

**TO THE PRESIDENT AND MEMBERS
OF THE GENERAL COURT OF THE EUROPEAN UNION**

REQUEST FOR A HEARING

Lodged on 21 October 2024, pursuant to Article 106(2) of the Rules of Procedure of the General Court, by

Semmelweis Egyetem, represented by Dr. Péter P. Nagy ügyvéd and Dr. Balázs Karsai, ügyvéd, both of the Budapest Bar, with an address at 4/B Ugozca utca, Budapest 1126, email: nagy.peter@nt.hu (with service to be effected at the eCuria account associated with that email address)

in Case **T-138/23**

SEMMEIWEIS EGYETEM

Applicant

v.

COUNCIL OF THE EUROPEAN UNION

Defendant

in proceedings brought for partial annulment in respect of Council Implementing Decision (EU) 2022/2506 of 15 December 2022 on measures for the protection of the Union Budget against breaches of the principles of the rule of law in Hungary, insofar as it concerns the Applicant.

1. Applicant, Semmelweis Egyetem, having regard to Point 180 Practice Rules, presents this request for a hearing pursuant to Art. 106(2) Rules of Procedure, for the reasons set out below.
2. Many of the material facts underlying these proceedings, however often repeated by the Applicant in its submissions, have to this day been consistently ignored by the Defendant (and the Commission). It stands to reason that a thorough clarification of the facts is necessary for this case to proceed properly. Since Defendant (and the Commission) has expressly refused¹ to address most of the Applicant's statements of fact, despite multiple opportunities provided by the Court to do so, Applicant hereby requests a hearing on these omissions, which are as itemized in Annex A.20.
3. These facts make the actual points of the case to be addressed within the framework of the Union budget² that the contested Decision aims to protect "*against breaches of the principles of the rule of law in Hungary*"³. As a matter of principle, the contested Decision is "*not intended to penalise breaches of the rule of law as such, but rather (...) to ensure the protection of the Union budget*"⁴. Nevertheless, evidently beyond the outcomes desired to achieve⁵, but as it is established⁶, the Applicant in fact is "*being directly affected by the contested decision*". Being affected means being in fact penalized which conclusion becomes inevitable provided the facts of the matter are not disregarded.
4. The facts, unless ignored, make it also clear that the "appropriate level" rule enshrined in Art. 5(3) Conditionality Regulation⁷ is blatantly violated. Otherwise, how come that this "appropriate level" in case of Hungary, the alleged culprit, is 55% while in case of the Applicant, an admittedly blameless party, it is 100%.
5. Those hitherto ignored facts constitute the circumstances under which Defendant's legal arguments regarding any, so far hypothetical, violation by Applicant (or its students and researchers) of Union budget take on a truly imaginary nature because the facts will have taken over those arguments.

Budapest, 21 October 2024

Respectfully submitted,

Dr. Péter P. Nagy
Dr. Balázs Karsai

¹ See e.g. ¶17, ¶19 Statement of Defence; ¶27, ¶33, ¶40, ¶43-44 Commission's Statement in Intervention; ¶13-15, ¶20, ¶30, ¶33-34 Defendant's Observations on Hungary's Statement in Intervention; ¶7, ¶14, ¶19, ¶34, ¶46 Rejoinder

² Art. 5 Conditionality Regulation, and also Recital (16) and (19) Conditionality Regulation, Recital (11), (14), (61), (63), (71) and (77) Financial Regulation

³ Council Implementing Decision (EU) 2022/2506 of 15 December 2022 on measures for the protection of the Union Budget against breaches of the principles of the rule of law in Hungary

⁴ ¶353 Judgment of 16 February 2022, Hungary v Parliament and Council, C-156/21, EU:C:2022:97

⁵ "*It is essential that the legitimate interests of final recipients and beneficiaries are properly safeguarded when measures are adopted in the event of breaches of the principles of the rule of law*" – Recital (19) Conditionality Regulation

⁶ ¶60, ¶68 Order of the General Court Apr/4/2024

⁷ but see also Recital (23) contested Decision