



**LIETUVOS RESPUBLIKOS APLINKOS MINISTERIJA  
THE MINISTRY OF ENVIRONMENT OF THE REPUBLIC OF LITHUANIA**

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Internationale Organisation Völkerrecht  
[diplo@orgvr.org](mailto:diplo@orgvr.org)

Copy  
Ministry of Energy of the Republic of Lithuania

Re: 2025-12-22 No. DN/2025-WEA-MI-00172

**REGARDING THE REQUEST FOR AN EXPLANATION OF THE LEGAL BASIS UNDER EU LAW AND FOR SAFEGUARDING OF NATIONAL ENVIRONMENTAL AND PROTECTION OBLIGATIONS IN CONNECTION WITH ACCELERATED APPROVAL PROCEDURES FOR ENERGY INFRASTRUCTURE (“EUROPEAN GRIDS PACKAGE”)**

We refer to your Diplomatic Note DN/2025-WEA-MI-00172 dated 22 December 2025, addressed to the Ministry of Environment of the Republic of Lithuania, concerning the legal basis under European Union law and the safeguarding of national environmental and protection obligations in connection with proposed accelerated approval procedures for energy infrastructure.

After careful examination, we wish to inform you that the Ministry of Environment is not legally authorized, under the applicable national legal framework, to carry out the requested legal review or to provide formal legal interpretations or opinions on the questions raised in your letter, in particular those relating to EU competences, subsidiarity, national identity, and the legal foundations of energy-related approval procedures.

At the same time, we note that the subject matter of your request predominantly concerns energy policy, energy infrastructure planning, and related regulatory frameworks, which fall within the competence of the Ministry of Energy of the Republic of Lithuania.

Accordingly, a copy of your request has been forwarded to the Ministry of Energy for its information and any further consideration it may deem appropriate within its competence.

Please accept the assurance of our highest consideration.

Sincerely,

Vice-minister

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APLINKOS MINISTERIJA  
A. Jakšto g. 4  
LT-01105 Vilnius  
LITAUEN

**Diplomatic Note**

Our reference: DN/2025-WEA-MI-00172  
Our letter dated: 22.12.2025  
Email: [diplo@orgvr.org](mailto:diplo@orgvr.org)  
Phone: +49 800 708 0847  
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**Request for an explanation of the legal basis under EU law and for safeguarding of national environmental and protection obligations in connection with accelerated approval procedures for energy infrastructure ("European Grids Package")**

Ladies and Gentlemen,

With reference to publicly released reports concerning a so-called "European Grids Package" prepared by the European Commission, which envisages a significant acceleration of permitting procedures for wind turbines, photovoltaics, grid infrastructure, and storage and charging infrastructure, we request legal clarification.

According to the information released, these measures are also intended to have an impact on national and regional environmental, landscape, and spatial planning competencies, including protected areas.

Against this background, the following points are raised for clarification:

**1. Lack of Original Decision-Making Authority of the European Commission**

The European Union is not a sovereign state, but a treaty construct established by the Member States. The European Commission does not act with original decision-making authority, but only within the competences conferred upon it by the Treaties.

According to **Article 5 (2) of the Treaty on European Union (TEU)**, the principle of conferral applies. Competencies that have not been expressly conferred remain with the Member States.

It is therefore requested to explain on **which specific EU legal competence** provision measures are to be based which effectively displace or restrict national or federal environmental and spatial planning decisions..

## 2. Subsidiarity and Identity Principles

According to **Article 5(3) TEU (the principle of subsidiarity)**, the Union may only act in areas of non-exclusive competence if the objectives cannot be sufficiently achieved at the level of the Member States.

Furthermore, **Article 4(2) TEU** obliges the Union to respect the national identity of the Member States, including their constitutional structures and federal distribution of competences. In Germany, spatial planning, nature conservation, and landscape protection fall primarily under the jurisdiction of the Länder (federal states). It is therefore requested that an explanation be provided as to how these contractually guaranteed limitations will be safeguarded within the framework of the aforementioned project.

