



Council of the European Union

PRESS
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BACKGROUND¹
Brussels, 6 December 2019

GENERAL AFFAIRS Council

Tuesday 10 December 2019 in Brussels

Chair: Tytti Tuppurainen, Finnish minister for European affairs

The meeting will **start at 10.00**.

The Council will first focus on the **Article 7 procedures**. It will hold a hearing on Hungary and take stock of the situation as regards the rule of law in Poland.

Ministers will then continue preparations for the **European Council meeting on 12-13 December** by examining draft conclusions. They will take stock of the implementation of previous European Council conclusions.

The Council will hold a policy debate on the **multiannual financial framework for 2021-2027**. This item will be taken in public session.

Ministers will also exchange views, in public session, on the **Commission's work programme for 2020 and multiannual programming**.

Finally, as part of the preparation of the next European Semester, the incoming Croatian presidency will present the **2020 European Semester roadmap**.

A presidency press conference will be held at the end of the meeting (+/- 18.00).

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[General Affairs Council meeting page](#)
[Press conferences and public events by video streaming](#)
[Video coverage in broadcast quality \(MPEG4\) and photo gallery](#)

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

Rule of law in Poland

The Council will take stock of the situation as regards the rule of law in Poland.

The Commission is expected to update ministers on the latest developments, including the recent judgments of the European Court of Justice concerning Polish rules on the retirement age of judges and public prosecutors ([case C-192/18](#)) and the new Disciplinary Chamber of the Polish Supreme Court ([joined cases C-585/18, C-624/18 and C-625/18](#)).

The Article 7(1) TEU procedure was triggered for Poland on 20 December 2017 when the Commission published its [reasoned proposal](#) on the rule of law in Poland. The reasoned proposal contains a detailed explanatory memorandum and a proposal for a Council decision which (i) determines that there is a clear risk of a serious breach of the rule of law by Poland and (ii) sets out recommendations with a three-month deadline for Poland to bring its judicial reform into line with rule of law standards by:

- restoring the independence of the Constitutional Tribunal,
- publishing and implementing specific judgments of the Constitutional Tribunal,
- amending the four recently adopted laws (on the National Council of the Judiciary, Supreme Court, National School of the Judiciary, and ordinary courts) in order to restore the independence of the judiciary,
- ensuring that any justice reform is prepared in close cooperation with the judiciary and all interested parties, including the Venice Commission, and
- refraining from further undermining the judiciary.

Three hearings of Poland have taken place so far under the Article 7(1) TEU procedure (on 26 June, 18 September and 11 December 2018).

Respect for EU values in Hungary

As part of the Article 7(1) TEU procedure concerning Hungary, the Council will hold a hearing. It will focus on the independence of the judiciary, freedom of expression and academic freedom in Hungary.

This hearing comes after a first hearing of Hungary on 16 September when all issues raised by the European Parliament's reasoned proposal were covered. It will enable ministers to have a more in-depth exchange with Hungary on the selected topics. For Hungary, the hearing is a possibility to explain the state of play and reply to questions asked by ministers.

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.

In line with the [standard modalities](#) for hearings under Article 7(1) TEU, at the outset Hungary will be given the opportunity to present its views. The Commission may then provide comments or information relevant to 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.

December European Council

The Council will examine draft conclusions for the [European Council meeting to be held on 12-13 December](#). The text has been prepared by the President of the European Council, Charles Michel, in cooperation with the Finnish presidency and the Commission.

In line with its June conclusions, the European Council is expected to return in December to the issue of climate change. Leaders will focus in particular on the objective of achieving climate neutrality by 2050. The aim is to finalise the guidance for the adoption and submission of the EU's long-term strategy to the UN Framework Convention on Climate Change (UNFCCC) in 2020.

Leaders are also expected to hold a substantial discussion on the next MFF following the submission by the presidency of a Negotiating Box with figures.

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

An [annotated draft agenda](#) was discussed by the Council on 19 November.

Multiannual Financial Framework 2021-2027

The Council will hold a policy debate on the next multiannual financial framework.

The debate will focus on a [Negotiating Box with figures](#) presented by the presidency ahead of the December European Council.

The Negotiating Box presents an overall level of €1 087 billion for the period 2021-2027, representing 1.07% of EU GNI. This is allocated as follows:

- €323 billion for cohesion policy (29.7%),
- €334 billion for agricultural support and development (30.7%), and
- €356 billion for other programmes, including the new priorities (32.8%).

The presidency's proposal is presented in 2018 prices and takes account of the United Kingdom's decision to leave the EU.

Among other things, the presidency suggests to set a target of using at least 25% of the EU budget expenditure to support climate objectives. Its proposal also contains a mechanism that creates conditionality between respect for the rule of law and the receipt of EU funds.

The Negotiating Box forms the basis for negotiations on the MFF. It includes all elements which are to be given political guidance and priority setting from the EU leaders at the European Council level.

The current Negotiating Box with figures has been presented under the responsibility of Finland's presidency. It is therefore not binding on any delegation. Negotiations are guided by the principle that nothing is agreed until everything is agreed.

Following the Council discussions, the work is taken forward by the President of the European Council with the aim of reaching a final agreement.

[Presidency press release \(05/12/2019\)](#)

Legislative programming

Ministers will exchange views, in public session, on priorities for upcoming legislative work. The aim of the discussion is to give input to the Commission in preparation of its 2020 work programme and the first-ever multiannual programme.

The [Interinstitutional Agreement on Better Law-making](#) provides that upon the appointment of a new Commission, in order to facilitate longer-term planning, the three Institutions will exchange views on the principal policy objectives and priorities for the new term. They will, on the Commission's initiative and as appropriate, draw up joint conclusions to be signed by the Presidents of the three institutions.

With regard to annual programming, the Commission should engage in a dialogue with the EP and the Council, both before and after the adoption of its annual work programme.

Against this background, ministers will be invited to focus on the following questions:

- Which are the principles and objectives that should be emphasised in the joint conclusions on the multiannual programming?
- How could the Commission's work programme for 2020 best reflect key policy priorities, in particular through new initiatives?

The views expressed by ministers will be summed up in a presidency letter to the Commission.

European Semester

As part of the preparation of the next European Semester, the incoming Croatian presidency will present the [2020 European Semester roadmap](#).

The roadmap sets out how work will be taken forward as regards the 2020 European Semester. 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.

The roadmap is divided into two phases: the first, in more detail, covers the period up to the March European Council, and the second, more indicative, covers the period between the European Council meetings in March and June 2020.

The European Semester is a cycle of economic and fiscal policy coordination within the EU. It helps the member states to coordinate their economic, employment and fiscal policies better and to align them with the objectives and rules agreed at EU level.

[European Semester](#)

Any other business

Under any other business, the Commission is expected to give member states an indication of the timeline of its work concerning the enlargement process.
