

## COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAI)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: **Ad hoc committee**

Terms of reference valid from: **1 January 2022 until 31 December 2024**<sup>22</sup>

<b>PILLAR/PROGRAMME/SUB-PROGRAMME ▼</b>					
<p><b>Pillar:</b> Human Rights  <b>Programme:</b> Effective ECHR implementation  <b>Sub-programme:</b> Freedom of expression and information, media and data protection</p>					
<b>MAIN TASKS ▼</b>					
<p>Under the authority of the Committee of Ministers, the CAI is instructed to:</p> <ul style="list-style-type: none"> <li>(i) ensure the follow-up of the relevant decisions taken at the 131<sup>st</sup> Session of the Committee of Ministers (Hamburg, 21 May 2021),<sup>23</sup> and in particular contribute to the implementation of the key strategic priorities relating to its specific field of expertise as identified in the Strategic Framework of the Council of Europe, and respond to the respective key findings and challenges set out in the Secretary General's 2021 Report on the state of democracy, human rights and rule of law "A democratic renewal for Europe";</li> <li>(ii) establish an international negotiation process and conduct work to elaborate an appropriate legal framework on the development, design, and application of artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law, and conducive to innovation, which can be composed of a binding legal instrument of a transversal character, including notably general common principles, as well as additional binding or non-binding instruments to address challenges relating to the application of artificial intelligence in specific sectors, in accordance with the relevant decisions of the Committee of Ministers;</li> <li>(iii) maintain a transversal approach, also by co-ordinating its work with other intergovernmental committees and Council of Europe's entities equally addressing the implications of artificial intelligence in their respective field of activity, by providing these committees and entities with guidance in conformity with the legal framework under development and by assisting them in resolving problems;</li> <li>(iv) base the work on strong evidence and an inclusive consultation process, including with international and supranational partners, to ensure a global view of the subject;</li> <li>(v) hold an exchange of views annually in order to evaluate its activities and advise the Committee of Ministers and the Secretary General on future priorities in its sector, including possible new activities and those that might be discontinued;</li> <li>(vi) take due account of the following mainstreamed perspectives in the performance of its tasks: gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller<sup>24</sup> issues;</li> <li>(vii) where relevant, contribute to building cohesive societies and to strengthening the role and meaningful participation of civil society in its work;</li> <li>(viii) contribute to the achievement of, and review progress towards, the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 5: Gender Equality, Goal 16: Peace, Justice and Strong institutions.</li> </ul>					
<b>MAIN DELIVERABLES ▼</b>					
<p>Under the authority of the Committee of Ministers, the CAI is instructed to complete the following deliverables, within the following deadlines:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 20%; text-align: right;"><b>Deadline ▼</b></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Appropriate legal instrument on the development, design, and application of artificial intelligence systems based on the Council of Europe's standards on human rights, democracy and the rule of law, and conducive to innovation, in accordance with the relevant decisions of the Committee of Ministers</td> <td style="text-align: right; vertical-align: middle;">15/11/2023</td> </tr> </tbody> </table>			<b>Deadline ▼</b>	Appropriate legal instrument on the development, design, and application of artificial intelligence systems based on the Council of Europe's standards on human rights, democracy and the rule of law, and conducive to innovation, in accordance with the relevant decisions of the Committee of Ministers	15/11/2023
	<b>Deadline ▼</b>				
Appropriate legal instrument on the development, design, and application of artificial intelligence systems based on the Council of Europe's standards on human rights, democracy and the rule of law, and conducive to innovation, in accordance with the relevant decisions of the Committee of Ministers	15/11/2023				
<b>COMPOSITION ▼</b>					
<p><b>MEMBERS:</b></p> <p>Governments of member States are invited to designate one or more representatives of the highest possible rank in the fields of digital governance and the legal implication arising from the design, development and application of artificial intelligence systems. The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the state whose representative has been elected Chair). Member States may send other representatives without defrayal of expenses.</p> <p>Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.</p>					

<sup>22</sup> These terms of reference are approved for the first biennial period 2022-2023. For 2024, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2024-2025.

<sup>23</sup> CM/Del/Dec(2021)131/2a, CM/Del/Dec(2021)131/2b, CM/Del/Dec(2021)131/2c and CM/Del/Dec(2021)131/3.

<sup>24</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the population designated under the administrative term "Gens du voyage"; as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

**PARTICIPANTS:**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Commissioner for Human Rights of the Council of Europe;
- Conference of INGOs of the Council of Europe;
- Eurimages;
- European Audiovisual Observatory;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations including: Organisation for Security and Co-operation in Europe (OSCE), Organisation for Economic Co-operation and Development (OECD), United Nations Educational, Scientific and Cultural Organisation (UNESCO) and other UN agencies and international organisations.

**OBSERVERS:**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Israel;
- the European Network of National Human Rights Institutions;
- the Global Partnership on Artificial Intelligence (GPAI);
- Council of Europe partner internet companies: the comprehensive updated list is available at <https://www.coe.int/en/web/freedom-expression/exchange-of-letters> ;
- civil society organisations, other private actors and academic communities already observers to the Committee during the biennium 2020-2021 (Access Now, AI Transparency Institute, Algorithmwatch Platform, ALLAI, Centre for AI and Digital Policies (CAIDP) of the Michael Dukakis Institute, Council of Bars and Law Societies of Europe (CCBE), European Association of Data Protection Professionals (EADPP), European Expertise & Expert Institute (EEEI), Homo Digitalis, Human Rights Watch, International Bar Association (IBA), International Chamber of Commerce (ICC), International Research Centre on Artificial Intelligence (IRCAI), MediaLaws, National Institute for Research in Digital Science and Technology (INRIA), The Future Society, Istanbul Bar Association, Information and Technology Commission and AI Working Group, Global Partners Digital (GPD), Law Society of Ireland (Law Society), VDE Association for Electrical, Electronic & Information Technologies and Partnership on AI (PAI)).

Observer status may be requested in accordance with Article 8 of Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

**WORKING METHODS ▼**

	Plenary meetings ▼			Bureau meetings ▼		
	Members incl. Chair	Meetings per year	Days per meeting	Members	Meetings per year	Days per meeting
2022	48	3	3	9	3	1
2023	48	4	3	9	4	1
2024	48	1	2	9	1	1

The rules of procedure of the Committee are governed by Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The Bureau of CAI is composed of nine members, whose travel and subsistence expenses will be borne by the Council of Europe.

The CAI will appoint from amongst its members up to 5 Rapporteurs on mainstreamed perspectives, including a Gender Equality Rapporteur.

**BUDGETARY INFORMATION\* ▼**

	Meetings per year	Days per meeting	Members reimbursed	Plenary in €K	Bureau in €K	Working groups in €K	Secretariat (A, B)
2022	3	3	48	135.8	18.0	20.0	1 A; 0.5 B
2023	4	3	48	181.1	24.0	20.0	1 A; 0.5 B
2024	2	2	48	↓	↓	↔	↔

\*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of the 2021 standard costs.