



Council of the European Union

PRESS
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BACKGROUND¹
Brussels, 17 September 2020

GENERAL AFFAIRS Council

Tuesday 22 September 2020 in Brussels

Chair: Michael Roth, Germany's Minister of State for Europe

The meeting will start at 10.00.

The Council, in public session, will take stock of the situation regarding the **next multiannual financial framework and the recovery package**.

Ministers will prepare for the **special meeting of the European Council on 24 and 25 September** by discussing draft conclusions.

The Union's chief negotiator, Michel Barnier, will inform ministers of the state of play of the **EU-UK negotiations** and the implementation of the Withdrawal Agreement.

As part of the annual and multiannual **legislative programming** exercises, the Commission will present to the Council the letter of intent concerning its draft work programme for 2021 and the 2020 Strategic Foresight Report. This information point will be taken in public session.

Ministers will also cover the **EU coordination of COVID-19-related measures**.

Lastly, they will focus on the state of play of the **Article 7(1) TEU procedures** concerning Poland and Hungary.

A presidency press conference will be held at the end of the meeting.

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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.

Next multiannual financial framework and the recovery package

Ministers will be briefed on the state of play concerning the multiannual financial framework for 2021-2027 and the recovery package.

The presidency will provide **information on the trilateral contacts** held with the European Parliament and the Commission following the special European Council meeting of 17-21 July 2020.

At their meeting in July, EU leaders defined the parameters of a comprehensive package of €1 824.3 billion, which combines the next multiannual financial framework - €1 074.3 billion - and a new temporary recovery instrument Next Generation EU with financial firepower of €750 billion.

The aim of the political dialogue with the Parliament and the Commission is to secure the required **consent of the European Parliament** on the MFF regulation.

Three meetings at political level have taken place so far in this dialogue: on 27 August, 7 September and 11 September. The next meetings are currently scheduled on 18 and 28 September.

The aim of the presidency is to **finalise all the procedures as soon as possible** in order to ensure a timely start of the programmes that will support the EU's strategic objectives, including the green and digital transitions, and the recovery from the COVID-19 crisis.

- [Special European Council, 17-21 July 2020](#)
- [Long-term EU budget 2021-2027 \(background information\)](#)
- [Negotiating the EU long-term budget \(background information\)](#)

September European Council

The Council will examine **draft conclusions** for the special European Council meeting to be held on 24 and 25 September. The draft conclusions were prepared by the President of the European Council, Charles Michel, in cooperation with the German presidency and the Commission.

At their meeting in September, EU leaders will discuss the **single market, industrial policy and digital transformation**.

They will also hold a strategic discussion on **Turkey**.

Following the EU-China summit on 22 June 2020 and the meeting with President Xi on 14 September 2020, both by videoconference, the European Council will discuss **EU-China relations**.

In the light of events, leaders may also address other specific foreign policy issues.

- [Special European Council on 24-25 September 2020](#)

EU-UK negotiations

The Union's chief negotiator, **Michel Barnier**, will inform ministers of the state of play of the EU-UK negotiations, the implementation of the Withdrawal Agreement and the EU's readiness efforts in view of the end of the transition period at the end of December 2020.

Due to the ongoing COVID-19 crisis, the EU and UK negotiators held negotiations in April, May and June via video conference. Negotiations resumed in person at the end of June. The **8th round of talks** took place in London on 8-10 September. The next round of negotiations, the last one scheduled so far, is planned to be held in the week of 28 September.

The last round of talks achieved limited progress. Michel Barnier stated that significant differences remained in areas of essential interest for the EU, and he regretted the fact that the UK had not engaged reciprocally on fundamental EU principles and interests.

Following the publication of the draft **UK Internal Market Bill** on 9 September, the EU called for an extraordinary meeting of the Joint Committee in London on 10 September. After a preliminary

analysis, the EU concluded that the adoption of this bill would constitute a severe violation of the Withdrawal Agreement that entered into force on 1 February 2020 and has legal effects under international law.

The Withdrawal Agreement includes the Protocol on Ireland/Northern Ireland, which Prime Minister Boris Johnson and his government negotiated and agreed to, and which the UK Houses of Parliament ratified in January 2020. The EU has therefore urged the British government to **amend the bill by the end of September**. The Withdrawal Agreement contains several mechanisms and legal remedies to address violations of the legal obligations contained in the text, which the EU could use if necessary.

A third regular meeting of the Joint Committee is tentatively scheduled for the early autumn. Given the short time left and the limited progress achieved in the negotiations, **preparedness and readiness work** is being stepped up at all levels, taking due account of the Commission's Communication on readiness at the end of the transition period adopted by the Commission in July.

