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Draft minutes
of the 1st meeting of the Working Group on Artificial Intelligence
European Union Agency
for the Operational Management of Large-Scale IT Systems
in the Area of Freedom, Security and Justice

VC/Web meeting

11 May 2021

B	1.	**Welcome and introduction by Mr Krum Garkov, Executive Director of eu-LISA.**	Information

eu-LISA's Executive Director, Mr Garkov, welcomed the members of the Working Group and stressed that the development of the AI is an important journey. The digital transformation in Justice and Home Affairs (JHA) is ongoing. It is not only about new infrastructure or implementing new systems and turning data into relevant information, it is also about using huge amounts of data. Member States (MS) are relying on access to timely information. It is essential to consider that such developments would bring extra benefits to practitioners. AI creates further opportunities like automation of processes, facilitation of checks, etc. and it increases efficiency in various areas. eu-LISA sees the growing attention and focus on AI from both operational and political points of view. However, the gap between the theoretical research and its application in practice is growing. The main purpose of the WG on Artificial Intelligence is to address this, to operationalise the research available on AI, putting it to the operational context, making it useful for border guards, law enforcement and migration officers. WGAI will discuss how these use cases can be used and put into the service of MS authorities. Step by step a sound roadmap would be created for the implementation of AI. There will be direct contribution to the implementation of the Security Union Strategy with creating a new security ecosystem. WGAI will help the EU to develop and keep strategic independence in such an important area as AI.

Summary: *eu-LISA's ED, Mr Garkov, welcomed the members of the Working Group and stressed the importance of the AI within the context of law enforcement, border management, asylum and migration.*

B	2.	**Introduction and adoption of the agenda** Modalities for the functioning of the Group (Scope, Rules of Procedure)	Adoption

- Chair [redacted] welcomed the participants and asked if the members have any objections to the recording of the meeting which sole purpose is to draft the minutes. Recordings are deleted after the minutes are adopted. No objections were received from the members of the WG.
- When it comes to AI, it is our duty to explore how this emerging technology might assist in strengthening the practical capabilities of EU border security and migration cooperation, in responding to the current challenges like human trafficking, cross border organised crimes, etc. It is equally important to make sure that all the initiatives are in line with the respect of human rights, data protection and security. What is crucial, in this forum (like in all across) is to focus on and leverage synergies related to AI discussions and implementation at the EU level, bringing ideas and work already done together.

- Beside the Member States (MS), also representatives of the Commission (COM), Europol, Frontex and Fundamental Rights Agency are part of this WG. Delegates from Portugal and Eurojust are yet to be nominated and will join in upcoming meetings.
- The draft agenda was adopted without any changes.

Scope, Rules of Procedure

- WG on AI will provide MS, COM and the Agencies with a regular forum to exchange best practises, discuss opportunities and arising challenges. The WG will also assist in identifying use cases of the implementation of AI solution in the systems entrusted to eu-LISA and to maximise the added value for the services proposed. To leverage synergies, capitalising the existing investments in information and communication technologies used. It is important to facilitate the alignment across the stakeholders in the practical implementation of the AI based solutions, in particular with the aim to provide standardised solutions and mitigate the risks.
- WG is composed of the MS, DG HOME experts, eu-LISA experts. Other experts will be included on ad-hoc basis.
- Quarterly meetings will be organised. Other meetings could be organised on ad-hoc basis when the need arises.
- For the time being web meetings will be organised with the possibility of face-to-face meetings in the future.
- Presentations will be shared with the MS one week before the upcoming meeting. The aim is to share the minutes 2 weeks after the meeting, which will be approved at the next meeting.
- Disclaimer of privacy and confidentiality presented, more info on the slide no 7.

Summary: MS took note of the recording of the meeting and of the introduction to the work of the WG.

B	3.	**Presentation of eu-LISA initiatives in the area of AI.** - AI in the operational management of large-scale IT systems - AI within the scope of the CRRS - Presentation from the Biometrics Working Group	Information

On behalf of eu-LISA, Vice Chair [redacted] presented the AI in the operational management of large-scale IT systems.

- eu-LISA published a high-level report on the possibilities to deploy AI within the scope of the work of eu-LISA in 2020.
- In drafting the report, eu-LISA took into account the use cases identified in the COM study on the opportunities for AI in the domains of border management, migration and internal security. The eu-LISA study concentrated on possible use cases for AI in the agency's core business.

