



Brussels, 24 February 2026

Mr. Sven Simon Chair,
Committee on Constitutional Affairs
European Parliament
Brussels

Dear Chair,

I am writing to you in my capacity as President of the Union of European Federalists to draw your attention to a matter of fundamental constitutional importance for the Union: the limits imposed by the principle of sincere cooperation on the exercise of the right of veto in the Council, particularly in relation to the recent blockage of the macro-financial assistance package to Ukraine and the twentieth sanctions package against Russia.

There is by now ample evidence that the unanimity requirement for certain Council decisions has become an unsurmountable burden for the action of the Union. This is why the reform of the Treaties is an urgent necessity. This notwithstanding, the recent actions of the Hungarian government show that this unhelpful prerogative is now openly abused beyond reason.

The issue at stake is not political disagreement as such, even in such a critical and urgent matter. The Treaties allow for unanimity in certain areas, and disagreement is an inherent feature of intergovernmental decision-making. The question, rather, is whether the exercise of a veto is unlimited and remains lawful when it is openly instrumentalised for purposes unrelated to the subject matter of the decision, and when it effectively frustrates a previously agreed common position of the European Council.

Article 4(3) TEU establishes that Member States “pursuant to the principle of sincere cooperation” shall “(...) facilitate the achievement of the Union’s tasks and refrain from any measure which could jeopardise the attainment of the Union’s objectives.” In the field of the Common Foreign and Security Policy, Article 24(3) TEU further requires Member States to support the Union’s external and security policy “actively and unreservedly in a spirit of loyalty and mutual solidarity” and to refrain from actions contrary to the Union’s interests.

The Court of Justice has consistently affirmed that this principle is legally operative and binding, not merely declaratory.

In *Commission v Ireland (C-459/03, MOX Plant)*, the Court held that Member States must refrain from actions liable to undermine the unity and coherence of the Union's external representation and action. In *Commission v Sweden (C-246/07, PFOS)*, the Court found a breach of the duty of sincere cooperation where a Member State took unilateral action in an international forum that compromised a coordinated Union position. Similarly, in *Commission v Luxembourg (C-266/03)* and *Commission v Germany (C-433/03)*, the Court censured national conduct that interfered with a common Union policy framework.

These judgments confirm two key points:

First, the principle of sincere cooperation imposes concrete obligations of abstention when national action jeopardises Union objectives.

Second, Member States may not exercise their powers in a manner that undermines the unity and effectiveness of the Union's external action.

It is beyond dispute that unanimity confers upon each Member State the ability to prevent the adoption of certain measures. However, no Treaty provision creates a sphere of unfettered discretion immune from the general principles of Union law. The exercise of any right within the Union legal order is constrained by the objectives and structure of the Treaties. Otherwise, the rule of law would give way to pure arbitrariness.

The Court has recognised, as a general principle of Union law, the prohibition of abuse of rights. An abuse arises where a formal entitlement is exercised in a manner that defeats the purpose of the legal framework within which it operates, particularly where the intention is to secure an advantage unrelated to the objective of the measure concerned.

In the present circumstances, it has been publicly stated by both the Hungarian Prime Minister and Foreign Minister that the blockage of the macro-financial assistance package and the sanctions package was motivated not by disagreement with the substance of support for Ukraine or restrictive measures against Russia, but by a separate issue concerning energy infrastructure and transport. According to media reports, the President of the European Council has subsequently described such behaviour in the following terms: **“when leaders reach a consensus, they are expected to deliver on it. Failure to do so would constitute a breach of the principle of sincere cooperation laid down in the Treaties.”**

Indeed, if a veto is openly deployed as leverage to extract concessions on a different and unrelated policy matter, this raises serious concerns under Article 4(3) TEU and Article 24(3) TEU. Where the European Council has already defined a strategic line of action by consensus,

and a Member State after having participated of the said consensus, subsequently frustrates its implementation for extraneous reasons, the question arises whether such conduct constitutes a failure to facilitate the Union's tasks and an action jeopardising the attainment of its objectives.

This is ultimately a matter that only the Court of Justice can definitively resolve.

It is precisely the role of the European Parliament, and in particular of the Committees on Constitutional Affairs and on Legal Affairs, to examine whether the institutional balance established by the Treaties is being distorted by practices that transform unanimity from a mechanism of consensus-building into a tool of obstruction and coercion, as it is our belief.

The credibility of the Union's external action, especially in times of war on our continent, depends not only on political will but on the integrity of its constitutional order. The principle of sincere cooperation is one of its cornerstones. If it is reduced to a ritual formula without operative consequences, the cohesion and reliability of the Union are gravely weakened.

I respectfully urge your Committee to consider a legal analysis of this matter and to explore the appropriate institutional avenues to clarify the limits of veto powers under Union law, including by urgently tabling a case before the Court of Justice.

Yours sincerely,



Domènec Ruiz Devesa
President of the Union of European Federalists
MEP 2019-2024