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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Committee of Ministers of the Council of Europe on the Draft Recommendation on equality and artificial intelligence

COUNCIL DECISION (EU) 2025/...

of ...

**on the position to be taken on behalf of the European Union
within the Committee of Ministers of the Council of Europe
on the Draft Recommendation on equality and artificial intelligence**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 114, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Council of Europe aims to adopt a recommendation to address the impact of artificial intelligence ('AI') systems, their potential for promoting equality, including gender equality, and the risks they may cause in relation to non-discrimination (the 'Recommendation'). The Recommendation is due to be approved by the Council of Europe's Gender Equality Commission ('GEC') and the Steering Committee on Anti-Discrimination, Diversity and Inclusion ('CDADI'), during their joint plenary session in November 2025 and is due to be formally adopted by the Committee of Ministers of the Council of Europe.
- (2) The Recommendation aims to assist the Council of Europe Member States to promote equality, including gender equality, and to prevent and combat all forms of discrimination, in all their activities and those of public and private sector actors within the lifecycle of AI systems. The Recommendation focuses on equality and artificial intelligence and, while it is not an implementing instrument, it seeks to maintain coherence with the scope and content of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (the 'Framework Convention'), which was signed by the Union pursuant to Council Decision (EU) 2024/2218¹.

¹ Council Decision (EU) 2024/2218 of 28 August 2024 on the signing, on behalf of the European Union, of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (OJ L, 2024/2218, 4.9.2024, ELI: <http://data.europa.eu/eli/dec/2024/2218/oj>).

- (3) The Framework Convention lays down general principles and obligations that parties to the Framework Convention should observe to ensure the protection of human rights, democracy, and the rule of law in relation to the activities within the lifecycle of AI systems. The Commission has proposed that the Union conclude the Framework Convention. The Council decision for conclusion of the Framework Convention is in the process of being adopted by the Council.
- (4) On 13 June 2024, the European Parliament and Council adopted, on the basis of Articles 16 and 114 of the Treaty on the Functioning of the European Union (TFEU), Regulation (EU) 2024/1689 of the European Parliament and the Council², which lays down harmonised rules, generally based on full harmonisation, that regulate the placing on the market, the putting into service and the use of AI systems in the Union. Those rules are directly applicable in the Member States, unless explicitly provided otherwise.
- (5) The Framework Convention is to be implemented in the Union exclusively through Regulation (EU) 2024/1689 and other relevant Union *acquis*, where applicable.

² Regulation (EU) 2024/1689 of the European Parliament and the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/ 1689, 12.7.2024, ELI: <http://data.europa.eu/eli/reg/2024/1689/oj>).

- (6) The Recommendation is legally non-binding for the Member States of the Council of Europe. It will be capable of producing legal effects, namely in the context of the implementation of Regulation (EU) 2024/1689, where it is capable of decisively influencing Union legislation as referred to in Articles 40(3) and 56(1) of that Regulation. Therefore, it is appropriate to establish the position to be taken on the Union's behalf on the Recommendation in the joint plenary session of the GEC and the CDADI, as well as in the Committee of Ministers. This Decision is without prejudice to any other recommendation or other instrument that may be adopted in the future under the auspices of the Council of Europe or in other international fora.
- (7) The personal and material scope of the Recommendation overlaps, to a large extent, with Regulation (EU) 2024/1689, which lays down rules for AI that are generally based on full harmonisation within the Union.
- (8) The Union should ensure that the Recommendation is consistent with Union law, in particular with Regulation (EU) 2024/1689. For specific recommendations that concern the development and use of AI systems that are fully harmonised in the Union, the Union should aim to ensure that the Recommendation is consistent with Regulation (EU) 2024/1689 and the principles set out in the Framework Convention.
- (9) Provided that these conditions are met, the Recommendation may be approved on behalf of the Union at the joint plenary session of the GEC and the CDADI that is scheduled to take place in November 2025 and be adopted at a subsequent meeting of the Committee of Ministers.

- (10) As the Union is not a member of the Council of Europe but all Member States are, the Union's position is to be expressed by its Member States, acting jointly,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the joint plenary session of the Council of Europe's Gender Equality Commission ('GEC') and the Steering Committee on Anti-Discrimination, Diversity and Inclusion ('CDADI'), as well as at the meeting of the Committee of Ministers, shall be to not object to the approval and adoption of the Recommendation on equality and artificial intelligence given that, although it is non-binding, the Recommendation is capable of producing legal effects in the Union legal order, provided that no changes recommending measures that would be inconsistent with or exceed the obligations on providers and deployers of AI systems established under Regulation (EU) 2024/1689 are made to the text of the draft Recommendation³.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union, acting jointly.

³ GEC/ADI-AI(2024)7rev6, October 2025.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council

The President