## 3. Environmental and Human Rights Protection Obligations

With **Resolution 76/300**, the United Nations General Assembly recognized the right to a clean, healthy, and sustainable environment and explicitly linked this right to the exercise of the right to life, health, and dignity.

Even though this resolution constitutes soft law, it has a binding interpretive effect on existing human rights obligations of states.

A structural weakening of environmental and nature conservation standards—particularly in protected areas—therefore raises the question of how the state's protection obligations derived from the right to life can continue to be fulfilled.

## 4. Responsibility of Member States

Regardless of the role of the European Commission, the responsibility under international law for upholding human rights and environmental protection obligations remains with the Member States.

A transfer or delegation of responsibility to the Union does not release the states from their obligation to respect these rights.

## 5. Request

Against this background, we respectfully request:

1. to explain the sound legal basis under EU law on which the aforementioned measures are to be based,
2. to explain how the principle of subsidiarity and national identity are preserved,
3. to demonstrate how environmental and human rights protection obligations are specifically taken into account,
4. to confirm that national and regional protection standards are not being undermined in a general or structural manner.

This letter serves to clarify legal matters and to safeguard existing protective obligations and does not claim to represent a political statement.

**With highest regards**



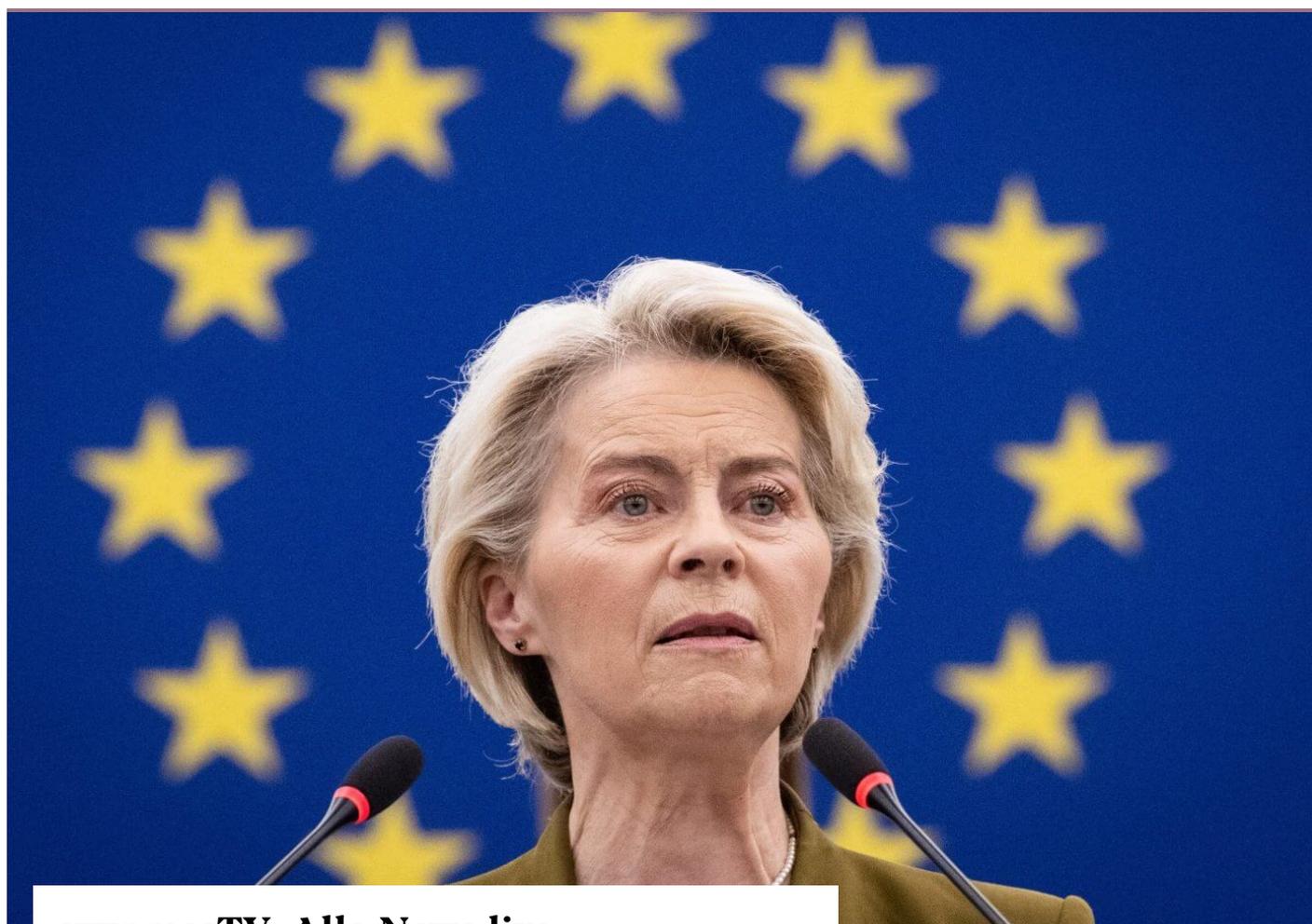
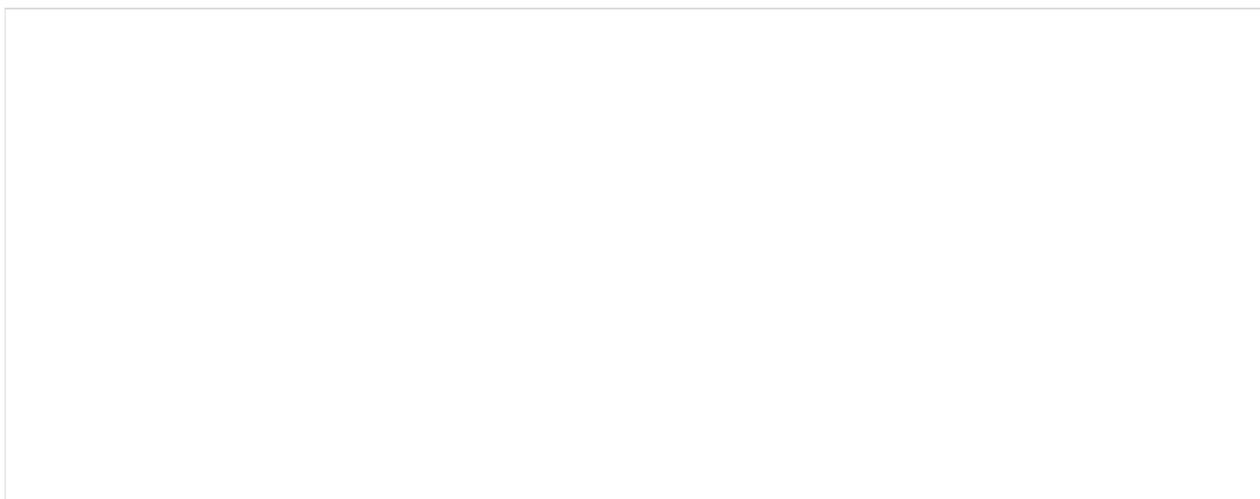
**Prof. Dr. Dr. h.c. Enrico UECKER**  
**BOARD OF DIRECTORS of the Protecting Power**  
of Civil Protection Geneva Convention IV - SR 0.518.51  
in the name and by legal mandate of Civil Protection as the  
Protecting Power

**Kurt KREUZER**  
**BOARD OF DIRECTORS of the Protecting Power**  
of Civil Protection Geneva Convention IV - SR 0.518.51  
in the name and by legal mandate of Civil Protection as the  
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## Politik

# Wirbel um Windräder: EU plant Angriff auf Bundesländer

Was als Turbo für die Energiewende verkauft wird, sorgt für politischen Sprengstoff. Mit dem neuen „European Grids Package“ greift die EU-Kommission tief in nationale Kompetenzen ein. Besonders die Bundesländer sehen ihre Mitsprache bedroht.

