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NOTE

From:	Permanent Representatives Committee (Part 2)
To:	Council
No. prev. doc.:	9997/18
No. Cion doc.:	16007/17
Subject:	Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal - Hearing of Poland on 26 June 2018

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (08.08.2018)

I. Introduction

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) TEU. This was preceded by a dialogue between the Commission and Poland since 13 January 2016 which continued in parallel to the triggering of the Article 7 procedure.
2. The reasoned proposal (doc. 16007/17) contains a detailed explanatory memorandum as well as a proposal for a Council decision under which the Council would (i) determine that there is a clear risk of a serious breach by Poland of the rule of law and (ii) make recommendations for Poland to bring its judicial reform into line with rule of law standards.

3. On 27 February 2018, the Commission presented its reasoned proposal to the Council (General Affairs), and informed on the state of play and on the on-going dialogue with Poland.
4. Thereafter, the Commission informed the Council on the situation in Poland and on the ongoing dialogue on 20 March, 17 April and 14 May 2018. During the last information item on 14 May 2018, the Commission presented its assessment that, despite some progress, key concerns, identified in the Commission's reasoned proposal, remained unaddressed.
5. **DELETED**
6. The hearing constitutes a necessary 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*".
7. **DELETED**

II. Modalities of the hearing

DELETED

LIST OF TOPICS FOR THE HEARING

- 1. Supreme Court:** retirement regime of current Supreme Court judges, including the First President, and regime for prolongation of judicial mandates.
 - 2. National Council for the Judiciary:** election regime of the judges-members of the National Council, premature termination of the mandates of the former judges-members.
 - 3. Ordinary Court Judges:** retirement regime of current Ordinary Court judges, regime for prolongation of judicial mandate and situation of Ordinary Court judges already affected by the new retirement regime.
 - 4. Disciplinary regime,** including the new autonomous disciplinary chamber in the Supreme Court.
 - 5. Extraordinary appeal procedure.**
 - 6. Court Presidents:** situations of Court Presidents already affected by the dismissal and appointment regime.
 - 7. Constitutional Tribunal:** publication of the 2016 judgments and the recomposition of the Tribunal, including the procedure to appoint a new president
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