

# Report: Third Meeting of the Committee on Artificial Intelligence (CAI) of the Council of Europe

**11 – 13 January, Strasbourg**

ICC attended the 3rd meeting of the [Committee on Artificial Intelligence](#), the group tasked with elaborating a convention 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 addition to Council of Europe member states, observer countries also attended the meeting including the United States, Canada, Mexico and Israel. Representatives of the European Commission also contributed actively to the negotiations. There was also strong representation from civil society, including organisations linked to European institutions like the Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe, and the European Union Agency for Fundamental Rights, but also from relevant independent organisations including UNESCO, Algorithm Watch, and IEEE. In addition, Meta and Microsoft were in attendance.

## Key Discussion Points:

### Working Methods and Inclusion of Stakeholders

During the last meeting in September the United States proposed to establish a drafting group consisting solely of potential parties to the Convention, meaning stakeholders would be excluded from the negotiations. Canada and the United Kingdom spoke in support, but there was no formal approval of the motion through consensus. However, the minutes of this meeting presented this motion as if it had been approved and this, therefore, formed an extensive element of conversation. Initially, stakeholders' call to draw on civil society and private sector expertise was reflected in comments from several state delegations including Slovenia and Austria, opening the door for discussion on whether to reverse the decision. However, when the UK and the EU suggested that the decision be upheld other countries unanimously agreed.

This means has implications for the drafting of the Convention. The drafting group will work on one or several sections, these will then be sent to the stakeholders ahead of the next meeting, and there will be a chance to respond in writing. Stakeholders' feedback will then form a substantial part of the next Plenary Meeting.

The EU representation underlined at several points that the timeline is quite ambitious and it may not be possible to complete the Convention on time. This could mean that the Convention would be finalized after the EU AI Act has been adopted.

### **The risk-assessment framework, or Huderia**

The question of whether to include risk-assessment framework methodology, or Huderia (Human Rights, Democracy, and the Rule of Law Impact Assessment), in the Convention or whether to, instead, only contain a mention of the framework in the Convention sparked extensive discussion. The Committee decided that the Huderia will be external to the Convention and that it will be the last thing to be discussed. This was a key point of interest for industry in the room, as this could potentially cause conflict/compliance issues with the EU AI Act.

Several delegations expressed concern about the lack of clarity on who will carry out risk assessments, and how extensive their application will be. Slovakia highlighted that mandating this tool to be used to assess private sector applications of AI would be problematic, and potentially lead to lower uptake. This will be discussed at a later date in the negotiations.

### **Convergence and/or conflict with other instruments**

As mentioned above, the interaction between the Convention and the EU AI Act was a key concern, especially for industry present in the room. In addition, how the Convention might converge or conflict with other instruments was a key topic of conversation more broadly.

The government of Japan held a side-event on the first day on Managing AI Risks, which featured speakers from the government of Canada (the Treasury Board of Canada), the US (NIST) and the European Union (DG Connect), alongside UNESCO, OECD, the Alan Turing Institute and the University of Tokyo. This event demonstrated the breadth of approaches to managing AI risk and illustrated the number of existing risk assessment instruments. Several delegations referred to this event in the Plenary, saying that it illustrated the need to approach the interaction between different frameworks carefully.

### **Next Steps:**

ICC will share the draft text of the Convention with members as it is being developed to collectively consider where engagement and input might be necessary. In addition, ICC will continue to monitor the meetings of the Committee and to discuss the concerns of companies following the process.