

Brussels, 9 July 2024

To:

Thérèse Blanchet, Secretary-General of the Council of the European Union
Josep Borrell, High Representative for Foreign Affairs and Security Policy

Cc:

Ursula von der Leyen, President of the European Commission
Roberta Metsola, President of the European Parliament

Subject: *Complaint against the Council and the High Representative for Foreign Affairs and Security Policy for failing to act against the Hungarian government when falsely presenting its foreign visits as acting on behalf of the Presidency of the Council of the EU in breach of EU law.*

Since assuming the rotating Presidency of the EU Council on 1 July 2024, the Hungarian government – led by its Prime Minister Viktor Orbán – has undertaken four major visits – to Kyiv (Ukraine), Moscow (Russia), Susha (Azerbaijan), Beijing (China) and currently plans one to Washington, DC (USA) and Jerusalem (Israel).

The Hungarian government has organised these visits in secret – as publicly acknowledged by Viktor Orbán in an [interview](#) with *Die Weltwoche* – and yet presented them as part of the Hungarian Presidency, as epitomised by the systematic use of the Hungarian Presidency's logo.

As a result, several EU leaders, including the President of the EU Council and the High Representative, quickly blasted these visits for lacking authorisation and stressed that Orbán was not representing Brussels.

We respectfully submit that the Hungarian Presidency has:

- acted **beyond the competences** conferred to it, as those do not entail any external representation of the Union which is the responsibility of the President of the European Council (at the head of state or government level Union (Art. 15(6) TEU); and of the EU Commission, notably, the High Representative of the Union for Foreign Affairs and Security Policy (at Ministerial level) under (Art. 27(2) TEU).
- departed from the **principle of mutual political solidarity** among Member States and **spirit of loyalty**, as required by Art 24(3) TEU (“The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area..., work together to enhance and develop their mutual political solidarity...refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations”), and more broadly, **the principle of sincere cooperation**, as enshrined in Article 4(3) TEU (“the Union and the Member States shall, in full respect, assist each other in carrying out tasks that flow from the Treaties” and “The Member States

shall...refrain from any measure which could jeopardise the attainment of the Union's objective”).

Yet no formal action has been undertaken against the Hungarian government while acting as holder of the Council Presidency, despite these visits already undermining joint EU positions.

As one may reasonably expect Viktor Orbán (and his Presidency) to plan more surprise visits – equally damaging the external representation of the Union –, this complaint intends to remedy such an omission by drawing the attention of the Council, as well as the EU Commission President von der Leyen and High Representative Josep Borrell and ask them to put an end to these ongoing violations by the holder of the rotating Presidency of the Council.

Failing to do so, and in the absence of other viable courses of action, we reserve the right to take legal action against the Council and the High Representative for their failure to ensure the respect of the abovementioned principles of EU law as required by the Treaty (e.g. Article 24(3) last sentence TEU).

Yours sincerely,

Alberto Alemanno

A handwritten signature in black ink, appearing to be 'A. Alemanno', written in a cursive style.