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Subject: Summary on the evaluation of the rule of law dialogue among all Member States within the Council

Delegations will find in Annex the Presidency summary on the evaluation of the rule of law dialogue among all Member States within the Council.

PRESIDENCY SUMMARY

on the evaluation of the rule of law dialogue among all Member States within the Council

On 16 December 2014, the Council of the European Union and the Member States meeting within the Council adopted conclusions¹ on ensuring respect for the rule of law establishing an annual political dialogue among all Member States within the Council to promote and safeguard the rule of law in the framework of the Treaties. It was agreed that the dialogue would be based on the principles of objectivity, non-discrimination and equal treatment of all Member States and would be conducted on a non-partisan and evidence-based approach. The dialogue takes place once a year in the Council, in its General Affairs configuration. The first round of the dialogue was organised by the Luxembourg Presidency on 17 November 2015.² The second round of the dialogue took place on 24 May 2016 under the Netherlands Presidency³ and it was thematically focused on integration of migrants.

The 2014 Conclusions foresee that the Council and the Member States meeting within the Council will “*evaluate, by the end 2016, the experience acquired on the basis of this dialogue*”. The Presidency prepared and distributed a questionnaire⁴ in order to ensure an inclusive approach also in the phase of preparation of the evaluation and to have explicit feedback from all the Member States when preparing the discussion of Ministers.

On the basis of the input from the Member States, the Presidency prepared its note in order to allow the Ministers to present their views in a structured way. During an exchange of views held by Ministers at the meeting of the General Affairs Council on 15 November 2016, most of the Member States underlined the importance of ensuring the continuation and strengthening of the dialogue by having more frequent debates, which should be more result-oriented and better structured.

1 17014/14
2 13744/15
3 8774/16
4 12205/16

Consensus was reached on the need to improve the dialogue by making its preparation more systematic, including the organisation of accompanying events. To this end, the topic for the dialogue may be chosen by the Presidency in July on the basis of a short report by the Commission or by the EU Agency for Fundamental Rights. This would provide a possibility to assemble broad input at expert level by the end of September, including the involvement of other EU institutions (Fundamental Rights Agency or Commission) or eventually, also other international organisations, avoiding duplication and making use of existing expertise. This should allow the Presidency to prepare the dialogue in the **General Affairs Council** for October or November.

The Ministers expressed their preference for a twofold form of the dialogue, comprising, on the one hand, a general, interactive discussion about the situation in the Member States and, on the other hand, a thematic discussion on specific topics and challenges faced by the Member States.

Furthermore, the Ministers stressed the importance of a proper follow-up to the dialogue, which should be more result-oriented.

Finally, it was agreed that the rule of law dialogue in the Council should be re-evaluated by the end of 2019, when the Member States should be more ready to consider the possibility of turning the dialogue into an annual peer review exercise.