Council of the European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB for the meeting of the Council (Environment) on 12 October 2026 Aligning the Espoo Convention with Europe's Defence Readiness Priorities - Information from Lithuania, supported by Estonia, Latvia and Poland

High environmental standards and the right of the public to participate in environmental decision-making are fundamental values of the European Union, recognised in the EU Treaties and the Charter of Fundamental Rights.

Environmental assessments play an important role in upholding these values by ensuring that potential environmental impacts are properly identified and considered and that the public has an opportunity to participate in the decision-making process.

At the same time, the EU must ensure that its environmental objectives are balanced with the need to safeguard security and defence, strengthen deterrence, and prevent potential threats from reaching the borders of the European Union.

The EU legal framework already provides for a balance between these objectives and contains clear safeguards to ensure a high level of environmental protection while duly taking into account security and defence interests. The existing legal framework provides for exemptions from certain environmental assessment requirements for defence-related projects where justified by national security considerations. This framework is further complemented by recent legislative initiatives proposed by the European Commission aimed at facilitating the timely and efficient delivery of critical defence and military mobility infrastructure.

Certain international legal instruments also recognise exemptions applicable to defence-related projects, including the Aarhus Convention and the Protocol on Strategic Environmental Assessment to the Espoo Convention.

However, the Espoo Convention itself does not provide for exemptions applicable to defence-related projects. As a result, it is not aligned with the existing European and international legal framework and does not fully reflect current circumstances and evolving security needs. In the current geopolitical context, this may result in unnecessary obstacles to the timely implementation of projects that are essential to our collective security.

This issue is of special importance for the frontline EU and NATO Member States that are required to rapidly strengthen critical defence and military mobility infrastructure. Given the geographic location of many of these projects, they could become subject to transboundary environmental impact assessment procedures involving countries that pose a threat to security of the EU. These challenges have already been encountered by Lithuania, and similar situations may arise for other Member States in the future.

In our view, the most effective and legally sound long-term solution is to amend the Espoo Convention to introduce an explicit exemption for defence projects. Such an amendment would also ensure coherence across the international environmental legal framework, given that comparable defence-related exemptions already exist under the EU legislation, the Aarhus Convention and the SEA Protocol.

This approach has already been discussed at expert level and identified as the only sustainable legal solution for addressing the issue. The upcoming Meeting of the Parties to the Espoo Convention provides an important opportunity to initiate this discussion. Against this background, we encourage all Member States to support this initiative, both at the technical and political levels.

By adapting our international legal frameworks to the current security context, we can maintain a high level of environmental protection while ensuring Europe's capacity to meet its security and defence needs. This is about safeguarding the security and stability of our citizens today, while also protecting the interests of future generations.