Intelligent Automation

- One of the key areas is intelligent automation e.g. in IT infrastructure and network services.
- The idea is to go beyond what is being done today and use big data analytics in the management of IT infrastructure, including the possibility of auto healing whenever the issue arises to avoid potential downtime.
- Taking into account the importance of the green agenda in the EU, which is the priority in of the Justice and Home Affairs Agencies' Network under the Frontex chairmanship. Improving energy efficiency where AI can be effectively used in IT and computational infrastructure but also in cooling systems where big data analytics can be used to optimise energy performance of IT infrastructure.

Advanced Analytics

- An important area is the use of AI in support of decision making, to identify insights from big data

and provide knowledge insights on the basis of big data analytics.

- To improve the data quality using AI, e.g. national language processing for biographical data.
- Such analytics should be done in compliance with relevant regulations on data protection, ensuring that fundamental rights (FR) are protected.

Improved security

- Improved cyber security of eu-LISA systems is an important area as the systems (e.g. ETIAS) will be exposed to the internet and will be operated in public networks. There are several areas where AI can be effectively deployed including the assessment of vulnerabilities, identification of patterns, supporting risk assessments, automated response and decision making support.

User experience

- AI can also be used to support user experience. One of the use cases is the deployment of chatbots, including in the context of IT service desks. It could work both within eu-LISA (deploying chatbots at IT service desk) and to interact with MS authorities in resolving simple issues to optimise performance and reduce manual workload.
- It could also be deployed in e.g. ETIAS by guiding applicants in using the system to ensure that the data provided is as precise as possible when entering the data into the system. Similar use cases could be used in visa application process. Such automated solutions can lead to better data quality.

AI services and infrastructure

- eu-LISA supported DG HOME in the end of 2020 with data space for law enforcement where different options were considered, providing infrastructure for such spaces, centralised or federated.
- eu-LISA can also provide services such as the provision of centralised IT infrastructure for model training, developing datasets used for AI training and testing, shared AI testing capabilities supporting MS authorities and other stakeholders in testing AI models to ensure that the algorithms used are of high quality.
- One of the relevant use cases is automated processing applications in ETIAS, however it is too early to speak in detail as eu-LISA is still exploring the possibilities.

On behalf of eu-LISA, Chair [redacted] presented the AI within the scope of the Central Repository for Reporting Statistics (CRRS).

- eu-LISA's goal is to become a trusted adviser and technical enabler to the MS on matters within the mandate of the agency. The obligation of eu-LISA is to address the need for better monitoring of the use of large scale IT systems under its operational responsibility.
- CRRS will be established with the scope of generating cross system statistical data and analytical reporting for policy, operational and data quality purposes in accordance with the applicable legal instruments. eu-LISA should establish, implement and host CRRS and its technical site.
- The Agency must develop a solution that enables automated data quality control mechanisms and procedures, common data quality indicators and the minimum quality standards to store the data in accordance with the relevant provisions of the legal instruments governing those information systems.
- The responsibilities of eu-LISA are clearly defined regarding the reports and their processing. Due to the changing political context and the number of challenges arising with terrorism and migration crises the recast of the core systems legal basis has changed ensuring harmonisation.
- eu-LISA has delivered a study on the core business systems unified reporting in the beginning of 2020. The aim of the study was to assess and analyse various options for the architecture and design and the development of the core business system reporting system at the eu-LISA. According to the legal regulation, constraints, business requirements and possibilities for deploying a common reporting solution, putting the basis into the future for unified reporting in the lines of the CRRS.
- Supported by the strong architecture design throughout the systems this technical solution would

have incorporated advanced tools for reporting the statistical purposes but also when confirmed by the legislation for persistent data for analytical purposes.

- Analyses of the legal base, the designed study translated the obligation steering from the EU provisions legal base into the set of legal requirements to be full filled by this solution. Legal and business requirements and both functional and non-functional requirements were collected during the analyses of the existing information. The study focused on three types of requirements framing the future reporting solution: legal, functional and reporting requirements. 386 unified requirements were retained.
- It is all about data governance: data definition, data quality, data monitoring, data procurement, meta data management and data security.
- The main components required to fulfil the business and legal functionalities are data anonymization and masking since the regulation around privacy and security mandate. To be able to prepare the data for the advanced analytics in the future CRRS, data will be anonymised and transformed. This way different sets of reports can be created and saved, which improves the utilisation of the information and decreasing the total cost.
- Decision making process requires more possibilities to process data analytics and functionalities of the machine learnings. Different use groups are identified along with their needs.
- Intelligent capabilities based on the requirements introduced and most important components can be seen on slide no 19. The requirements resulted from the study are now refined, confirmed, mapped and extended, in order to be further part of the overall CRRS requirements.

