to publish the statement on the website of the CAI.

#### **Agenda item 7. Examination of Chapters I to VI (Plenary Session)**

21. The Chair and the Secretariat presented the text of Chapters I to VI of the revised “Zero Draft” to the Committee. In addition to the comments submitted in writing beforehand, Delegations also expressed their respective positions regarding the provisions under the discussion. In particular, they had questions and made proposals regarding the following issues:

- Different proposals regarding the need for both Articles 3 and 12 as well as the exact wording of both provisions with regards to different categories of persons and groups to be protected and different legal concepts covered by these provisions;
- Different naming suggestions regarding the titles of articles and chapters, including possibly the lack of need to use the terms “principles” and “requirements” in respective Articles;
- An improvement or reformulation of Article 12a regarding the principle of proportionality and risk-based approach;
- Different proposals regarding a provision which would consolidate the protection of various vulnerable groups throughout the draft text;
- The need to take in account the most recent AI technologies such as for instance large language model (LLM) based applications;
- An improvement or reformulation of Articles 19 and 20 regarding measures and safeguards ensuring accountability and redress;
- An improvement or reformulation of Article 21 regarding legitimate restrictions on rights and safeguards set out in Articles 19 and 20;
- Possible changes in the order of Articles in the draft text, such as, for instance, by moving Articles 22 and 23 to the final Chapter;
- An improvement or reformulation of Article 24 (3) regarding the possibility to impose a moratorium or ban on certain applications of AI.

22. The Committee decided to formulate general comments and make concrete proposals for Chapters I to VI for consideration by the Drafting Group. It also decided to instruct the Drafting Group to take into account these comments and proposals.

#### **Agenda item 8. Examination of Chapters I to VI (Drafting Group Session)**

23. The Drafting Group re-examined and finalised the first reading of the Chapters I to VI within the Drafting Group in light of the proposals made by the Plenary, as well as written comments and suggestions submitted by Members, Participants and Observers.

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

24. The Committee decided to hold its next Plenary meeting in Strasbourg in the second part of October 2023 (date to be confirmed later by the Bureau).

**Agenda item 10. Any other business**

25. The Committee held an exchange of views regarding the outreach activities of the CAI and the Secretariat, underlining the need to provide information on the project and the on-going negotiations in the Committee to potentially interested States.

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

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

**End of the meeting**