



## **Legal hub concept ('Knotenpunkt Recht') of the Competence Network for Artificial Intelligence (CNAI) and the Administrative Committee (AA) of the 'Plateforme Tripartite'**

### **1. Starting position**

In accordance with the Federal Council's decision of 13 April 2022, the DIL and the FOJ, in cooperation with OFCOM, are mandated to form a legal hub for questions relating to law and technology with a focus on artificial intelligence (AI). This legal hub will be available to the Competence Network for Artificial Intelligence (CNAI) and the Administrative Committee (AA) of the Plateforme Tripartite.

This concept describes how the legal hub will function.

### **2. Stakeholders**

- a) **Competence Network for Artificial Intelligence (CNAI):** The CNAI is operated by the Federal Statistical Office FSO in the Federal Department of Home Affairs FDHA.<sup>1</sup> It links together expertise in AI within the federal administration in an interdisciplinary manner, thus generating specialist knowledge for the various administrative offices. It can also accept requests from other institutions.
- b) **Legal hub:** The legal hub connects the CNAI from the FDHA (FSO) to the FDFA (DIL) and the FDJP (FOJ), which are also supported by DETEC (OFCOM). The DIL manages the legal hub administratively and runs the legal hub's secretariat.
- c) **Swiss Academy of Engineering Sciences (SATW) and the AI Group for Law and Technology (KIRT):** The SATW is the most important network of experts in the field of the engineering sciences in Switzerland. The KIRT is a group of experts affiliated to the SATW and unites around 20 experts in AI from the private sector, research and universities. This group combines expertise in particular from the fields of law, computer science, the ICT industry and management consultancy in the area of digitalisation. It is involved in social issues concerning AI in a private and unpaid capacity. The KIRT secretariat is run by the SATW.
- d) **Administrative Committee (AA) of the Plateforme Tripartite on AI:** The Plateforme Tripartite, led by OFCOM, serves as an open multi-stakeholder exchange platform on political, social, economic and other relevant aspects of digitalisation including AI. The Administrative Committee of the Plateforme Tripartite consists of representatives from the federal administration and coordinates federal positions in international bodies on AI as required.

### **3. Guiding principles**

- a) The legal hub is intended to serve in the federal administration as a **point of contact for fundamental legal questions on AI** and to promote a **uniform understanding of legal issues concerning AI**. It thus contributes to the coherent handling of legal issues relating to AI in the federal administration. It also coordinates with the Administrative Committee of the Plateforme Tripartite for this purpose.
- b) In view of the ever-increasing growth of AI in many areas of life, the legal hub contributes to the development of **legal expertise** in relation to AI.

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<sup>1</sup> <https://cnaai.swiss/>

- c) Thanks to the expertise it can draw upon in the SATW/KIRT and the relevant federal offices, the legal hub will ensure **quality assurance** when answering legal questions on AI.
- d) In cooperation with the SATW/KIRT, the legal hub promotes **understanding and knowledge of the interplay between law and technology**.

#### **4. Tasks and activities**

The legal hub is available for the following questions and tasks:

- a) It raises awareness of AI issues and contributes to the harmonisation of AI practices and measures in the federal offices.
- b) It develops recommendations for the handling of AI systems when dealing with legal issues and can provide good practices or checklists.
- c) Assessments of legal issues from the federal administration when using or dealing with AI systems.
- d) The FOJ's tasks in the area of legislative support remain reserved.
- e) Assessment of the impact on Switzerland of AI-relevant international agreements or legislation with cross-border implications (e.g., extraterritoriality).
- f) Drafts positions at the interface between ethics and law. Most ethical questions are actually legal issues when implemented.
- g) If required, monitoring can also be carried out to ensure conformity with national and international requirements when using AI systems.
- h) The KIRT is used as a sounding board to draw on the experts' specialist knowledge and experience.
- i) The legal hub can advise the federal offices on the awarding of external contracts relating to AI and their implementation. It also takes position on the results of external studies and can call on the KIRT's knowledge in this area as part of these evaluations.
- j) It may consult the Administrative Committee of the Plateforme Tripartite on these issues.

The legal hub is primarily available for questions from the federal administration, but can also answer enquiries from stakeholders outside the administration.

#### **5. Annual reporting of the legal hub**

At the end of each calendar year, the legal hub submits a brief report to the CNAI on its activities and makes all responses available to the CNAI as a collection of keyword responses (taking into account the new Information Security Act (ISG)). The legal hub's annual report is also shared with the Plateforme Tripartite and its Administrative Committee.

#### **6. External communications**

In the future, the CNAI website should include references to the legal hub. For example, the legal hub's reporting to the CNAI could be listed, along with the documents tagged with keywords. Provided the requesting federal office agrees, the entry could also include the expert assignments (who, for which question, etc.).

#### **7. Education and training**

The legal hub helps educate and train the federal administration in legal AI skills. It is supported by experts from the SATW/KIRT and takes into account existing channels (e.g., the Forum for Legislation). It emphasises events that have a multidisciplinary impact.