



Council of the European Union

PRESS
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BACKGROUND¹
Brussels, 15 October 2018

GENERAL AFFAIRS Council

Tuesday 16 October 2018 in Luxembourg

Chair: Gernot Blümel, Austrian Federal Minister for the EU, Art, Culture and Media

The meeting will **start at 9.30**.

Ministers will continue preparations for the **European Council meeting on 18 October** by examining draft conclusions. They will take stock of the implementation of previous European Council conclusions.

The Council will discuss the situation regarding the **rule of law in Poland**.

The presidency will inform ministers about the next procedural steps following the triggering of the **Article 7(1) TEU procedure for Hungary**.

In public session, the Council will return to **the MFF package** to hear an assessment from the presidency on the state of play in the examination of the Commission proposals.

Ministers will discuss policy issues related to the next long-term EU budget over lunch.

A presidency press conference will be held before the lunch break (+/- 13.00).

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

Preparations for the October European Council

The Council will examine draft conclusions for the [European Council meeting to be held on 18 October](#), prepared by the President of the European Council, Donald Tusk, in cooperation with the Austrian presidency and the Commission.

At its meeting in October, the European Council is expected to return to the issue of migration. As per the usual practice, Chancellor Sebastian Kurz will report on the implementation of previous European Council conclusions. More specifically, as agreed in June 2018, he will report on progress on the reform of the Common European Asylum System.

The European Council will adopt conclusions on internal security, following the Leaders' thematic debate in Salzburg on 20 September.

The European Council will also discuss external relations, including the partnership with Africa and the upcoming summit with the League of Arab States.

An [annotated draft agenda](#) was discussed by the Council on 18 September.

Rule of law in Poland

As part of the Article 7(1) TEU procedure, the Council will discuss the state of play regarding the rule of law situation in Poland.

The discussion follows the hearing of Poland at the meetings of the General Affairs Council held on 26 June and 18 September.

At this meeting, the Commission will be invited to provide the Council with an update on recent developments regarding the justice reform in Poland. Ministers will subsequently have the opportunity to exchange views on the issue.

The Article 7(1) TEU procedure was triggered for Poland on 20 December 2017 when the Commission published its [reasoned proposal](#) 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) sets out recommendations with a three-month deadline for Poland to bring its judicial reform into 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 recently adopted laws (National Council of the Judiciary, Supreme Court, National School of the 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.

Respect of EU values in Hungary

The presidency will inform ministers about the Article 7(1) TEU procedure concerning Hungary.

The procedure was triggered on 12 September 2018 when the European Parliament's plenary voted a resolution with a [reasoned proposal](#) asking the Council to determine whether there is a clear risk of a serious breach by Hungary of the values referred to in Article 2 TEU. The reasoned proposal was submitted to the Council on 18 September.

At the Council meeting, the presidency is expected to outline to the ministers the next procedural steps.

The European Parliament's reasoned proposal under Article 7(1) TEU includes a proposal for a Council decision and describes a number of issues that, in the view of the Parliament, justify the triggering of the Article 7 procedure:

- (1) the functioning of the constitutional and electoral system;
- (2) the independence of the judiciary and of other institutions and the rights of judges;
- (3) corruption and conflicts of interest,
- (4) privacy and data protection,
- (5) freedom of expression,
- (6) academic freedom,
- (7) freedom of religion,
- (8) freedom of association,
- (9) the right to equal treatment,
- (10) the rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities,
- (11) the fundamental rights of migrants, asylum seekers and refugees, and
- (12) economic and social rights.

Next multiannual financial framework

The Council will hear an assessment from the presidency on the state of play in the examination of the Commission proposals concerning the multiannual financial framework (MFF) for 2021 to 2027.

The presidency has also tabled a short [written report](#) for ministers. The report outlines the work carried out on the MFF since the meeting of the General Affairs Council on 18 September. Without prejudice to the ongoing discussions, it also highlights the state of play on a limited number of topics concerning horizontal issues, specific headings and own resources.

The Council has been actively examining the Commission proposals at working party level since they became available in May and June 2018. Before the summer break, the Commission gave detailed presentations of its MFF-related proposals to delegations. This gave the delegations the opportunity to ask for clarifications and provide initial reactions. The Commission also provided additional detailed information.

Since the start of the Austrian presidency, 13 working party meetings have been held on the MFF and four on own resources. Coreper is regularly informed of progress in the discussions. The MFF will be on the agenda of each GAC meeting until December 2018.

The Austrian presidency has now started to identify and gradually draw up possible elements of a draft Negotiating Box, with a view to preparing a progress report for the European Council in December.

The Negotiating Box is a tool used for structuring and facilitating the negotiation process on the MFF. It brings together those elements which are most likely to require political direction and priority-setting from Heads of State or Government with a view to the Council reaching its position.

The early drafts are Council documents prepared by the presidency, which are discussed in the Ad Hoc Working Group on the MFF, COREPER and the General Affairs Council, and constantly updated as negotiations move forward. The draft Negotiating Box is not a report on the discussions and has an evolving character.

With this tool, the Presidency aims to facilitate preparations for the future draft European Council conclusions on the MFF to be tabled by the President of the European Council.