On behalf of eu-LISA, Information Technology Officer [redacted] presented the outcomes from the work of the Biometrics Working Group (BWG)

- The BWG is an informal body between eu-LISA, COM and MS technical expert groups, working under the umbrella of the EES-ETIAS Advisory Group (AG).
- Its main scope is to provide MS, eu-LISA and COM experts with a regular board for the exchange of technical challenges and novelties, as well as to provide an opportunity to assess issues or risks unveiled by the AG formulating well-grounded technical recommendations.
- BWG has been meeting every 3 months since October 2019. The next meeting will take place on 29 June. A dedicated meeting has been organised for ECRIS-TCN AG.
- Main topics discussed are: the Shared Biometric Matching System (sBMS) including the business and technical requirements, status update, impact on the CBS (migration, harmonisation, etc.) and USK which is the tool for the MS to check the quality of the biometric data. Multiple Identity Detector (MID) and the Common Identity Repository (CIR) are discussed together with the main biometric ISO standards and the continued improvement of biometric products such as the application of anti-spoofing techniques and the use of synthetic samples.
- External experts from industry, research and governmental institutions are invited regularly to the meeting.
- There are many topics related to AI, like the sBMS face and fingerprint recognition, face and fingerprint quality calculation, presentation attack detection and the use of synthetics samples.
- COM asked if the biometric testing can be done with only synthetic images. [redacted] replied that specific algorithm functionalities can be tested with synthetic samples, however, according to the ISO standard ISO 19795-1:2006 biometrics evaluation, this is not allowed. In few words, the technique used to create the synthetic samples can overlap with the one applied to create the recognition algorithm. eu-LISA is exploring the potential use of synthetic samples and it might change in the future.
- DK had a question related to the presented use cases. It seems like use cases are described from an in-side-out operation-first perspective. DK asked if there is a good example of the opposite, like an out-side-in business-first use case. Most of the use cases are relevant from the generic operation perspective however DK is looking for use cases which are specific to the domain. [redacted]

[redacted] replied that eu-LISA is also looking at the use cases specific to the domain and one of the aims of this WG is to identify those use cases. Further in the presentation COM will introduce different use cases. Besides business use cases eu-LISA is also looking into the operational use cases. [redacted] added that the operational use cases focusing on the internal business of eu-LISA are easier to implement as they face far less constraints regarding personal data protection. When it comes to business use cases, fundamental rights and personal data protection needs to be taken into account. It requires more time and effort before it can be implemented.

Summary: *WGAI took note of the presentations of eu-LISA initiatives in the area of AI.*

B	**4.**	**Presentation of the recent and planned activities of the Commission in the area of AI in justice and home affairs.**	Information

On behalf of COM, [redacted] from DG HOME presented the Commission's initiatives in the area of AI in the JHA domain.

- The study "Opportunities and Challenges for the Use of AI in Borders, Migration, and Security (Police Checks)" was conducted in the second part of 2019 and finalised in the beginning of March 2020. The aim of the study was to answer the question what to do with AI in JHA area. The border surveillance and border control were left out of the study. Results of the study do not include the COVID implications.

Study scope

- Opportunities identified, where to use the AI, include the external and internal processes.
- External processes used by the MS are the Visa process, the future ETIAS process, long-term stay or migration, granting international protection, use of SIS data and SIRENE Bureaux exchanges and Schengen border checks.
- Internal processes include the operational management of the IT systems, managed by eu-LISA and policy-making processes under the responsibility of COM.

Approach

- A funnel-type approach was used in the study: starting with a broad identification phase, followed by successive rounds of prioritisation and initial portfolio structuring, and by the proof of concepts to validate the expected value and feasibility.

Priority setting

- At the end of the priority setting COM arrived at the matrix introduced on the right-hand side of the slide no 33. Most of the proposed opportunities are in the WOW quadrant simply because the selection process was tough.
- Study ended up with 35 use cases (opportunities) divided into 3 families of AI applications:
- Automation (5): Automating repetitive tasks that require expertise (deciding whether a case is simple or complex to handle).
- Engagement (11): Improving parts of the interaction with citizens / travellers / persons applying for migration by means of chat-bots.
- Insight (19): Assisting in the risk assessment that takes place in different procedures (visa applications, travel authorisations, asylum).

