



Council of the European Union

PRESS
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BACKGROUND¹
Brussels, 8 November 2018

GENERAL AFFAIRS Council

Monday 12 November 2018 in Brussels

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

The meeting will **start at 11.00**.

Ministers will be updated on the state of play concerning the **rule of law in Poland** and return to the **Article 7(1) TEU procedure for Hungary**.

The Council will then start preparations for the **European Council meeting on 13-14 December** by discussing an annotated draft agenda.

Ministers will also hold the **annual rule of law dialogue**. The topic of the dialogue will be 'Trust in public institutions and the rule of law'.

During the afternoon session, the Council will hold a policy debate on **the multiannual financial framework for 2021-2027**.

Ministers will hear a presentation of the **2019 Commission work programme**.

The Commission will also present its **subsidiarity package**, published on 23 October.

Finally, as part of the preparations for the next European Semester, the Austrian presidency and the incoming Romanian presidency will present the **2019 European Semester roadmap**.

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

Rule of law in Poland

As part of the Article 7(1) TEU procedure, the Commission will be invited to provide the Council with an update on the latest developments regarding the judicial 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 and 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 (on the National Council of the Judiciary, Supreme Court, National School of the Judiciary, and 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 for EU values in Hungary

Ministers will be informed on the state of play of the Article 7(1) TEU procedure concerning Hungary.

The procedure was triggered on 12 September 2018 when the European Parliament's plenary adopted a resolution with a [reasoned proposal](#) asking the Council to determine whether there was 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.

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.

Preparations for the December European Council

The Council will examine an [annotated draft agenda](#) for the European Council meeting to be held on 13-14 December. The annotated draft agenda will serve as the basis for draft conclusions, to be prepared in the run-up to the meeting.

At their meeting in December, the EU leaders will have their first substantial exchange of views on the multiannual financial framework for 2021-2027.

Following its conclusions of March 2018, and based on an assessment by the Commission of remaining barriers and options for action to tackle these barriers, the European Council will review the state of play regarding a fully functioning single market.

The European Council will return to the implementation of its comprehensive approach to migration, in accordance with its conclusions of June 2018.

Leaders will discuss preparations for the upcoming summit with the League of Arab States on 24-25 February 2019.

The European Council will also revert to the issue of disinformation, on the basis of the action plan to be presented by the High Representative and the Commission, in cooperation with the member states and in line with its earlier conclusions.

Annual rule of law dialogue

The Council will hold its fourth annual rule of law dialogue, focusing on trust in public institutions and the rule of law.

The discussion will be steered by a [presidency note](#), which includes questions related to:

- the key factors which determine the level of trust in public institutions
- the role of the media and civil society in fostering this trust
- the role of the EU and the member states in mutually reinforcing this trust, notably through joint communication efforts

The topic will be introduced by the presidency and the Director of the EU Agency for Fundamental Rights, Michael O'Flaherty.

Following the discussion, the presidency will draw up presidency conclusions, which it will forward to the relevant Council preparatory bodies for further consideration.

The fourth rule of law dialogue builds on a seminar on the same theme organised by the presidency on 11 July 2018 in Brussels. The outcome of this seminar forms the broader framework for the dialogue and has been summarised in the presidency note.

The rule of law dialogue was established in December 2014 to promote and safeguard the rule of law in the framework of the treaties. The first dialogue took place in November 2015, the second in May 2016 and the third in October 2017.

Next multiannual financial framework

In public session, the Council will hold a policy debate on the multiannual financial framework (MFF) for 2021 to 2027.

The discussion will focus on the political issues that have emerged during preparations in the Council for the possible future draft Negotiating Box. It will be steered by a [presidency document](#) that highlights some of the issues on which the presidency considers that political guidance will be needed.

Ministers will be invited to share their views on the elements which they consider of key importance for a future agreement.

Their guidance will serve as a basis for taking the work on the future draft Negotiating Box forward.

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 Party 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.

Work on the draft Negotiating Box started in September. All the expenditure headings and horizontal issues have now been discussed.

The Austrian presidency intends to present a progress report to the December European Council where leaders are expected have their first substantial exchange of views on the next MFF (see also above).

Legislative programming - Commission's work programme for 2019

Ministers will hear a presentation and exchange views on the [2019 Commission work programme](#) adopted on 23 October. The discussion will take place in public session.

The exchange of views forms part of the so-called annual legislative programming exercise established by the better law-making agreement of 2016.

The agreement also provides that each year the Council, the European Parliament and the Commission adopt a joint declaration identifying their shared legislative priorities for the upcoming year. This is to allow the three institutions to work more closely together to tackle the big challenges which lie ahead.

The [joint declaration agreed in December 2017](#) took account of the legislative cycle and covered also the first months of 2019. No new joint declaration will therefore be adopted this year.

[Annual legislative programming process - timeline and steps](#)

Subsidiarity package

Ministers will hear a presentation on the [subsidiarity package](#) adopted by the Commission on 23 October.

A key part of the package is the Commission's communication on how to strengthen the principles of proportionality and subsidiarity in EU decision-making, taking into account the [recommendations](#) of the 'Task force on subsidiarity, proportionality and doing less, more efficiently', published on 10 July 2018.

The Commission's communication highlights the following areas where action is necessary:

- promoting a common understanding of subsidiarity and proportionality,
- enabling national parliaments to scrutinise more effectively,
- more active involvement of local and regional authorities,
- improving assessment and presentation of relevant impacts,
- evaluating existing legislation from the perspective of subsidiarity.

The Austrian presidency will host a [conference on 15-16 November in Bregenz, Austria](#) entitled 'Subsidiarity as a building principle of the European Union'. The conference will offer an opportunity

for a detailed discussion on the recommendations of the task force and the issues raised by the Commission.

European Semester 2019 - Roadmap

In preparation for the next European Semester, the Austrian presidency and the incoming Romanian presidency will present the [2019 European Semester roadmap](#).

The roadmap sets out how work will be taken forward in the remainder of 2018 and the first half of 2019. The objective of the roadmap is to ensure that all relevant Council configurations work in a coordinated manner, with the General Affairs Council overseeing the process.

The European Semester is a cycle of economic and fiscal policy coordination within the EU. It helps the member states to coordinate their economic, employment and fiscal policies better and to align them with the objectives and rules agreed at EU level.

[European Semester](#)
