

GENERAL AFFAIRS Council

Monday 16 September 2019 in Brussels

Chair: Tytti Tuppurainen, Finnish minister for European affairs

The meeting will **start at 10.00**.

The Council will take stock of the state of play regarding work on the **multiannual financial framework for 2021-2027**. This item will be taken in public session.

Ministers will start preparations for the **European Council meeting on 17-18 October** by discussing an annotated draft agenda.

They will also hold, in public session, a policy debate on **enhancing respect for the rule of law in the EU**.

As part of the **Article 7(1) TEU procedure concerning Hungary**, the Council will hold a **hearing**.

Under any other business, the presidency will brief ministers on the main takeaways from the **conference on rule of law and fundamental rights** held in Helsinki on 10-11 September.

The Commission will also update ministers on the **state of play as regards the rule of law in Poland**.

A presidency press conference will be held at the end of the meeting (+/- 18.30).

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*Press conferences and public events by video streaming: <http://video.consilium.europa.eu/en/webcasts>
Video coverage in broadcast quality (MPEG4) and photo gallery at:
<https://newsroom.consilium.europa.eu/events/20190916-general-affairs-council-september-2019>*

¹ This note has been drawn up under the responsibility of the press office.

Multiannual Financial Framework 2021-2027

The Council will take stock of the state of play regarding work on the multiannual financial framework (MFF) for 2021-2027.

The presidency will inform ministers about the next steps it plans to take in the process.

In its June 2019 conclusions, the European Council called on the Finnish presidency to pursue work on the MFF and to develop the Negotiating Box. On that basis, EU leaders will hold an exchange of views in October, aiming for an agreement before the end of the year.

To prepare for the exchanges among the leaders, the presidency prepared a questionnaire for delegations to reply to over the course of the summer break. In addition, bilateral meetings at ministerial level have recently taken place.

After receiving guidance from the European Council, the presidency is expected to finalise the Negotiating Box with figures.

In parallel, the presidency will seek to make the greatest possible progress in negotiations on the MFF-related sectoral proposals.

October European Council

Ministers will examine an [annotated draft agenda](#) for the European Council meeting to be held on 17-18 October. The annotated draft agenda will serve as the basis for draft conclusions, to be prepared in the run-up to the meeting.

At their meeting in October, leaders are expected to have a substantive discussion on the MFF on the basis of the work of the presidency.

Leaders will also discuss the follow-up to the Strategic Agenda 2019-2024 for the Union.

Depending on the timetable of the European Parliament, the European Council may adopt the decisions on the appointment of the new ECB President and the new European Commission.

In the light of events, the European Council may also address specific foreign policy issues.

Enhancing respect for the Rule of Law in the Union

The Council will hold a policy debate on enhancing respect for the rule of law in the EU.

On the basis of a presidency [discussion paper](#), ministers will be invited to discuss how and through which concrete measures the Council could contribute to the overall aim of strengthening the rule of law in the EU.

The discussion will feed into preparations for the review of the annual rule of law dialogue in the Council, which is planned for the General Affairs Council meeting in November.

The rule of law dialogue was established in [December 2014](#) to promote and safeguard the rule of law in the framework of the treaties. Four dialogues have taken place so far (in November 2015, May 2016, October 2017 and November 2018). At the time of the previous evaluation of the rule of law dialogue, the Council agreed that a new evaluation should be made by the end of 2019.

In this regard, the presidency will also work on the basis of the results of a questionnaire, to be sent to delegations after the General Affairs Council meeting.

The debate in the Council will build on the [Commission communication](#) of 17 July on strengthening the rule of law. In this communication, the Commission identifies several actions that could be taken to strengthen the rule of law within the Union. Among other things, it proposes to set up a Rule of Law Review Cycle, including an annual Rule of Law Report covering all EU member states, and calls for a dedicated follow-up on the annual report with the Parliament and the Council.

Other proposals on the table include the initiative of Belgium and Germany to set up a peer review mechanism for the rule of law. The mechanism would enable monitoring of how the rule of law is implemented, secured and strengthened in the member states. Designed as a positive and inclusive mechanism, it would serve to enhance mutual understanding and unity between member states.

During the debate in the Council, ministers will be asked to comment on the following questions:

- How could the Council make use of the Rule of Law Review Cycle, referred to by the Commission in its communication of 17 July 2019?
- Should the Council's annual rule of law dialogue become a general discussion on the state of play and latest developments regarding the rule of law, instead of or in addition to the current thematic discussions?
- How do you view the role of a periodic peer review mechanism in the rule of law toolbox and its interaction with the Rule of Law Review Cycle proposed by the Commission?

See also the presidency's [background document on strengthening the rule of law](#)

Respect for EU values in Hungary

As part of the Article 7(1) TEU procedure concerning Hungary, the Council will hold a hearing.

The hearing constitutes a step of the process under [Article 7\(1\) TEU](#) which provides that *"before making such a determination, the Council shall hear the Member State in question and may address recommendations to it, acting in accordance with the same procedure"*. In total, the procedure under Article 7(1) TEU comprises four steps:

- (1) the triggering of the procedure,
- (2) the hearing of the member state concerned by the Council,
- (3) possibly the adoption of recommendations addressed by the Council to the member state concerned and/or
- (4) the adoption of a Council decision determining that there is a clear risk of a serious breach by the member state concerned of the Union values.

The procedure concerning Hungary was triggered on 12 September 2018 when the European Parliament's plenary adopted a resolution with a [reasoned proposal](#) asking the Council to determine whether there was a clear risk of a serious breach by Hungary of the values referred to in Article 2 TEU. In its proposal, the Parliament describes a number of issues that, in its view, justify the triggering of the Article 7 procedure:

- (1) the functioning of the constitutional and electoral system,
- (2) the independence of the judiciary and of other institutions and the rights of judges,
- (3) corruption and conflicts of interest,
- (4) privacy and data protection,
- (5) freedom of expression,
- (6) academic freedom,
- (7) freedom of religion,
- (8) freedom of association,
- (9) the right to equal treatment,
- (10) the rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities,
- (11) the fundamental rights of migrants, asylum seekers and refugees, and
- (12) economic and social rights.

The hearing in the Council will cover all the issues raised in the Parliament's reasoned proposal. It will be, essentially, a peer review exercise. It will enable ministers to have a more in-depth exchange with Hungary on the key concerns identified by the Parliament. For Hungary, the hearing is a possibility to explain the state of play and reply to questions asked by ministers.

In line with the [standard modalities](#) for hearings under Article 7(1) TEU, at the outset of the hearing, the presidency will report to ministers about its contacts with the European Parliament on its reasoned proposal. Hungary will then be given the opportunity to present its views. The Commission may provide comments or information relevant for the issues covered by the hearing. Ministers will subsequently have the chance to ask Hungary questions on the topics of the hearing.

The outcome will be a procedural conclusion by the presidency. No assessment on the substance of the issues will be included at this stage.

Any other business

a) Conference on Rule of Law and Fundamental Rights

The presidency will brief ministers on the main takeaways from the [conference](#) "How to ensure the resilience of our societies in a changing European landscape – the interaction between democracy, the rule of law and fundamental rights", hosted by the Finnish presidency in Helsinki on 10-11 September.

b) Rule of law in Poland

The Commission is expected to update ministers on the developments regarding the rule of law in Poland following the meeting of the General Affairs Council in July.