Roadmap

- Roadmap of the study was explained, for more information see slide 34.
- Timeline indicated on the roadmap will not be met, however, the chatbots are the most mature technology and they are often used in MS

Conclusions

- The key in terms of visibility when envisaging the AI application is the data.
- The second important element is the Assisted Intelligence which can be seen as a sort of the AI. It is there to assist the knowledge worker who is in charge and is dealing with an application.

- The initiatives do not call necessarily for EU-wide projects. They are essentially generic and applicable in each MS. An important benefit could therefore be gained by having common solutions applied and tailored in MS.
- Next steps foresee to start the implementation of the roadmap by executing a number of Proof of Concept's (PoC) in COM and eu-LISA.
- MS can learn more from the Management Summary, available in EN and in FR and from the study report. Links to booth documents are available on the slide 37.

Proof of Concept (PoC) within DG Home Policy making area: automation of transposition analysis

- Directives issued by COM need to be implemented in the MS national laws and check by COM if it is done correctly by comparing the legal text in the directive with the national law. This is a reoccurring process where the intelligence, skills and expertise is needed and the AI could be used. It was concluded that it works. Similarity analyses are received automatically however it is not enough and better results are expected.
- The most important in PoC results is the opportunity to improve the learning algorithms. Currently, the similarity analyses exist, however, it does not achieve exactly what is needed. A legal expert still needs to say if it is right or not. To build in self-learning would be an improvement of the AI within the application. This was not done initially and the next step after the PoC would be either continue or to start with further extension, using some of the ideas, in particularly self-learning algorithm.
- PoC would also be useful for the MS. A lot can be done by automating some of the legal work like drafting and checking of legal texts.

Setting up a project with Member States

- Out of the whole list, 4 use cases were identified to be proposed to the MS to start with:
  1. Visa application chatbot;
  2. Border flow predictive analytics, using the knowledge of border crossing volumes and anticipating the high and low flow of people;
  3. Traveller triage at border crossing. Differentiating the travels who the border guard need to see face to face;
  4. Automated SIRENE report completion
- Visa chatbot application has been the most interesting in the context of COVID-19. It has been proposed to build a VISA application chatbot which would be used by the MS for the online application. The way the chatbot is positioned is that it should be able to answer more than just a simple question from FAQs list but also questions where the expertise is required.
- eu-LISA is currently working on an e-VISA prototype with the support of a contractor. Chatbot may be implemented as part of the prototype in the future.
- The project can start with the few MS and it would be available to all MS when it is ready. Till now 4 MS responded positively to the project and more could still join.

Summary: *Commission presented the recent and planned activities in the area of AI in Justice and Home Affairs.*

B	**5.**	**Tour de table** - MS expectations and initiatives - Elements of the national AI strategies and approach relevant for the JHA domain (use-cases of interest)	Information

- AT took part of the study of the COM concerning the AI. Strategy within the Ministry of Interior is to use the AI in the field of crime analysis. There are some other initiatives going on and at the moment the work is ongoing on AI solution in the field of translation services for the Schengen Information System, especially for the SIRENE. AI is not an easy subject, it requires budget and

also experts. At the moment the concentration is put on national implementation of the ongoing Interoperability project and it is very challenging to talk about AI in this area.

