



Council of the European Union

PRESS
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BACKGROUND¹

Brussels, 13 October 2022

General Affairs Council Luxembourg, 18 October 2022

Chair: Mikuláš Bek, Minister of European Affairs of the Czech Republic.

The meeting will begin at 10.00.

The Council will continue preparations for the European Council meeting on 20-21 October. As part of the Article 7(1) TEU procedure, ministers will be updated on the state of play regarding the rule of law in Poland. Ministers will also discuss the follow-up to the Conference on the Future of Europe. In public session, the Council will hold a policy debate on the European Parliament's proposal for revising the EU rules governing the European Parliament elections (EU electoral law).

A press conference will take place at the end of the meeting (+/- 16.45).

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[General Affairs Council, 18 October - meeting page](#)

[Press conferences and public events by video streaming](#)

[Video coverage in broadcast quality \(MPEG4\) and photo gallery](#)

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

October European Council

The Council will continue preparations for the European Council meeting on 20-21 October by discussing draft conclusions.

At the European Council meeting, leaders will revert to Russia's war of aggression against Ukraine and its consequences. They will also address the economic situation, and assess the situation of energy prices and security of supply, market optimisation measures and progress with demand reduction, and decide on any further action that needs to be taken. As regards external relations, the European Council will prepare the EU-ASEAN summit and hold a strategic discussion on China. It will also take stock of preparations for the UN Climate Change conference in Sharm El-Sheikh (COP27) and for the 15th Conference of the Parties to the Convention on Biological Diversity in Montreal.

[European Council, 20-21 October 2022](#)

Rule of law in Poland

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

The Commission will be invited to inform ministers of the developments since the latest hearing with Poland, held at the General Affairs Council meeting in February. Poland will have an opportunity to present its remarks.

The Article 7(1) TEU procedure regarding Poland was launched on 20 December 2017 when the Commission published a reasoned proposal in order to determine whether there was a clear risk of a serious breach of the rule of law by Poland, and to provide recommendations for Poland to bring its judicial reforms into line with the principles of the rule of law. In particular, the Commission recommended that the Polish authorities:

- restore the independence and legitimacy of the Constitutional Tribunal;
- publish and implement fully the judgments of the Constitutional Tribunal;
- amend four laws (on the Supreme Court, the Ordinary Courts Organisation, the National Council of the Judiciary and the National School for the Judiciary) in order to ensure their compliance with the requirements relating to the independence of the judiciary, the separation of powers and legal certainty;
- ensure that any justice reform is prepared in close cooperation with the judiciary and all interested parties, including the Venice Commission;
- refrain from any action that could undermine the legitimacy of the judiciary.

Since then, the procedure has been regularly on the Council agenda and five hearings with Poland under Article 7(1) TEU have been held.

In its rule of law report issued on 13 July 2022, the Commission considered that serious concerns persist related to the independence of the judiciary in Poland.

Some of the concerns are to be addressed also as part of Poland's Recovery and Resilience Plan, which includes milestones to be fulfilled before any disbursement of funds can be made related to a comprehensive reform of the disciplinary regime applicable to Polish judges.

The Commission is currently assessing whether the steps taken by Poland meet the milestones agreed.

[Reasoned proposal regarding the rule of law in Poland](#)

[2022 Rule of Law Report - Country Chapter Poland](#)

[Poland's Recovery and Resilience Plan \(European Commission\)](#)

Conference on the Future of Europe

The Council will exchange views on the follow-up to the Conference on the Future of Europe.

The discussion will focus on the timing for submitting to the European Council the two European Parliament's proposals for Treaty amendments received by the Council under Article 48(2) TEU. Ministers will also touch upon the organisation of the Conference feedback event for citizens.

The Council is fully committed to ensuring the best possible follow-up to the Conference on the Future of Europe. Work is ongoing in the Council, notably on the basis of a comprehensive preliminary technical assessment of the 49 Conference proposals and their 326 related measures.

According to this technical assessment, a significant number of the proposals and related measures are currently being addressed or have already been addressed by the EU institutions. Concerning the measures that could be further addressed, work has already started or will start within the current Treaty framework.

In her State of the Union address in September 2022 and in the accompanying Letter of Intent, President von der Leyen announced a first set of initiatives following up on the Conference outcome, including legislative proposals to be put forward to the Council and the Parliament.

