

Brussels, 4 February 2022  
(OR. fr)

5808/22

LIMITE

JAI 118  
FREMP 23  
AG 12  
POLGEN 8

**NOTE**

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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 22 February 2022

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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<sup>1</sup>.
2. The provisional agenda for the Council meeting (General Affairs) on 22 February 2022 includes an item ‘Rule of Law in Poland/Article 7(1) TEU Reasoned Proposal - Hearing of Poland in accordance with Article 7(1) TEU’.
3. On 18 July 2019, the Council approved standard modalities for hearings referred to in Article 7(1) TEU<sup>2</sup>. 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.

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<sup>1</sup> 16007/17.

<sup>2</sup> 10641/2/19 REV 2.

4. Poland was heard by the Council four times: on 26 June, 18 September, 11 December 2018 and 22 June 2021.
5. In view of the time that has elapsed since the latest hearing of Poland and that significant developments may have taken place, it is suggested that the fifth hearing of Poland on 22 February 2022 covers 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 view of the above, Coreper is invited to agree that the issues to be covered by the hearing of Poland on 22 February 2022 will be all those raised by the Reasoned Proposal of the Commission (16007/17).