



PRIME MINISTER

Madam Ursula von der Leyen

President of the European Commission

Brussels

Budapest, 22nd November 2021

Dear Madam President,

The situation that is unfolding on the eastern borders of the Union from hour to hour and the debates that have been going on between the Commission and Hungary have left some crucial questions unanswered.

Global challenges demand our growing resilience to crises. It was in this spirit that Hungary decided not to become an obstacle to the financial recovery of our Covid-ridden Union last July.

We have to acknowledge that the current extraordinary situation also needs to be addressed by special measures. Our security and the integrity of our territory are at stake. Consequently, in these situations the current legal framework needs to be adapted to reflect the reality and Member States cannot be challenged and punished for providing viable – yet proportionate – solutions for crises that threaten us all.

In the European Council conclusions of 21 and 22 October 2021 we have unanimously decided to take urgent actions against the recent migratory pressure and invited the Commission to propose any necessary changes to the EU's legal framework to ensure an immediate and appropriate response. Our reason for that was that the current legal framework does not reflect reality, it is obsolete and inoperable.

We can perhaps all agree that the current legal framework does not provide adequate means that Member States under pressure can apply in a crisis situation. To highlight only the weakest link of the present system, the right of access to the territory of the Member State must be guaranteed to all, without making it possible to carry out thorough examination at the border of the applicant's background before allowing the entrance into the country. Once the applicant is in the territory of the Union, will leave for the desired destination before the asylum procedure could have been completed; therefore, the risk of secondary movements cannot be eliminated, which encourages other Member States to perpetuate internal border protection contrary to the Schengen Borders Code.

Special circumstances require special measures. This has also been the case with the Covid crisis, when - among others - we decided to loosen the state aid rules and activate the general escape clause allowing Member States to deviate from fiscal requirements.

When the European Commission decided to initiate infringement procedures against the way Hungary has decided to deal with the migration crisis, the migratory flows mainly concerned the southern borders of Europe, coming from the east, through the Western Balkans route, as well as the south, through the Mediterranean. Hungary has rigorously defended the security of Europe and the safety of its citizens by raising a physical barrier and doing her best to differentiate between those who required international protection and those who were only seeking the economic advantages that life in Europe represents.

Nonetheless, the EU legal framework consistently failed to respond to the situation, as did the proposals that we have seen in the past six years, and which have never been endorsed by all Member States.

Now, we are facing new realities. Our economies are struggling and migration is on the rise not only in the south but also at our eastern borders and we must acknowledge that the severity of the current crisis even exceeds the challenges that we have faced when discussing our economic recovery.

In the light of the urgent and severe crisis, I ask the Commission to propose adapting the legal framework to the new realities and most urgently, discontinue enforcing the obsolete and obstructive regulations in place and suspend all infringement procedures that undermine Member States' actions aiming at the protection of their territorial and national integrity, as well as the security of their citizens.

Yours sincerely,



ORBÁN Viktor