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From: The General Secretariat of the Council
To: Antici

Subject: Standard modalities for hearings referred to in Article 7(1) TEU

For the purpose of discussions at the Antici meeting on 9 July, delegations will find in the Annex a revised draft of the standard modalities for hearings referred to in Article 7(1) TEU. This draft takes into account the discussion at the Antici meeting on 2 July and comments received from delegations - changes as compared to doc. 10641/19 are in ~~striketrough~~ or **bold underlined**.

Standard modalities for hearings under Article 7(1) TEU procedures

1. Article 7(1) TEU foresees that before the Council eventually determines that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2 TEU or the Council addresses recommendations to it, the Member State with regard to which the procedure is triggered ('the Member State concerned') shall be heard.
2. As the Treaty does not lay down specific modalities for hearings under Article 7(1) TEU, standard modalities for hearings are laid down below.

Scope

3. The substantive scope of the issues to be covered by a hearing ~~should~~ **shall** be agreed by Coreper in keeping within the scope of the issues as raised in the Reasoned Proposal triggering the procedure of Article 7(1) TEU.

Configuration

4. Up to eight seats (in a 3+2+3 format) are foreseen for the Member State concerned. Arrangements are made to ensure that Heads of Delegations of the other Member States can be assisted by a member of their Delegation at the front table (2+3 format).

A. Case of a Reasoned Proposal by one third of the Member States

5. At the first hearing, a representative of the Member States that submitted the Reasoned Proposal shall present it; this should not exceed 20 minutes. The Member State concerned shall then be given the opportunity to present its views; this **initial presentation** should not exceed one hour. **The Member State concerned can always elaborate on its views also in writing. The Commission may provide comments or information relevant for the issues covered by the hearing; this should not exceed 10 minutes.** A question and answer session is subsequently foreseen, according to the rules presented in paragraph 8.

6. Then the Commission may provide comments or information relevant for the issues covered by the hearing; this should not exceed 10 minutes. **At the end of the hearing**, the Member State concerned is given the opportunity to present its own observations and remarks; **no time limit is foreseen**. If further hearings are arranged, they shall be structured as set out below in paragraphs 6 to 10.
7. At the outset of a **each subsequent** hearing, a representative of the Member States that submitted the Reasoned Proposal has the possibility to provide an update on issues to be covered by the hearing; this should not exceed 15 minutes. The Member State concerned is given the opportunity to present its views with regard to the said issues; this should not exceed 20 minutes.
8. The Commission may provide comments or information relevant for the issues to be covered by the hearing; this should not exceed 10 minutes.
9. Member States, ~~other than those that submitted the Reasoned Proposal~~, are invited to put up to two questions for each issue included in the substantive scope to the Member State concerned. Each question should not exceed two minutes. The Member State concerned is given the opportunity to respond **to each question** and this should not exceed 10 minutes. If additional clarification is needed, delegations can ask follow-up questions, while respecting the same time limit of two minutes. **The Member State concerned is given the opportunity to respond to the follow-up questions and**, where necessary, ~~the Member State concerned has the possibility to further elaborate its answers in writing.~~
10. At the end of the hearing, the Member States that submitted the Reasoned Proposal are given the opportunity to make observations on the elements provided by Member State concerned; this should not exceed 15 minutes. The Member State concerned is given the opportunity to present its own observations and remarks; **no time limit is foreseen**.
11. The Presidency presents procedural conclusions. No assessment on the substance of the issues is included.