- BE is interested in the biometrics, both for identification and for strategic technology watch and have a strong belief to study cutting-edge technologies to stay ahead. It is important to have a clear orientation towards the joint projects in line with the European nature of the issue and to have a strong preference for solutions following the KISS principle, using the most transparent technologies that can be explained and which benefits can be solidly demonstrated to the public. BE has an understanding that more complex methods can be used in the decision making process and therefore make the use of avoidance strategies, which could be useful in the future. Work is ongoing on several proof-of-concept projects, using machine learning to help officials be more effective. BE is also using unsupervised machine learning methods. Those are only used to scrutinize the compliance of the use of data by public servants. It is exclusively used for internal audit purpose. No personal data or processes have been exposed to these methods. As the public and political acceptance of most applications related to AI is not guaranteed, it is important to demonstrate that a balanced and fair use of AI would be positive for freedom, security and justice.
- BG explores and researches the best practices for implementing the AI in their systems at national level and is intensively investigating several use cases for implementation. It is very challenging to talk about the AI, however, there is a huge interest to implement AI in the police, fire and emergency services and it would be a big development for BG.
- CZ is trying to cover the most important areas which are machine learning and application of the AI algorithms. Success has been reached with the programme called Relief. CZ is working on speech to text to help to analyse the calls to the emergency number and is also working on automatic translation. Work is ongoing to look into implementing it into the mobile platform area which would help regular police to translate languages they normally do not know, like in the communities of minorities. Regarding the biometrics and face recognition, CZ already has some experiences. Other big areas where projects have been started are prediction of crime, social network analyse, geo data analyses. Communication with the public is very important because of the concern about the AI.
- DE has several AI research projects, especially on biometrics and face recognition (photo morphing, deep fake identification). They are processed by the IT agency in the security sector (ZITiS). Findings will support detection of abnormalities during border control. Within the renovation of the information system architecture, AI will also strengthen the analysis capabilities of the police in Germany. A major challenge lays in the acquisition and provision of (non-discriminatory) test and training data.
- DK has two high profile AI projects at national level. One is to detect heart attacks in the voice of people calling to the emergency number. The second is a huge real estate project for tax purposes where a lot of money has already been spent. It has been prolonged for years and solutions to put it in production has not been reached yet. One of the big issues with the real estate project is the management of the physical infrastructure to run those huge parallel environments. Within the government cloud project DK now has specialised hardware for training the AI models and has the high capacity of running the training of models in highly parallel environments. Other projects include the scanning the content of cell phones for weapons and other people on the photos save in the cell phones. DK is also part of the ISO joint technical committee on AI standards and has seen lot of overlap in use cases on data quality and terminology.
- EE has a national AI strategy from 2019, there is an accompanying roadmap which goes with it. EE has an ICT strategy what focuses on the four areas for the development of the AI. First is improving access of information and communication between the government institutions. EE is looking into chatbot solutions. Second area is to analyse video stream and image recognition. Third is the automation of simple decision making processes and the forth area is the risk assessment model, where the project is ongoing to develop a model to use AI to identify the level of the emergency of

the emergency calls. EE is also looking into the possibility how to use AI in the planning of the police resources. Estonian AI projects can be found on the following website: https://en.kratid.ee/.

- FI is working currently in many areas like chatbot, speech, text and making a proof of concepts in PNR data. Part of the project is to clarify the rules what can and what cannot be done according to the national law and respecting the human rights. FI is interested to hear what the others are doing and if there are already any roadmaps available in different sectors. FI informed about few use cases they have like how to protect the law enforcement, the probability of crimes, how algorithm works, regulation, how far AI can make predictions.
- ES is working at national level to define and consolidate the AI strategy. ES is participating in many new projects and working directly with FR and other countries and is also part of the AI expert group at COM.
- FR aim is to develop an inclusive approach to AI. It is considered that AI is not simply a tool but in reality it's a transformation of the way of working against crime, to be more proactive, and to help the staff in daily tasks. The approach is based on research and development but also on training, management and human resource. FR developed analyses of crime without using any personal data and is working on human resource and on speech to text to transcribe automatically judicial reports and biometric. Also working together with some partners in the field of ethics.
- EL has a working group to explore the potential of the AI in the automation of the current workflows. Part of the working group assessment is to establish a connection between the ministry and various research centres. The efforts at the time being are mainly targeted at the support systems and data to knowledge transformation. Since the majority of the data is in excel form, focus mainly is put on exploring the adoption of the technologies such as machine learning and deep learning techniques for text specification, information and structure as well as the knowledge graph technologies for storing and accessing the extracted knowledge. It is important to concentrate on specific use case scenarios that show the potential benefits from the use of AI in the specific workflows. Organising workshops and seminars in cooperation with the academia in order to inform the stakeholders in public service of the advantage and limitation of the AI in various information systems.
- HR has created a working group for continuation and technical preparation for the implementation of the activities for the AI and security operational efficiency. The objective of the WG would be the adoption of the national strategy for the use of the AI in the field of the security and immigration, adaptation of the law for the use of AI to strengthen the infrastructure and equipping the facility of the information system of the Ministry of the Interior to find the technical specification for the new equipment. Defining the requirements for the communication infrastructure of the Ministry of the Interior and the introduction of the information of the security measures according to the requirement. HR is in the process of developing functional specifications, with the focus on the recognition of vehicle registration plates, etc.
- IE is interested in AI machine learning and automation. Work is ongoing in two main areas. First, the work on supporting the infrastructure, advanced data processes, data guardianship and the application of AI and secondly to work on application of machine learning for automation and improving the processes. IE is looking into automatic translation of legal texts, and multimedia analyses.
- LT is testing chatbots. They are interested in learning more about border and visa control and about the best practices from other countries. Next step would be to focus on a strategy of the AI development and what works.
- LU do not have any concrete or ongoing projects on AI. They are interested to see what is going on in other countries.
- MT has adopted an AI strategy with the main aim to establish the areas to focus. For the moment the focus has been on entrepreneurs and academics. MT is looking at the areas like the education and the start-up companies. MT has some AI projects on traffic management and health care.

