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NOTE

From: Presidency
To: Delegations

Subject: Presidency conclusions following the annual rule of law dialogue 2018 on the topic “Trust in public institutions and the rule of law”

Delegations will find in Annex the Presidency conclusions following the annual rule of law dialogue 2018 on the topic “Trust in public institutions and the rule of law”, based on the discussions in the Council (General Affairs) on 12 November 2018.

Presidency Conclusions

following the annual rule of law dialogue on the topic

“Trust in Public Institutions and the Rule of Law”

The annual rule of law dialogue in the Council was established by the Conclusions of the Council of the European Union and the Member States meeting within the Council on ensuring respect for the rule of law on 16 December 2014¹. So far, three rounds were organised by the Luxembourg², Dutch³ and Estonian⁴ Presidencies, and an evaluation of the dialogue was conducted during the Slovak Presidency in 2016⁵.

On 12 November 2018, the Austrian Presidency organised the fourth annual rule of law dialogue in the Council (General Affairs) on the topic “Trust in Public Institutions and the Rule of Law”.

To prepare the debate in the Council, the Presidency hosted an informal expert seminar in Brussels on 11 July 2018, bringing together representatives from the EU Member States, EU institutions, the EU Fundamental Rights Agency, the Council of Europe, civil society and academia⁶.

The seminar highlighted the OECD key factors for trust: reliability, responsiveness, openness, better regulation, integrity and fairness, and inclusive policy-making as vital elements for fostering trust. Stronger connection with the local level, communication and comprehensibility (e.g. adding 'citizens' summaries' to legal texts) as well as effective policies to avoid corruption and mismanagement were identified as further important aspects.

Further input was gained from the discussions on trust in institutions at the second Fundamental Rights Forum organised by the EU Fundamental Rights Agency on 25-27 September 2018 in Vienna.

At the rule of law dialogue in the Council, the Director of the Fundamental Rights Agency stressed that trust is crucial from a human rights perspective, but that public institutions also need to be worthy of public trust. Trust is rooted in perceptions of reliability and influenced by peoples' life experiences. If an institution fulfils its obligations, including commitments to fundamental rights and the rule of law, it will be seen as trustworthy.

¹ 17014/14

² 13744/15

³ 8774/16

⁴ 13609/17

⁵ 14565/16

⁶ 13820/18

The First Vice-President of the European Commission noted that upholding the rule of law in the EU is a common responsibility of all EU institutions and Member States and welcomed efforts by the Council to promote the EU's common rule of law culture. Moreover, the Commission emphasized that freedom of media and pluralism are common values which should be protected by all means. The Commission also stressed the need to work towards strengthening the EU's capacity to promote and protect common values by improving and enhancing existing instruments.

Ministers agreed that citizens' trust is indispensable for the proper functioning of public institutions, and thus for the overall functioning of States and communities based on the rule of law. Trust is also a vital element for the EU itself as the successful implementation of various EU policies relies on mutual trust among Member States and between Member States and the EU. Ministers also stated that transparency, equality, closeness to citizens, respect for the separation of powers and functioning of independent judicial systems are important elements as well.

It was noted that:

- The rule of law is a prerequisite for citizens' trust in institutions, as well as for mutual trust between Member States.
- Trust affects citizens' engagement in decision-making and their utilisation of public services. Trust and transparency are also indicators of successful governance. In enhancing communication between governments and citizens, digital solutions should be further explored and used.
- Our societies are not homogenous. To strengthen trust, we need to adequately address the needs of diverse interest groups.
- Both civil society and independent media have a crucial role to play as a serious debate in society is necessary to foster trust in public institutions and their work. Guaranteeing the freedom of media, including by ensuring the full protection of journalists in their work, and the existence of a vibrant and sustainable civil society are essential for the functioning of a pluralistic democracy.
- Steps need to be taken against disinformation, manipulation, propaganda and "fake news" that could negatively impact on securing free and fair elections, including the ones to the European Parliament in 2019.
- Trust in the EU and trust in national institutions are interconnected. Member States should therefore have an interest in keeping trust high in the EU as well. The EU and Member State need to join their efforts in communicating the concrete relevance and positive effects of EU policies on citizens' daily lives.

The Presidency noted that it would forward these Presidency conclusions to the relevant Council preparatory bodies for further consideration. Further follow-up may be considered when the Council re-evaluates the rule of law dialogue by the end of 2019.