

1. **Rule of law dialogue**

On 16 December 2014, the Council adopted conclusions that establish an annual political dialogue among all Member States within the Council to promote and safeguard rule of law in the framework of the Treaties.[[1]](#footnote-1) 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 in the Council (General Affairs), and is prepared by the COREPER (Presidency), following an inclusive approach. It was also agreed that two years after adoption of the conclusions the experience acquired on the basis of the dialogue would be evaluated.

The first round of the dialogue was organised by the Luxembourg Presidency on 17 November 2015.[[2]](#footnote-2) In the introductory part of the dialogue, the Commission presented the outcome of its annual colloquium on fundamental rights "Tolerance and respect: preventing and combating anti-Semitic and anti-Muslim hatred in Europe" that took place on 1-2 October 2015. Subsequently all Member States shared examples of their best practices as well as challenges encountered at national level in guaranteeing the respect for the rule of law. In their contributions Ministers reacted also to a Presidency non-paper on the rule of law in the age of digitalization.

The second dialogue took place on 24 May 2016 under the Netherlands Presidency.[[3]](#footnote-3) It was a thematic debate focused on the link between migrants' integration and EU fundamental values. The debate was opened by the Director of the EU Agency for Fundamental Rights, Professor Michael O’Flaherty. Member States and the Commission shared their views on the basis of the questions addressed in the discussion paper prepared by the Presidency. Ministers emphasised the correlation of the migrants’ rights with the obligations to respect the values of the receiving societies.

1. **Experience acquired and way forward**

In order to evaluate the experience acquired, the Slovak Presidency would like to solicit input from all Member States. On the basis of input received from the Member States, the Presidency would prepare a synthesis paper to be discussed in the Council (General Affairs) on 15 November 2016. Member States are asked to share their views, in particular, on the following issues:

General discussion and/or thematic discussion combined with a periodic review

1. What elements of the dialogue should be improved while respecting the current framework set by the Council conclusions? On the other hand, what should be retained as a good practice for the future rounds?

2. What is your view on turning this dialogue into or complementing it with an annual review process enabling periodical evaluation of rule of law related issues?

3. In addition to the existing dialogue, do you see a need to organise thematic ad hoc discussions on current rule of law challenges?

Cooperation with other EU Institutions, international organisations and NGOs

4. Do you consider the cooperation with relevant stakeholders during first two rounds of the dialogue as sufficient? In particular, do you see a need for a stronger involvement of the Commission or/and the European Parliament in the preparatory phase of the Council dialogue? If yes, how could this involvement look like in practical terms?

5. Are you in favour of involving in the preparation of the Council dialogue representatives of other EU bodies (in particular FRA), relevant international organisations (e.g. the Council of Europe, the UN) and/or NGOs? If yes, how could this involvement look like in practical terms.

Preparation of the dialogue

6. As for the preparatory works, was the time allocated to prepare for each dialogue sufficient? What time period (between the first submission of the discussion paper and the date of GAC meeting) is necessary for Member States to prepare the contribution for the dialogue?

7. Do you have ideas about making the preparation more broad-based and systematic (discussions at technical level, seminars in different Member States, trio seminars, consultations with civil society etc.)?

Conduct of the dialogue

8. How should the Council dialogue be conducted? Would you be in favour of a more interactive discussion (e. g. representatives speaking on behalf of like-minded states, help of an external moderator, lunch discussions)?

Follow up of the dialogue

9. What kind of follow up would increase the impact of the Council dialogue? At the same time, how should this output be evaluated?

10. How to disseminate, implement the outcomes of each dialogue while ensuring continuity between the different editions of the dialogue?

1. 17014/14 [↑](#footnote-ref-1)
2. 13744/16 [↑](#footnote-ref-2)
3. 8774/16 [↑](#footnote-ref-3)