B. Case of Reasoned Proposal by the European Parliament

12. At the first hearing, the Presidency shall report to the Council about its contacts with the European Parliament on its Reasoned Proposal. ~~Alternatively, where the Council has decided, in accordance with its Rules of Procedure, to invite a European Parliament representative to present its Reasoned Proposal, the representative shall make such presentation; this should not exceed 20 minutes. After that, the representative should leave the meeting room.~~ The Member State concerned shall then be given the opportunity to present its views; this **initial presentation** should not exceed one hour. **The Member State concerned can always elaborate on its views also in writing. The Commission may provide comments or information relevant for the issues covered by the hearing; this should not exceed 10 minutes.** A question and answer session is subsequently foreseen, as set out in paragraph 14. ~~The Commission may provide comments or information relevant for the issues covered by the hearing; this should not exceed 10 minutes.~~ **At the end of the hearing, the Member State concerned is given the opportunity to present its own observations and remarks; no time limit is foreseen.** If further hearings are arranged, they shall be structured as set out below in paragraphs 12 to 16.
13. At the outset of a **each subsequent** hearing, the Member State concerned is given the opportunity to present its views with regard to the issues to be covered by the hearing; this should not exceed 20 minutes.
14. The Commission may provide comments or information relevant for the issues to be covered by the hearing; this should not exceed 10 minutes.
15. Member States, ~~other than those that submitted the Reasoned Proposal,~~ are invited to put up to two questions for each issue included in the substantive scope to the Member State concerned. Each question should not exceed two minutes. The Member State concerned is given the opportunity to respond **to each question** and this should not exceed 10 minutes. If additional clarification is needed, delegations can ask follow-up questions, while respecting the same time limit of two minutes. **The Member State concerned is given the opportunity to respond to the follow-up questions and,** where necessary, ~~the Member State concerned has the possibility to further elaborate its answers in writing.~~

16. **At the end of the hearing**, the Member State concerned is given the opportunity to present its own observations and remarks; **no time limit is foreseen**.
17. The Presidency presents procedural conclusions. No assessment on the substance of the issues is included.

C. Case of a Reasoned Proposal by the Commission

18. At the first hearing, the Commission shall present its Reasoned Proposal; this should not exceed 20 minutes. The Member State concerned shall then be given the opportunity to present its views; this **initial presentation** should not exceed one hour. **The Member State concerned can always elaborate on its views also in writing**. A question and answer session is subsequently foreseen, according to the rules presented in paragraph 20. **At the end of the hearing, the Member State concerned is given the opportunity to present its own observations and remarks; no time limit is foreseen**. If further hearings are arranged, they shall be structured as set out below in paragraphs 18 to 22.
19. At the outset of a **each subsequent** hearing, the Commission has the possibility to provide an update on the issues to be covered by the hearing; this should not exceed 15 minutes.
20. The Member State concerned is given the opportunity to present its views with regard to the said issues; this should not exceed 20 minutes.
21. Member States are invited to put up to two questions to the Member State concerned for each issue included in the substantive scope. Each question should not exceed two minutes. The Member State concerned is given the opportunity to respond **to each question** and this should not exceed 10 minutes. If additional clarification is needed, delegations can ask follow-up questions, while respecting the same time limit of two minutes. **At the end of the hearing the Member State concerned is given the opportunity to respond to the follow-up questions and,** where necessary, ~~the Member State concerned has the possibility to~~ further elaborate its answers in writing.

22. At the end of the hearing, the Commission is given the opportunity to make observations on the elements provided by Member State concerned; this should not exceed 15 minutes. The Member State concerned is given the opportunity to present its own observations and remarks; **no time limit is foreseen.**
23. The Presidency presents procedural conclusions. No assessment on the substance of the issues is included.

Outcome

24. Minutes of the hearing reflect the procedural conclusions. In addition, a formal report is made by the General Secretariat of the Council.

Transitional and final provisions

25. For procedures under Article 7(1) TEU that have started before the present standard modalities for hearings were set out, the modalities laid down in this document shall be applicable as from the relevant stage reached by a procedure.

Possible external guests (outside the hearing)

- ~~26. In accordance with its Rules of Procedure and outside the formal hearing(s), the Council may invite external guests for an exchange of views on one or more subject matters referred to in the Reasoned Proposal. As soon as the exchange of views is over, the guests should leave the meeting room.~~

These standard modalities are without prejudice to the application of the rules of procedure of the Council.