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OUTCOME OF THE COUNCIL MEETING

3648th Council meeting

General Affairs

Brussels, 12 November 2018

President **Gernot Blümel**
Federal Minister for the EU, Arts, Culture and Media of
Austria

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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ITEMS DEBATED

Multiannual financial framework for 2021-2027

The Council held a policy debate on the multiannual financial framework for 2021-2027.

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

Ministers outlined their views on the points which they consider to be of most importance for a future agreement, in the light of work so far.

Their guidance will serve as a basis for taking the work on the future draft Negotiating Box forward at technical level in the run-up to the December [European Council](#).

Respect for EU values in Hungary

Ministers discussed the state of play of the Article 7(1) TEU procedure concerning Hungary.

The Commission referred to the factual information it has provided on the infringement proceedings concerning Hungary.

Hungary presented its written contribution on the issues raised in the European Parliament's reasoned proposal.

Rule of law in Poland

The Commission provided the Council with an update on the latest developments regarding judicial reform in Poland.

December European Council

The Council started preparations for the European Council meeting on 13-14 December by discussing an [annotated draft agenda](#).

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 held its fourth annual rule of law dialogue, focusing on trust in public institutions and the rule of law. With the participation of the Director of the EU Agency for Fundamental Rights, Michael O'Flaherty, ministers discussed the main factors which determine the level of trust in public institutions, and the role the media, civil society, the EU and member states can play to help encourage this trust.

They stressed that trust in public institutions is crucial for the rule of law and the proper functioning of societies.

The presidency will prepare conclusions on the debate, which will be sent to the relevant Council bodies for further consideration.

Legislative programming - Commission's work programme for 2019

Ministers heard a presentation and exchanged views on the [2019 Commission work programme](#).

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.

Subsidiarity package

Ministers heard 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

As part of the preparation of the next European Semester, the Austrian presidency and the incoming Romanian presidency presented 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.

OTHER ITEMS APPROVED

GENERAL AFFAIRS

Statute of the Court of Justice of the EU

The Council adopted its position on a regulation amending protocol 3 on the Statute of the Court of Justice of the European Union ([13588/18](#)). This paves the way for trilogue negotiations with the European Parliament, once the parliament has adopted its position.

The proposed amendments to protocol 3 on the Statute of the Court of Justice of the EU concern:

- transferring to the Court of Justice jurisdiction to adjudicate in actions for annulment lodged by member states against Commission decisions relating to a failure properly to comply with a judgment delivered by the Court of Justice under Article 260(2) and (3) TFEU;
- the introduction by the Court of Justice of an initial admission procedure for certain appeals;
- consistency of the terminology of the Statute with the treaties.

JUSTICE AND HOME AFFAIRS

Schengen evaluation

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Spain on the application of the Schengen acquis in the field of management of the external border ([14183/18](#)).

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2018 evaluation of Switzerland on the application of the Schengen acquis in the field of management of the external border ([14188/18](#)).

ENVIRONMENT

Minamata Convention on Mercury - EU position

The Council adopted an EU position for the second meeting of the Conference of the Parties to the Minamata Convention on Mercury with regard to the adoption of guidelines on the environmentally sound interim storage of mercury, other than waste mercury, referred to in article 10(2) and (3) of the Convention ([13636/18](#) +[13636/18 COR 1](#) and [13416/18](#)).

In its position, the Council supports the adoption of the guidelines as contained in the documents submitted for adoption at COP2. Minor changes to the documents may also be agreed by the representatives of the Union without further decision at the Council, in consultation with the other member states during on-the-spot coordination meetings.

EUROPEAN ECONOMIC AREA

50th meeting of the EEA Council

The Council established the EU's common position for the 50th meeting of the European Economic Area Council which is scheduled take place in Brussels on 20 November 2018.

FOREIGN AFFAIRS

Member states' contributions to the European Development Fund

The Council adopted the financial contributions to be paid by member states to finance the European Development Fund (EDF) in 2019, as well as the contribution ceiling in 2020. In 2019, member states will contribute €4.7 billion to the EDF, including €4.4 billion for the Commission and €300 million for the European Investment Bank. In 2020, the ceiling for the annual contributions to the EDF is €4.9 billion.

The Council also adopted an indicative non-binding forecast for the expected annual amount of contributions for the years 2021 and 2022.

[European Development Fund, European Commission](#)