



Ministerie van Defensie

The Hague, May 2025

Dear Commissioner Kubilius,

We, as Defence ministers, would like to commend you on the excellent White Paper for European Defence and the call for *European Readiness in 2030*.

War, aggression and other hostile acts have been affecting the European continent. The only way to ensure peace and to decide on the EU's own future is to have the readiness to deter these actions. The Russian aggression against Ukraine increases and threats towards the EU are growing. It is clear that these threats will persist in the foreseeable future, considering that Russia has shifted to a war-time economy enabling a rapid scale-up of its military capabilities and replenishment of its stocks. The European Council underlined, in its conclusions of 6 March 2025, that "*Russia's war of aggression against Ukraine and its repercussions for European and global security in a changing environment constitute an existential challenge for the European Union*".

The EU can do a lot to enhance Member States' armed forces' operational readiness as fast as possible. The White Paper does this in terms of investment, industry, procurement, research, innovation and more. In addition, the White Paper announced a Defence Omnibus Simplification, to be presented in June.

We as Defence ministers strongly advocate for the Commission's legal analysis and proposals for solutions in the Omnibus Proposal to also address the **legal obstacles for operational readiness** of our armed forces and defence organisations, in addition to addressing legal obstacles to the defence *industry*. At the moment, some EU legislation forms a direct obstacle to the armed forces for fulfilling their tasks, while the Treaty<sup>1</sup> recognises the special position of national security and territorial integrity as essential state functions of the Member States that the Union respects<sup>2</sup>. For any new EU legislation it would be beneficial to introduce an impact assessment for readiness and defence as a mandatory procedure.

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<sup>1</sup> Article 4(2) TEU

<sup>2</sup> *Ministrstvo za obrambo* arrest d.d. 28 januari 2021 r.o. 43. The EU Court has considered on this provision that, although not entirely excluded from its application, EU law cannot be interpreted so as to prevent the armed forces from fulfilling their tasks and adversely affect the essential functions of the State, namely the preservation of its territorial integrity and the safeguarding of national security





In other words, **EU legislation may not prevent Member States' armed forces from carrying out necessary activities to become operationally ready**. But right now, it does. Mainly (but not exclusively) in the areas of procurement legislation, nature conservation and environmental protection, and more generally the administrative burden on defence organisations deriving from various EU legal acts.

Dear Commissioner, *Readiness in 2030* means more than investment and scaling up the industry. Credible deterrence in practice means growing the armed forces, which requires space for training, including flying, navigating and driving and building appropriate amenities. As rightly stated by the President of the Commission, "*this is not business as usual*". Making the EU legal framework fit for this time, horizontally and especially in non-Defence specific areas, is a crucial piece of the readiness puzzle.

Yours sincerely,

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