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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Note on the Commission's intention to start discussions on a Methodology for the risk and impact assessment of AI systems on human rights, democracy and the rule of law (HUDERIA) - Authorisation to negotiate a non-binding instrument

1. On 14 June 2024, the Commission submitted to the Council a note on the Commission's intention to commence discussions on a non-binding instrument (NBI) currently being developed by the Council of Europe Committee on Artificial Intelligence (CAI) on a Methodology for the risk and impact assessment of AI systems on human rights, democracy and the rule of law (HUDERIA), as outlined in document WK 8628/24.
2. The Commission clarified that the HUDERIA methodology would take the form of a non-binding instrument¹, and as such it would aim to support the Parties to the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law in the implementation of the risk and impact management obligations included in Chapter V of the Convention. The HUDERIA methodology would not create legally binding effects and obligations, and would be based on voluntary application by the Parties to the Convention.

¹ Arrangements on non-binding instruments concluded by the Secretaries General of the Commission, the Council and the EEAS in December 2017 (ST 15367/17).

3. The Commission also clarified that it would consult the EU position for the negotiations with the Working Party on Telecommunications and Information Society ahead of the CAI plenaries during which the HUDERIA methodology would be discussed, and that it would seek endorsement by the Council of the final text according to the agreed procedure for non-binding instruments.
4. In the light of the above, the Permanent Representatives Committee is invited to recommend that the Council:
 - during its AGRFISH session on 15 July 2024, authorises the Commission to start negotiations on a Methodology for the risk and impact assessment of AI systems on human rights, democracy and the rule of law (HUDERIA), being developed by the Council of Europe Committee on Artificial Intelligence, as outlined in document WK 8628/24.
