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From:	Presidency
To:	Delegations
Subject:	ENHANCING RESPECT FOR THE RULE OF LAW IN THE UNION: PRESIDENCY DISCUSSION PAPER

Delegations will find attached the Presidency discussion paper on "Enhancing respect for the rule of Law in the Union", with a view to the General Affairs Council meeting on 16 September 2019.

Encl.: ENHANCING RESPECT FOR THE RULE OF LAW IN THE UNION – PRESIDENCY
DISCUSSION PAPER

ENHANCING RESPECT FOR THE RULE OF LAW IN THE UNION – PRESIDENCY DISCUSSION PAPER

1. Our common values are the foundation of European freedom, security and prosperity. Among these values, the rule of law has a central role as the cornerstone of our democratic societies. It is our strength and something that unites us.
2. However, the rule of law should never be taken for granted. It must be actively strengthened and preserved.
3. Respect for the rule of law by Member States is intrinsically linked to the legitimacy and proper functioning of the EU. The Union can promote prosperity and tackle the challenges we are facing only by being united and by relying on our common values.
4. Safeguarding fundamental values is indispensable for the EU's effectiveness, credibility and acceptance by the public. Respect for the rule of law is a prerequisite for our citizens to enjoy their rights under EU law. It is crucial for ensuring a predictable business environment and a level playing field, and for maintaining a properly functioning area of freedom, security and justice. Moreover, the rule of law is linked to the resilience of our democratic societies and to the credibility of the external action of the Union, including our efforts to promote human rights worldwide.
5. The central role of the rule of law is highlighted in the new strategic agenda 2019-2024, adopted unanimously by the European Council. According to this agenda, the rule of law is a key guarantor that our common values are fully respected by all Member States and the EU.

6. There is also broad public support for strengthening the rule of law, as the Eurobarometer survey published in July 2019 indicates. Our citizens attach great importance to respect for the rule of law. However, a majority of citizens do not feel sufficiently informed about the rule of law situation.
7. Many of the EU institutions, bodies and agencies have recently taken measures to uphold and strengthen the rule of law. This highlights the fact that this is a common effort.
8. In its communication of 17 July [COM (2019) 343 final], the Commission, identified several actions that could be taken to strengthen the rule of law within the Union. The communication specifically calls on the Council and the Member States to consider ways of promoting rule of law standards, including in the context of ongoing or upcoming rule of law discussions.
9. The Council, as an institution that gathers the ministers of all Member States around the same table, offers a unique arena for exchanging ideas and information about the rule of law.
10. On 16 December 2014, the Council and the Member States meeting within the Council made a commitment to establish a dialogue among all Member States to promote and safeguard the rule of law in the framework of the Treaties. According to the Presidency summary on the evaluation of the rule of law dialogue (doc. 14565/16), the dialogue should be re-evaluated by the end of 2019.
11. In anticipation of this evaluation, the Finnish Presidency invites ministers to launch a discussion on enhancing the rule of law in the Union at the meeting of the General Affairs Council to be held on 16 September. After this meeting, the Presidency will send a questionnaire to all Member States. The findings of the questionnaire will be presented to the November General Affairs Council, so that the Council can evaluate the Council's annual rule of law dialogue and then, as it sees fit, reach an agreement on developing this dialogue.

12. In the 16 September meeting, delegations are encouraged to discuss the topical question of how and through which concrete measures the Council could contribute to the overall aim of strengthening the rule of law in the Union. In particular, they are invited 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?