From the police perspective no AI projects are ongoing at the moment however in the future they might be interested in areas of migration, border control and facial recognition.

- NL is working on strategic action plans, initiatives, roadmaps and different working groups are taking place. There is a concern about the fairness and specification of AI systems. Some of the systems are meant to profile and to detect fraud and recently NL experienced a child care benefit scandal where a certain profiling system managed wrongly the data and accused many parents of making fraudulent benefit claims. All the systems used were certified but still those safety measures to act properly, were not working. Huge interest lies in finding the answers to some fundamental questions regarding fairness of algorithms in AI. It is possible that a dedicated ministry for AI will be created in the NL in the near future.
- SE is focused mainly on two areas: biometrics and facial recognition, and text and speech analysis. For example, SE is running a facial recognition pilot at some of its borders.
- SI stresses the importance of automation. AI in the police work is mentioned in the national strategy. At the moment the work is ongoing on crime investigation and data analysis in various formats, concentrating on different techniques form simple search to advanced technique. SI is interested to learn why the military system is not included in the AI act, but only the systems covering the law enforcements.
- IS is in the early stages of integrating AI. First project of proof of concept is the internal monitoring of the information system, where to use the supervised signalling to flag normal behaviour within the system.
- NO is starting out with the machine learning in AI. Some use cases are available already, there is a fraud detection in the immigration directorate internally, fraud amongst case handlers. It has been running for few years and is working well. The main focus has been on processing the automation. NO is starting up with the chatbot project; however, in general the building of technical capabilities and building up skills within the immigration and the police is ongoing.
- Europol is leading a team of experts in the field of AI, including data scientists, engineers and lawyers. Currently Europol is running six AI-based applications. Biometrics, facial recognition modules and automatic identity extraction modules, mostly to process all the SIENA messages incoming from the MS and an automatic entity extraction from them. Europol is also running an automatic translation software based on natural language processing, for instance automating the translations from Russian when the files with audio and text is received. Another application is IVAS which is an Image and Video Analysis Solution and an AI tool for malware analysis. The algorithms of those basic applications are continuously being refined. Europol as well as many of the law enforcement agencies are very busy working and analysing the AI regulations which will have an impact on what is allowed to do and which kind of tools will be used in the future. Europol is also in the process to get its legal base reviewed. All software's are running currently, however, there is a big uncertainty whether in the future it is possible to continue with them and in what circumstances.
- Frontex has had a few years of experience with the AI on different levels, both in research and innovation and the operational part. In the research and innovation side a study on AI for European border and the coast guard was conducted. Key use cases, for the community where AI is utilised in third countries and MS, were identified. Frontex has been working with the colleagues in DG HOME to make sure there are no duplications. On the operational side one of the key areas is the maritime domain. Proof of concept has been conducted and capabilities have been procured and implemented in the operation. Frontex study: Artificial Intelligence - based capabilities for European Border and Coast Guard. https://frontex.europa.eu/media-centre/news/news-release/artificial-intelligence-based-capabilities-for-european-border-and-coast-guard-1Dczge
- Fundamental Rights Agency (FRA) has looked into the impact of the AI technology on the human rights, its accessibility and trust and what AI can do. FRA conducts research and provides analyses to the MS and EU Institutions. FRA is looking into the big data concerning the AI since 2017.

Different papers have been published which can be made available for the MS looking into discrimination when using algorithms, data quality and AI facial recognition technology and the report on the impact of the AI on fundamental rights. Currently the agency is keeping up the work on AI, studying what various algorithms mean and conducting research to have a report in 2022. The agency is part of the EU high level expert group on AI, as well as part of DG HOME expert group on AI and following the Council of Europe which has an expert committee looking at AI. For more information on the Fundamental Rights Agency's work: Getting the future right – Artificial intelligence and fundamental rights - https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-artificial-intelligence_en.pdf.

- ES stated that it is good to discuss and promote use cases but it is equally important to see how these use cases are going to interrelate with new programmes, new initiatives across EU Institutions & Agencies. Also the need to see whether MSs can take advantage of the relevant programmes established by COM in this respect (Including funding). [redacted] commented that more detailed reply to this question will be addressed in the later part of the meeting. Europol added that as everyone is involved in EU funded research projects there is some room finding synergies with the different use cases.