At the meeting of the General Affairs Council in September, ministers welcomed the Commission's commitment to follow up on the Conference and looked forward to its proposals. Ministers also took stock of the situation regarding the measures that the Council could implement on its own. In general terms, they considered that priority should be given at this stage to the follow-up of the vast majority of Conference proposals and initiatives (approximately 95%) that can be implemented using all the possibilities offered by the current Treaty framework.

In addition, the European Parliament adopted on 9 June 2022 a resolution on the call for a Convention for the revision of the Treaties, seizing its Committee on Constitutional Affairs (AFCO) to prepare proposals for Treaty amendments that it considers necessary to implement the Conference outcome. The work of the AFCO Committee is ongoing in this regard. The same resolution also includes proposals to amend two specific Treaty provisions under Article 48(2) TEU.

According to Article 48(2) TEU, the Council has to submit the proposals for Treaty amendments that it has received to the European Council and to notify the national Parliaments. However, Article 48 does not set out a specific timing for that. The Council therefore has a margin of discretion as regards the timing, including with a view to ensuring procedural efficiency and avoiding duplication of processes.

In this context, ministers will be invited to provide their assessment as to whether the Council should submit to the European Council the two European Parliament's specific proposals for Treaty amendments already at this stage, or, whether it should wait for the other EP proposals for Treaty change resulting from the ongoing work in the AFCO Committee.

During the discussion on the follow-up to the Conference, ministers will also be invited to indicate their views on the details of the organisation of the feedback event for citizens.

[Conference on the Future of Europe \(background information and timeline\)](#)

[Report on the final outcome of the Conference \(May 2022\)](#)

[Preliminary technical assessment of the proposals \(10 June 2022\)](#)

[European Council conclusions, 23-24 June 2022](#)

Electoral law

In public session, ministers will hold a policy debate on the European Parliament's proposal for revising the EU rules governing the European Parliament elections (EU electoral law).

The aim of the discussion is to give political guidance for further work on the EP's proposal at technical level.

The EP adopted a proposal for a Council regulation on the election of the Members of the European Parliament by direct universal suffrage, along with a resolution stating motivations, on 3 May 2022.

The proposed regulation is intended to replace the 1976 Electoral Act, which defines certain common principles regarding elections to the European Parliament and which has been amended twice, in 2002 and in 2018.

The latest revision, by Council Decision 2018/994 of 13 July 2018, included a set of measures to modernise EU electoral law, including an obligatory threshold of 2% to 5% for constituencies, including single-constituency member states, with more than 35 seats. The decision has not entered into force yet.

The new European Parliament's proposal includes the following main elements:

- the creation of an EU-wide constituency with transnational lists: each voter would have two votes: one to elect MEPs in national constituencies, and one in an EU-wide constituency of 28 additional seats;
- a lead candidate (*Spitzenkandidaten*) system: citizens could vote for the President of the Commission through lead candidates in the EU-wide lists;
- a minimum electoral threshold of 3.5% for national constituencies of more than 60 seats;
- so-called zipped lists (alternating men and women candidates) aiming to tackle gender inequality;
- 9 May as the common European voting day, as well as harmonised rules on timings for campaigns or for proposing lists; postal voting, voting age and standing age;
- the creation of a new European Electoral Authority.

Ministers will be invited to comment on the proposed changes that they would wish to see reflected in EU electoral law and on those that they consider more challenging, as well as on the overall concept of establishing transnational lists, the system of 'lead candidates' and ensuring a balance in the representation of member states in the distribution of seats.

Under Article 223(1) TFEU, the European Parliament has the right to draw up a proposal for its electoral procedure. The Council decides unanimously on the provisions. The Parliament then decides on whether it provides its consent. The provisions enter into force after their ratification in the member states.

To the extent that EU electoral procedure is not defined at EU level, it is for each member state to lay down specific conditions for the EP elections.

[Background note for the debate](#)

[Proposal for a Council regulation on the election of the Members of the European Parliament by direct universal suffrage](#)

[Council Decision \(EU, Euratom\) 2018/994 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage](#)

[EU electoral law: new rules adopted by the Council \(press release, 13 July 2018\)](#)

[European Parliament elections: Council reaches agreement on a set of measures to modernise EU electoral law \(press release, 7 June 2018\)](#)