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NOTE

From: Presidency
To: Delegations
Subject: Annual rule of law dialogue

1. On 16 December 2014, the Council adopted conclusions that establish an annual political dialogue among all Member States in the General Affairs Council to promote and safeguard the rule of law in the framework of the Treaties¹. 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 in a non-partisan and evidence-based manner.
2. Reaffirming these principles, the Presidency conclusions of 19 November 2019 stressed the wish for the dialogue to be stronger, more result-oriented and better structured.
3. On 30 September 2020, the Commission published its first annual Rule of Law Report, providing an overview of both the state of the rule of law in the EU and an assessment of the situation in each Member State². The second annual Rule of Law Report was published on 20 July 2021³. The third annual report is expected by July 2022.

¹ 17014/14.

² 11225/20 and 11225/20 ADD1 COR1 to ADD27.

³ 10341/21 and 10341/21 ADD1 to ADD27.

4. In the second half of 2020, the German Presidency took a structured approach to implementing the annual rule of law dialogue. Since October 2020, two horizontal discussions covering general rule-of-law developments in the EU have taken place in the General Affairs Council⁴. Furthermore, three country-specific discussions on key developments, each focusing on the situation in five Member States and covering 15 Member States⁵, have taken place in the General Affairs Council.
5. The Presidency believes that the exchanges conducted in this format have so far proved to be a highly successful tool. It is fully committed to continuing to consolidate, within the Council, this newly structured, informal, open and constructive political dialogue on the rule of law, in line with the approach established for both horizontal and country-specific discussions⁶. Those discussions could continue to make use of the relevant country chapters in the Commission's 2021 Rule of Law Report and uphold the same principles of objectivity, non-discrimination and equal treatment of all Member States.
6. Consequently, a fourth country-specific discussion will take place at the meeting of the General Affairs Council on 12 April 2022. It will focus on key developments in five Member States following the EU protocol order: Luxembourg, Hungary, Malta, the Netherlands and Austria. Each of the five Member States will be asked to present key national developments and particular aspects of their national rule of law framework. After each presentation, the other Member States will be given the opportunity to share their comments and questions on the situation in the five Member States reviewed and provide an account of their own experiences and best practices regarding the topics discussed, taking a constructive and inclusive approach.

⁴ 13 October 2020 and 19 October 2021.

⁵ Specifically, Belgium, Bulgaria, the Czech Republic, Denmark and Estonia (17 November 2020); Germany, Ireland, Greece, Spain and France (20 April 2021); and Croatia, Italy, Cyprus, Latvia and Lithuania (23 November 2021).

⁶ 11094/20 and 7379/21.

7. The Presidency stresses the importance of continuing this dialogue, with country-specific discussions taking place every six months, and a horizontal discussion organised annually, following the publication of the Commission's annual Rule of Law Reports.