[redacted]

[redacted]

B	6.	Presentation on the Commission's proposal for regulation on AI	Information

On behalf of COM, [redacted] from DG HOME presented a proposal on the rules on law enforcement, migration and asylum in the AI

- COM started to look into AI together with the investments it requires in 2018. Stakeholder consultations started in 2019. An expert group formalised in 2020, eight meetings have been held including three informal meetings prior to that. In parallel COM set up a work strand to tackle the ethical aspects of the AI and the high level expert group issued the guidelines on AI. On the basis of the work already done, COM stated to conceptualise a legislative proposal on AI. Financing is organised via the Digital Europe programme. One of the work strands has been the European data strategy to promote and create an internal market for data and to promote the European data economy.
- An Expert Group meeting was held on 7 May where the main implications of this proposal were presented. It has very serious implications how the home affaires will be able to develop and use AI and what are the requirements that could be innovated by themselves. PT and SI presidency have organised serious discussion to raise the interest and the awareness of the stakeholders.

Objectives of the Commission in relation to home affairs

- To ensure a nuanced approach, namely that not all AI applications are considered automatically high risk in home affairs but only those which would fall under the criteria.
- To maintain to the possible extent, the existing national powers of law enforcement and the relevant national laws when using facial images as a biometric identifier for investigations.
- To set up tailor made procedures for law enforcement and border security to safeguard public security and the secrecy of investigations by limiting disclosure and transparency of the AI applications used.
- To decrease administrative burden on home affairs authorities in order not to hamper innovation and in-house developments.
- To ensure that the implementation of the EU large-scale IT systems for migration, border management and security are not delayed.

General scope of the AI proposal

- Proposal reuses the broad OECD definition. Article 3 is very general, however, Annex 1 lists the AI

[redacted]

technologies, like machine learning, deep learning, using statistical models and automation, and everything falls under the scope of the proposal. Not only autonomous and OPEC systems are subject of this proposal but everything which contain some short of statistical models.

- The AI proposal has a horizontal scope, with the exception of AI application exclusively for military use (not the dual use products).
- It determines the prohibited AI applications (Art. 5) and the rules applicable for the development and throughout the life-cycle of AI application. It qualifies as high risk serving like biometric identification or categorisation of natural persons, law enforcement and migration, asylum and border control management.
- It determines substantial rules concerning the use of certain AI application like a real-time biometric identification (Art. 5 (d)), chatbots and biometric categorisation (Art. 52 (1) and (2)) and deep fakes (Art. 52 (3)).

Personal scope

- The operators are the providers, importers, distributors, authorised representatives and users. The providers are the developers. Law enforcement can be both the provider and the users. JHA Agencies can be both developers and users.

Law enforcement according to the Law Enforcement Directive

- Any public authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.
- Any other body or entity entrusted by MS law to exercise public authority and public powers for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.
- 'Law enforcement' means activities carried out by law enforcement authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.
- It is determined under national law and typically include customs and tax authorities, banks and financial institutions as well as municipalities, public transport companies or prisons.

Territorial scope – extraterritorial effect at EU territory

- EU territory (Art. 2 (1):
  - Providers placing on the market or putting into service AI systems in the Union, irrespective of whether those providers are established within the Union or in a third country;
  - Users of AI systems located within the Union;
  - providers and users of AI systems that are located in a third country, where the output produced by the system is used in the Union.
- There is one exception, it has no application to public authorities in a third country nor to international organisations, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States.

Date of application

- Negotiation process would still take about 2,5-3 years. After the entry into force the legislation starts to apply in 2 years' time and for the AI components of the large scale IT systems will only start to apply in 3 years' time. In principle there are at least 5 to 6 years when this regulation start to apply. For more info, see slide 7.

High risk applications for law enforcement

- Many of the application which are processing the personal data would qualify as high risk, like the risk assessment of persons and groups and prediction of their behaviour.
- Processing of personal data for profiling in accordance with the LED definition.
- Deep fakes detection because it influences a certain image or video recording which can be

considered as an evidence or not.
- Big data analysis where the date comes from very difference sources and in very different form.
- Evaluation of evidence.

High risk applications for migration, asylum and border control management
- AI systems intended to be used by competent public authorities to assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered into the territory of a MS.
- AI systems intended to be used by competent public authorities for the verification of the authenticity of travel documents and supporting documentation of natural persons and detect non-authentic documents by checking their security features.
- AI systems intended to assist competent public authorities for the examination of applications for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status.
- Low-risk AI systems in migration were introduced. For more info, see slide 12.

