



Strasbourg, 30 January 2024

CAI(2024)05

COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAI)

9th Plenary Meeting

Strasbourg

23 - 26 January 2024

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 9th Plenary meeting in Strasbourg, from 23 to 26 January 2024, 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 greeted the representatives of Australia which has been granted observer status with the CAI by the Committee of Ministers on 13 December 2023.
3. The Chair further mentioned that at the last meeting the CAI had successfully finalised the second reading of the Draft Framework Convention and that the amended draft text based on the outcomes (*doc. CAI(2023)28*) was sent to the Committee on 18 December 2023. Additionally, on 11 January 2024, the Members, Participants and Observers of the CAI received the preliminary text of the Draft Explanatory Report, prepared by the Secretariat (*doc.CAI(2024)03*).
4. The Chair explained that during the 5th informal meeting of the Drafting Group which had taken place on 17 and 18 January 2024, the Drafting Group had examined the text and made specific drafting suggestions in respect of some provisions, which are presented and explained in the following documents: Draft Framework Convention (*doc. CAI(2023)28rev1*); Summary of discussion (*doc. CAI-DG(2024)01*) which have been sent to the Committee on 19 January 2024. These documents will serve as a basis for discussions during the third reading of the Draft Framework Convention which begins at this Plenary meeting.
5. The Chair underlined that with the negotiations entering their final and crucial stage, the Delegations are called upon to (a) concentrate on the text set out in the circulated documents, rather than bring up new proposals; (b) avoid reopening of discussions regarding the text in black, but concentrate efforts on clarifying positions on the outstanding parts in red with the of aim finding acceptable compromises.

6. Ms Hanne JUNCHER, Director of the Integrity, Security and Rule of Law Directorate, addressed her opening words to the Committee stating that the negotiations in the CAI are a priority of the Council of Europe. She also underlined that the Committee needs to complete its negotiations of the draft Framework Convention at its 10th Plenary meeting (11-14 March 2024) in view of its subsequent adoption at a meeting of the Committee of Ministers devoted to the celebration of the 75th Anniversary of the Council of Europe in the first week of May 2024. She thanked the many civil society and industry representatives who are contributing to the elaboration of the Council of Europe's Framework Convention on Artificial Intelligence.

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

7. The Committee decided to adopt, without any modifications, the agenda and order of business. It also adopted the reports of the 7th and 8th Plenary meetings of the Committee.

Agenda item 3. Examination of the Draft Framework Convention (Plenary Session)

8. The Chair and the Secretariat presented the text of the Draft Framework Convention to the Committee. In addition to the comments submitted in writing before the meeting, Delegations also expressed their respective positions regarding the provisions under the discussion. In particular, they posed questions and made proposals regarding the following issues:
 - The need for a comprehensive scope for the Framework Convention, including issues regarding national security, national defence and the activities within the lifecycle of AI systems by both public and private actors;
 - The proposed definition of AI in Article 2, and whether it was sufficiently complete in view of the currently available information about the existing and emerging artificial intelligence technologies, or whether the definition required further amendments, which could take into account potential risk of diminished human agency and human control;
 - Whether the term "activities within the lifecycle of AI systems" currently used throughout the text was sufficiently detailed and provided the necessary flexibility in the light of expected future technological developments, as well as the on-going work of various technical standard bodies aimed at codifying and describing this term, and finally the proposal made by some Delegations to add the definition of a

“lifecycle of AI” in the text of the draft Framework Convention, to be based in particular on the recent work of the OECD;

- Whether the term “consistent” rather than “compatible” could be used in the second line of Article 4;
- The possible need for the proposed draft text of Article 5 to address such issues relating to the protection of democracy as media freedom, protection of journalists and journalistic sources, fair elections and open and informed public debate were concerned;
- Whether the term “democratic institutions and processes” in Article 6 should mention specifically the term “the rule of law” in addition to “the principle of separation of powers, respect for judicial independence, and access to justice” which already appear in the proposal of the draft Framework Convention;
- The use of the terms “ensure” and “seek to ensure” throughout the text of the draft Framework Convention and in particular in Articles 5 and 8 of the Framework Convention to describe the nature of the respective legal obligations of the Parties;
- Whether the term “human agency” could be added in addition to the term “human dignity” and “individual autonomy” in Article 6 to make the relevant provision more comprehensive;
- The proposal of the Secretariat to turn the Chapeau provision in the beginning of Chapter III into a separate provision, in line with the Council of Europe’s treaty practice;
- The proposal to further explain the meaning of the term “appropriate stakeholders” in the commentary to Article 7 of the draft Explanatory Report;
- Whether the proposed text of Article 10 should refer to “the right to privacy” rather than simply “the privacy” as well “the right to personal data protection” rather than “data protection laws”, as currently set out;
- Whether a more prominent role in the text could be given to the protection of the rights of children throughout the text and the issues of health (in particular mental, neurological and physical health) and environment (in particular water and energy use) in Article 11;

- The possible change in the title of Article 12, which instead of “reliability and trust” could be called “reliability” with the terms “trust” and “trustworthiness” to be used in the Preamble and the Explanatory report;
- The possible change in the title of Article 13, which could instead of “safe innovation” be called “responsible innovation” or “human-centric innovation”;
- On Article 14, whether this provision should refer to “violations of human rights” or to a wider term “unlawful harm or damage to the rights of individuals and legal persons”;
- The need to include in Article 14 the requirement to record the relevant information regarding the system itself and not just its use;
- The proposals regarding various aspect of risk and impact assessment management to be included in draft proposal of Article 16;
- The potential addition of a provision requiring the Conference of the Parties to reconvene with one year after the entry into force of the Convention in Article 24;

The Committee also examined and discussed the draft Framework Convention, as revised by the Drafting Group. It further formulated general comments and made concrete proposals for consideration by the Drafting Group, having instructed the Drafting Group to take into account these comments and proposals.

Agenda item 4. Examination of the Draft Framework Convention (Drafting Group Session)

9. The Drafting Group examined the Draft Framework Convention and the Draft Explanatory Report 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 Secretariat to distribute the amended version of the Draft Framework Convention to the Committee ahead of the next informal Drafting Group meeting to be held virtually on 8 February 2024.

Agenda item 5. Date and place of the next meeting

10. The Committee decided to hold its 10th Plenary meeting in Strasbourg on 11 to 14 March 2024.

Agenda item 6. Any other business

11. No points were raised under this agenda item.

Agenda item 7. Adoption of the List of Decisions, and close of the meeting

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

End of the meeting