



GENERAL AFFAIRS Council

Tuesday 26 June in Luxembourg

Chair: Bulgarian Deputy Prime Minister Ekaterina Zaharieva

Starting at 9.00, the Council will discuss the **2018 enlargement package** presented by the Commission in April. It will be called upon to **adopt conclusions** on enlargement and the stabilisation and association process.

Ministers will continue preparations for the **June European Council** by examining draft conclusions. They will take stock of the implementation of previous European Council conclusions.

As part of the European Semester process, the Council is expected to approve **integrated country-specific recommendations** and transmit them to the European Council for endorsement.

Ministers will review the **implementation of the inter-institutional agreement on better law-making**.

The Council will also hold a **hearing under Article 7(1)TEU** on the **rule of law in Poland**.

Over lunch, ministers will exchange views on the proposals for **the next multiannual financial framework**.

A presidency press conference will be held at the end of the meeting (+/- 18.00).

Meetings in the margins of the Council:

Monday 25 June:

- Stabilisation and Association Council with Montenegro (16.30)
- Accession Intergovernmental Conference with Montenegro (18.00)
- Accession Intergovernmental Conference with Serbia (19.30)

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¹ This note has been drawn up under the responsibility of the press office.

Enlargement and stabilisation and association process

The Council will discuss the EU's enlargement policy and the EU-Western Balkans stabilisation and association process.

The discussion will take place in the light of the Commission's annual communication and reports on Turkey, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina and Kosovo. The Council will be called upon to adopt conclusions.

The Council is expected to reaffirm its commitment to enlargement which remains a key policy of the European Union. It continues to represent a strategic investment in peace, democracy, prosperity, security and stability in Europe.

The Council is also expected to reaffirm the need for fair and rigorous conditionality and the principle of own merits, combined with the EU's capacity, in all its dimensions, to integrate the new members, in line with the renewed consensus on enlargement approved by the European Council in 2006.

The focus will remain on fundamental reforms in the areas of rule of law, fundamental rights, economic development and competitiveness, the strengthening of democratic institutions and public administration reform. A solid track record of reform implementation and concrete and tangible results in these crucial areas remain essential, in particular for the overall pace of the accession negotiations.

The draft conclusions take stock of the situation in each candidate country and potential candidates, and set out guidelines on reform priorities.

Among other things, the Council is expected to discuss the Commission's recommendation to open accession negotiations with the former Yugoslav Republic of Macedonia and Albania.

[2018 Commission communication on EU enlargement policy](#)

Preparation for the June European Council

The Council will examine draft conclusions for the European Council meeting to be held on 28 June, prepared by the President of the European Council, Donald Tusk, in cooperation with the Bulgarian presidency and the Commission.

The European Council will focus on:

- migration: EU leaders are expected to discuss the internal and external dimensions of migration policy, including the reform of the Common European Asylum System.
- security and defence: leaders are expected to discuss EU-NATO cooperation ahead of the NATO summit in July and provide orientations for further work, in particular on permanent structured cooperation. The European Council will also address military mobility, the European Defence Fund, the European Defence Industrial Development Programme and Civilian Common Security and Defence Policy.
- economy and finance: leaders are expected to adopt conclusions on several issues recently debated under the Leaders' Agenda, such as taxation, innovation and digital issues. The European Council will also endorse the country specific recommendations under the 2018 European Semester and discuss the future handling of the multi-annual financial framework, including a timeline. It is expected that leaders will also discuss trade.
- external relations: the European Council will address this item in the light of the most recent developments.

An [annotated draft agenda](#) was discussed by the Council on 14 May 2018.

European Semester

As part of the European Semester process, the Council is expected to approve integrated country-specific recommendations (CSRs) and transmit them to the European Council for endorsement.

The CSRs provide member states yearly guidance on national reforms. They adapt priorities identified at EU level to the national level.

The recommendations are drafted by the Commission, discussed among EU ministers in the Council and endorsed by EU leaders in June. They are formally adopted in the Council in July.

[European Semester](#)

Interinstitutional agreement on better law-making

Ministers will review the implementation of the inter-institutional agreement (IIA) on better law-making, based on a [note](#) from the Presidency.

The IIA was signed in 2016 and provides for closer co-operation between the institutions in a number of areas, in particular legislative programming. It covers also impact assessments and public consultations, delegated and implementing acts, transparency, simplification and implementation of EU law. On several provisions follow-up is required.

The main strands of work for the Council during the first half of 2018 concerned:

- the monitoring of the progress made under the [joint declaration](#) on the EU's legislative priorities for 2018-2019
- inter-institutional negotiations on cooperation and information sharing in relation to international agreements
- work on the handling of impact assessments within the Council
- negotiations on non-binding criteria for the delineation between delegated and implementing acts
- work at technical level on the transparency and communication of the legislative procedure, including a joint database on the state of play of legislative files

Rule of law in Poland

The Council will hold a hearing under Article 7(1) TEU on the rule of law in Poland.

The hearing constitutes a step of the process under Article 7(1) TEU which provides that *"before making such a determination, the Council shall hear the Member State in question and may address recommendations to it, acting in accordance with the same procedure"*. In total, the procedure under Article 7(1) TEU comprises four steps:

- (1) the triggering of the procedure,
- (2) the hearing of the member state concerned by the Council,
- (3) possibly the adoption of recommendations addressed by the Council to the member state concerned and/or
- (4) the adoption of a Council decision determining that there is a clear risk of a serious breach by the member state concerned of the Union values.

The hearing foreseen in Article 7(1) TEU will be, essentially, a peer review exercise. It will enable ministers to have a more in-depth exchange with Poland on the key concerns identified in the Commission's reasoned proposal.

At the outset of the hearing, the Commission will be given the opportunity to update ministers on the situation regarding the rule of law in Poland. Poland will be invited to present its position. Ministers will then have the chance to ask Poland questions on the topics of the hearing.

For Poland, the hearing is a possibility to explain the current situation and reply to questions asked by ministers. The outcome will be a procedural conclusion by the Presidency on the next steps.

If all topics cannot be covered, or sufficiently exhausted, at the Council meeting, the hearing could continue at a next meeting of the General Affairs Council.

On 20 December the Commission published its reasoned proposal under Article 7(1)TEU on the rule of law in Poland. The reasoned proposal contains a detailed explanatory memorandum as well as a proposal for a Council decision which (i) determines that there is a clear risk of a serious breach by Poland of the rule of law and (ii) enumerates recommendations with a three-months deadline for Poland to bring its judicial reform in line with rule of law standards, by:

- restoring the independence of the Constitutional Tribunal,
- publishing and implementing specific judgments of the Constitutional Tribunal,
- amending the four laws recently adopted (National Judiciary Council, Supreme Court, National School of Judiciary, Ordinary Courts) in order to restore the independence of the judiciary,
- ensuring that any justice reform is prepared in close cooperation with the judiciary and all interested parties, including the Venice Commission, and
- refraining from further undermining the judiciary.

In parallel with submitting its reasoned proposal to the Council, the Commission has continued to pursue a dialogue with the Polish authorities.
