



Strasbourg, 8 November 2023

CAI(2023)24

COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAI)

7th Plenary Meeting

Strasbourg

24 - 26 October 2023

MEETING REPORT

Prepared by the Secretariat

I. Introduction

1. The Council of Europe's Committee on Artificial Intelligence (hereinafter referred to as "the CAI" or "the Committee") held its 7th Plenary meeting in Strasbourg, from 24 to 26 October 2023, in conformity with its terms of reference adopted by the Committee of Ministers.
2. The members of the Committee observed a minute's silence in tribute to the victims of the conflict in the Middle East, the attack in a school in Arras, France, and the attack in Brussels, Belgium.

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

Agenda item 1. Opening of the meeting

3. The Chair, Ambassador Thomas SCHNEIDER (Switzerland), opened the meeting and welcomed the Members, Participants and Observers. He greeted representatives of the four States having recently been granted observer status with the CAI by the Committee of Ministers on 4 October 2023, namely Argentina, Costa Rica, Peru and Uruguay. The Chair mentioned that in order to facilitate the meaningful involvement and participation of all Delegations, active online participation to the Plenary meetings is now available.
4. Ms Claudia LUCIANI, Director, Human Dignity, Equality and Governance, addressed her opening words to the Committee and mentioned that the negotiations in the CAI are the top priority of the Council of Europe. She also mentioned that the Committee needs to complete its negotiations of the draft Framework Convention at its 10th Plenary meeting (12-14 March 2024) for its subsequent adoption at a meeting of the Committee of Ministers devoted to the celebration of the 75th Anniversary of the Council of Europe on the first week of May 2024.
5. As regards the substance, she noted that the issue is to find a legally correct, but also clear and transparent solution taking account of the divergent positions expressed by Delegations in the Committee.
6. Ms Hanne JUNCHER Director, Information Society and Action against Crime, thanked the many civil society and industry representatives who are contributing to the elaboration the Council of Europe's Framework Convention on Artificial Intelligence, and mentioned that on 4 October 2023, the Chair and the Bureau had organised a meeting with the representatives of Delegations which are not represented in the Drafting Group. The meeting was organised to prepare for the second reading of the

Framework Convention. The Chair spoke about the outcomes of the two informal meetings of the Drafting Group and explained how the process was organised. He and the Secretariat also answered questions from the participants.

7. Ms JUNCHER underlined that, in order to create best possible conditions for the voice of the Delegations which were not represented in the Drafting Group to be heard, the Drafting Group session of the 8th Plenary meeting would precede the Plenary session, both of them lasting 2 days each. Lastly, she also mentioned the Secretary General of the Council of Europe's participation in the UK's AI Safety Summit on 1 and 2 November 2023.

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

8. The Committee decided to adopt, without any modifications, the agenda and order of business. It also adopted the report of the 6th Plenary meeting of the Committee.

Agenda item 3. Information by the Secretariat

9. The Secretariat provided detailed information to the Committee regarding the granting of observer status with the CAI to Argentina, Costa Rica, Peru, and Uruguay, having welcomed these new observer States to the Committee.
10. The Secretariat presented its activities since the 6th Plenary meeting, notably the organisation of two informal meetings of the Drafting Group on 12 July and 6 and 7 September 2023, and the Council of Europe's participation in the Internet Governance Forum (IGF) in Kyoto, Japan on 8 to 12 October 2023.

Agenda item 4. Hearing of candidates for observer status with the CAI

11. The Heads of Delegations of member States took note of the presentations by the representatives of the International Council on Environmental Economics and Development (ICEED), Digital Security Lab Ukraine (DSLUI), the European Broadcasting Union (EBU), IEC/ISO, and Project Liberty, in relation to their candidacies for observer status with the CAI.
12. The Committee decided to grant observer status with the CAI to all five organisations.

Agenda item 5. Examination of Chapters I to IV of the Consolidated Working Draft (Plenary Session)

13. The Chair and the Secretariat presented the text of Chapters I to IV of the Consolidated Working 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:

- Whether Article 1 should mention “principles”, “obligations” and “rights”;
- The need to refer to “human dignity and individual autonomy” in Article 1, in view of the introduction of a separate principle in this connection in Chapter III and the exact formulation of such terms as “human rights”, “democracy” and “the rule of law” and their repetitive use throughout the text of the Framework Convention;
- The need to avoid mentioning different stages of the lifecycle of AI systems repetitively by replacing this formulation with a shorter term and explaining what “lifecycle” includes in the Explanatory Report;
- Possible new proposals regarding the risk-based approach, further amendments to the wording of Article 2 and the possible merging of this provision with paragraph 2 of Article 1;
- Proposals to improve the definition of AI in Article 3, such as for example adding such features as “autonomy” and “uncertainty”, and whether there was a need for further definitions here or elsewhere in the draft;
- Proposals and views regarding the scope of the draft Framework Convention in Article 4, including the issue of public/private, the issue of national security exemptions, exceptions or limitations, the need to reflect the limitations to the scope of the Convention resulting from Article 1 (d) of the Statute of the Council of Europe in respect of military matters;
- The need to provide more clarity regarding the meaning of the paragraph devoted to research and development activities in Article 4 and various suggestions as to how to improve this paragraph;
- Proposals to improve the wording of Articles 5 and 6, including whether there was a need to deal with issues concerning democracy and the rule of law in two separate

- provisions, as well as whether the list of proxy rights in Article 6 should be extended or to the contrary removed from the text in favour of a more comprehensive explanation in the Explanatory Report;
- Proposals to re-introduce a provision regarding the protection of health and the environment in the context of AI, for example along the lines of Article 11 from the Revised “Zero Draft”;
 - Different suggestions and improvements to the formulation of principles throughout Chapter III, including the suggestion to mention whistle-blower protection and the requirement of setting up public registers of high-risk AI systems in the provision on transparency and oversight;
 - Proposals to add references to cybersecurity throughout the draft Framework Convention, to mention “governance” in Article 11, and add further requirements and obligations such as an obligation to report violations of human rights in Article 8 or “strengthen” the relevant references to equality, privacy and data protection in Articles 9, 10 and 11.
14. The Committee decided to formulate general comments and make concrete proposals for Chapters I to IV for consideration by the Drafting Group. It also decided to instruct the Drafting Group to take into account these comments and proposals.

Agenda item 6. Examination of Chapters I to IV of the Consolidated Working Draft (Drafting Group Session)

15. The Drafting Group re-examined Chapters I to IV in the light of the proposals made by the Plenary, as well as written comments and suggestions submitted by Members, Participants and Observers. It instructed the Chair and the Secretariat to prepare proposals on the basis of these comments and suggestions, and submit these proposals to the Committee ahead of the next informal Drafting Group meeting to be held virtually on 14 November 2023.
16. The Drafting Group agreed that an additional informal Drafting Group meeting could be held virtually on the afternoon of 22 November 2023.

Agenda item 7. Date and place of the next meeting

17. The Committee decided to hold its next Plenary meeting in Strasbourg on 5 to 8 December 2023, with the Drafting Group Session on 5 and 6 December, and the Plenary Session on 7 and 8 December.

Agenda item 8. Any other business

18. No points were raised under this agenda item.

Agenda item 9. Adoption of the List of Decisions, and close of the meeting

19. The Committee decided to adopt the List of Decisions.

End of the meeting