In June 2020, the UK decided not to seek an extension to the **transition period**. The transition period will therefore end on 31 December 2020, in line with the provisions of the Withdrawal Agreement.

- [Statement by Michel Barnier following round 8 of negotiations, 10 September 2020 \(European Commission\)](#)
- [Statement by the European Commission following the extraordinary meeting of the EU-UK Joint Committee, 10 September 2020 \(European Commission\)](#)
- [Communication on readiness at the end of the transition period, 9 July 2020 \(European Commission\)](#)
[EU-UK negotiations on the future relationship \(background information\)](#)

Legislative programming

Following the State of the Union address by President von der Leyen, the Commission will present to the Council the [letter of intent](#) concerning its draft work programme for 2021.

The presentation will take place in line with the better law-making agreement, which provides for consultations with the Council in this regard.

The Council is expected to return to the annual programming exercise later in the autumn.

The Commission will also present to ministers its **2020 Strategic Foresight Report**, which will serve as input for the multiannual programming exercise involving the Council, the Commission and the European Parliament.

That exercise, which is also provided for in the better law-making agreement, will take place for the first time with the 2019–2024 Commission. It is intended to facilitate longer-term planning and is expected to continue in the autumn and culminate in joint conclusions by the three institutions.

- [Interinstitutional Agreement on Better Law-Making](#)
- [2020 Strategic Foresight Report \(European Commission\)](#)

COVID-19 - EU coordination

Ministers will be invited to take note of a **presidency progress report** on the work achieved so far on EU coordination of COVID-19-related measures taken by member states.

Since the beginning of the pandemic member states have adopted a number of measures to protect public health, some of which have had a significant impact on freedom of movement. Decisions on whether to introduce restrictions to free movement in order to protect public health remain the responsibility of member states, however these restrictions must comply with the principles of proportionality and non-discrimination.

A coordinated approach on this topic is also essential to avoid fragmentation and disruption and to ensure transparency and predictability for citizens and businesses. To that end, discussions are taking place within the Council on **five areas**, to assess the scope for closer coordination:

- data provided by member states
- criteria and indicators used to analyse epidemiological risk
- risk assessment and designation of risk areas
- measures to be triggered
- communication of measures taken

On 4 September, the Commission presented a **draft Council recommendation on a coordinated approach to restrictions to freedom of movement** which has also fed into this discussion.

- [Proposal for a Council recommendation on a coordinated approach to the restriction of free movement in response to the Covid-19 pandemic \(European Commission\)](#)

Rule of law in Poland

As part of the Article 7(1) TEU procedure, the Council will **take stock of the situation** regarding the rule of law in Poland.

Given the COVID-19 pandemic, and the impossibility to hold physical Council meetings, ministers have not been able to discuss this procedure in the General Affairs Council since December 2019.

The Article 7(1) TEU procedure concerning Poland was on the agenda of the General Affairs Council of 25 March 2020, but this meeting had to be cancelled due to the COVID-19 emergency.

At the upcoming meeting of the Council, the Commission will therefore be invited to provide ministers with an **update on the developments in Poland since the end of last year**. This will also provide an opportunity for Poland to present its remarks in this regard.

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 four laws - on the National Council of the Judiciary, the Supreme Court, the National School of the Judiciary, and ordinary courts - so as 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). Several updates on the state of play were also discussed in the course of 2019.

- [Reasoned proposal under Article 7\(1\) TEU regarding Poland](#)

Respect for EU values in Hungary

As part of the Article 7(1) TEU procedure, the Council will also **take stock of the situation** regarding respect for EU values in Hungary.

The Council last had the procedure concerning Hungary on its agenda in December 2019, when a hearing took place. The hearing focused on the independence of the judiciary, freedom of expression and academic freedom in Hungary.

As with the procedure concerning Poland, ministers have not been able to discuss this procedure since then, given the impossibility of holding physical Council meetings during the COVID-19 emergency. The Article 7(1) TEU procedure concerning Hungary was on the agenda of the General Affairs Council of 25 March 2020, but a physical meeting could not be convened due to the COVID-19 pandemic.

At the upcoming meeting of the Council, the Commission will therefore be invited to provide ministers with **an update on the developments in Hungary since the end of last year**. This will also provide an opportunity for Hungary to present its remarks in this regard.

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 described a number of issues that, in its view, justified 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.

Two hearings of Hungary have taken place so far under the Article 7(1) TEU procedure (on 16 September and 10 December 2019).

- [Reasoned proposal under Article 7\(1\) TEU regarding Hungary](#)
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