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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: Rule of law in Poland – Article 7(1) TEU Reasoned Proposal - Scope of the hearing of Poland on 30 May 2023

1. On 20 December 2017, the Commission adopted a reasoned proposal with regard to the rule of law situation in Poland which it submitted to the Council, thus triggering the mechanism set out in Article 7(1) TEU¹.
2. The provisional agenda for the Council meeting (General Affairs) on 30 May 2023 includes an item ‘Rule of Law in Poland/Article 7(1) TEU reasoned proposal - Hearing’.
3. On 18 July 2019, the Council approved standard modalities for hearings referred to in Article 7(1) TEU². These modalities set out that the substantive scope of the issues to be covered by a hearing shall be agreed by Coreper in keeping with the scope of the issues raised in the Reasoned Proposal triggering the procedure of Article 7(1) TEU.
4. Poland was heard by the Council five times: on 26 June, 18 September, 11 December 2018, 22 June 2021 and 22 February 2022.

¹ 16007/17.

² 10641/2/19 REV 2.

5. Considering that important developments may have taken place, it is suggested that the sixth hearing of Poland could cover all the issues raised in the reasoned proposal of the Commission, in order for the Council to receive an up-to-date picture of the situation in the Member State in question.
6. In the light of the above, Coreper is invited to agree to this arrangement.