Obligations for providers
- The regulation imposes the most burden on the providers and developers as they need to follow up the products throughout the life cycle and are the main interlocutors for the national authorities. A quality and risk management framework and accountability framework needs to be set up before starting the development.
- In case of national authorities, these can be established at national or regional level. However, the frameworks need to be approved by an authority if they are processing biometric system. In the case of biometric system all of the framework is already a subject of the approval, on all of the other systems this approval does not need to be done, it only has to be presented post market surveillance phase.
- All the technical documentation must be drawn up concerning the high risk IT system, also with the regard to the data used to train the model. The high risk system has to undergo an internal evaluation and internal control procedure. For the biometric system, a third party conformity assessment is required. All of the other high risk systems are subject to internal control and the providers have to publish the basic information in relation to the system in the EU database. This information will be limited in case of home affairs systems.
- The aim is to have this process as less intrusive to the authorities as possible. The assessment procedure including the ex-ante phase or the ex-post phase is done by the data protection authorities.
- In case the provider is a JHA agency the competent authority is EDPS.

Obligations of the users
- Ensure that the high-risk AI systems is used according to the instructions.
- Implement the human oversight measures to ensure the transparency and explainability requirements.
- Exercises control over the input data, in particular ensures that input data is relevant in view of the intended purpose of the high-risk AI system. For more information, see slide 16.

Ex-post monitoring: market surveillance
- It is burdensome for the providers as the providers need to establish a post market monitoring framework and a monitoring plan. Access to data, the documentation and the source code must be given and serious incidents must be notified.

Exceptions for law enforcement from the transparency obligations
- When using chatbots, deep fakes and biometric categorisation for law enforcement purposes it is not obliged to inform persons that they interact with AI systems. For more information, see slide 20.

Regulatory sandboxes
- It is a new concept introduced to this regulation. It is a controlled environment that facilitates the

development, testing and validation of innovative AI systems for a limited time before their placement on the market or putting into service pursuant to a specific plan.

- Specific provision to repurpose the use of personal data under strict condition in line with Art. 6 (4) GDPR.
- It can be under the direct supervision of the national competent authorities.

Data space

- The European strategy of data foresees the creation of data spaces which means that MS can develop their own innovation environment and they can correct either physically this innovation environment or they can give access to this innovation environment training data to the other MS. The primary objective, is to make available a large quantity and good quality training data to the MS, to train their AI models. Big sources of good quality training data would be available and MS are able to train the AI models in the other MS test environments. It requires MS own governance structure, however there can also be central services which could be beneficial for the MS. There could be a test environment at eu-LISA or at Europol where MS can come together and train their models. It needs to be seen if the data from the MS can be made anonymous or the synthetic data needs to be created.
- COM is launching two projects, one under the Digital Europe Programme to build the national infrastructures of the data spaces. And the second under the ISF for the analysis, standardisation and generation of training data. Digital Europe Programme, which will provide basic funding for the data space, has been already adopted by the legislature; however, the first work programme faces some delays and has not yet been adopted. The first call to start with the ISF programme will be launched in 2021 and the second in 2022.

Summary: *WGAI took note of the presentation of the Commission's proposal for regulation on AI*

B	7	**AoB**	Discussion

No any AOB

B	8.	**Meeting recap and next steps**	Information

- Two additional meetings of the WGAI will be organised in 2021. Dates suggested for September 2021 are Tuesday 14.09 or Thursday 16.09 and for November 2021 are Tuesday 23.11 or Thursday 25.11. MS were invited to inform Management Board Secretariat (MBS) if any of those dates do not suite their schedule. Meetings will be scheduled according to the feedback.
- In mid-June a questionnaire will be launched to map the MS initiatives in the area of AI and in the JHA. Response is expected by mid-July. Summary of the questionnaire will be presented at the WG meeting in September. Questionnaire will help to frame the future discussions of the WG and identify the gaps and use cases eu-LISA will be working on.
- Much has been done already in the field of law enforcement (AI predictive analyses and policing, in the field of biometrics, face recognition, big data analyses, deep fake), however, more needs to be done in the field of the border management and migration and asylum.
- MS were invited to send their contributions for the next meeting agenda to the MBS.
- SharePoint space is available for the MS. Access to the space will be given upon receiving the signed and filled form.