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LIMITE

PE-QE 140

REPLY TO PARLIAMENTARY QUESTION

From: General Secretariat of the Council

To: Permanent Representations of the Member States

Subject: PRELIMINARY DRAFT REPLY TO QUESTION FOR WRITTEN ANSWER
P-003317/2019 - Anna Júlia Donáth (Renew), Sophia in 't Veld (Renew),
Ska Keller (Verts/ALE), Ramona Strugariu (Renew), Fabienne Keller
(Renew), Irina Von Wiese (Renew), Dragoș Tudorache (Renew), Jan-
Christoph Oetjen (Renew), Michal Šimečka (Renew), Maite
Pagazaurtundúa (Renew) and Moritz Körner (Renew)
'Hearing of 16 September 2019 as part of the rule of law procedure against
Hungary under Article 7(1) TEU'

1. Delegations will find attached:
 - the text of the above question for written answer;
 - a preliminary draft reply prepared by the General Secretariat.
2. If no comments have been received from delegations by 8 January 2020 (17.00), this preliminary draft reply will be submitted to the Permanent Representatives Committee (Part 1) and to the Council for approval.

Any comments received will be examined by the Working Party on General Affairs.

**Question for written answer P-003317/2019
to the Council**

Rule 138

Anna Júlia Donáth (Renew), Sophia in 't Veld (Renew), Ska Keller (Verts/ALE), Ramona Strugariu (Renew), Fabienne Keller (Renew), Irina Von Wiese (Renew), Dragoş Tudorache (Renew), Jan-Christoph Oetjen (Renew), Michal Šimečka (Renew), Maite Pagazaurtundúa (Renew) and Moritz Körner (Renew)

Subject: Hearing of 16 September 2019 as part of the rule of law procedure against Hungary under Article 7(1) TEU

The Finnish Presidency of the Council organised a hearing on 16 September 2019 as part of the rule of law procedure against Hungary under Article 7(1) TEU. This hearing was not open to the public and even the initiator of the procedure, the European Parliament, was not invited to give its arguments at the hearing.

After the hearing, Hungarian Minister for Justice Judit Varga stated publicly that the meeting had been held behind closed doors despite the efforts of the Hungarian Government to open it to the public.

According to the transparency rules of the Council, EU ministers meet in public when they discuss or vote on draft legislative acts. Therefore, such a hearing is normally not held in public. Thus:

1. Did the Hungarian Government request that the hearing be held in public? If so, was there a vote on the request? What was the result of that vote?
2. Was there an initiative to invite Parliament to the hearing? If so, who supported it? Was the Hungarian Government in favour of inviting Parliament in order to ensure it was given a fair hearing?

No request for the hearing to be held in public session was raised in the preparations for the hearing of Hungary on 16 September 2019.

Standard modalities for hearings referred to in Article 7(1) TEU were approved by the Council on 18 July 2019¹. Those modalities lay down that in case of a reasoned proposal by the European Parliament, ‘(a)t the first hearing, the Presidency shall report to the Council about its contacts with the European Parliament on its Reasoned Proposal’.

¹ 0641/2/19 REV2