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### Redaktion

13. Dezember 2025 10:05

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Ausgangspunkt des Vorstoßes ist Europas hohes Strompreisniveau. Industrie und Haushalte zahlen in der EU deutlich mehr als in den USA oder China. Im Jahr 2024 lagen die industriellen Strompreise in der EU durchschnittlich bei 0,199 Euro pro kWh, während sie in China bei 0,082 Euro und in den USA bei 0,075 Euro lagen. Auch bei Haushaltsstrom zeigt sich die Spanne: In der ersten Hälfte 2025 reichten die Preise in der EU von 0,104 Euro pro kWh in Ungarn bis zu 0,384 Euro pro kWh in Deutschland. Zum Vergleich: China lag laut EU-Kommission bei rund 0,065 Euro, die USA bei etwa 0,13 Euro pro kWh.

Mit dem Ausbau der erneuerbaren Energien will Brüssel gegensteuern. Laut Kommission könnten so jene 375 Milliarden Euro eingespart werden, die Europa jährlich für Energieimporte ausgibt. Kritiker bemängeln jedoch, dass dabei ein entscheidender Punkt ausgeblendet wird: Nur ein kleiner Teil dieser Importe wird überhaupt zur Stromerzeugung genutzt – der Großteil fließt in Verkehr, Heizen, Industrie und Rohstoffe.

## Vereinfachte Genehmigungen – mit Haken

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von **kanlagen, Netzausbau,**

Speicherprojekte und Ladeinfrastruktur sollen schneller bewilligt werden. Grenzüberschreitende Netze sollen zusätzlich von EU-Förderungen und bürokratischen Erleichterungen profitieren.

Doch genau hier liegt der Zündstoff. Um diese Beschleunigung zu erreichen, will die EU-Kommission tief ins Subsidiaritätsrecht eingreifen. Bundesländer sollen künftig große Flächen nicht mehr aus umweltbezogenen Gründen – inklusive Landschaftsschutz – für erneuerbare Energieprojekte sperren dürfen. Selbst der Schutz in Natura-2000-Gebieten soll gelockert werden. Ausnahmen sind laut Vorschlag nur beim Kulturerbe vorgesehen.

## **Kritik aus den Bundesländern**

In Österreich regt sich bereits deutlicher Widerstand. Der für Naturschutz zuständige oberösterreichische Landesvize Manfred Haimbuchner (FPÖ) kritisiert den Entwurf scharf: „Österreich ist nicht die dänische Küste. Länder müssen selbst entscheiden, wo Windkraft sinnvoll ist – und wo nicht.“

Für viele Landespolitiker ist klar: Der Ausbau erneuerbarer Energien werde im EU-Paket klar über Bürgerentscheidungen vor Ort, über Länderkompetenzen und über Umwelt- und Landschaftsschutz gestellt. Gleichzeitig eröffne sich für Grundbesitzer, die Flächen für Windräder bereitstellen, ein lukratives Geschäft – finanziert letztlich von den Steuerzahlern.

## **Bundesregierung hält sich bedeckt**

Zurückhaltender äußert sich das zuständige ÖVP-Landwirtschaftsministerium unter Minister Norbert Totschnig. Auf *Krone*-Anfrage hieß es: „Das heute von der Europäischen Kommission vorgelegte Netzpaket zur Modernisierung der Energieinfrastruktur muss nun im Detail gesichtet und geprüft werden. Dabei ist auch sicherzustellen, dass wir besonders sorgsam mit geschützten Gebieten umgehen. Angesichts der unterschiedlichen Zuständigkeiten wird es eine enge Abstimmung mit den auch verfassungsmäßig zuständigen Bundesländern geben – ebenso wie mit dem für Netzinfrastuktur zuständigen Energieministerium.“

Der Entwurf des „European Grids Package“ wird nun den Nationalstaaten zur Verhandlung vorgelegt. Klar ist schon jetzt: Die Debatte über Windräder, Landschaftsschutz und nationale Selbstbestimmung dürfte sich weiter zuspitzen. Der Konflikt zwischen EU-Zielen und regionalen Interessen ist damit endgültig eröffnet.

Mit deinem Beitrag schaffen wir Raum für Journalismus, der einordnet, hinterfragt und sichtbar macht, was wirklich zählt.

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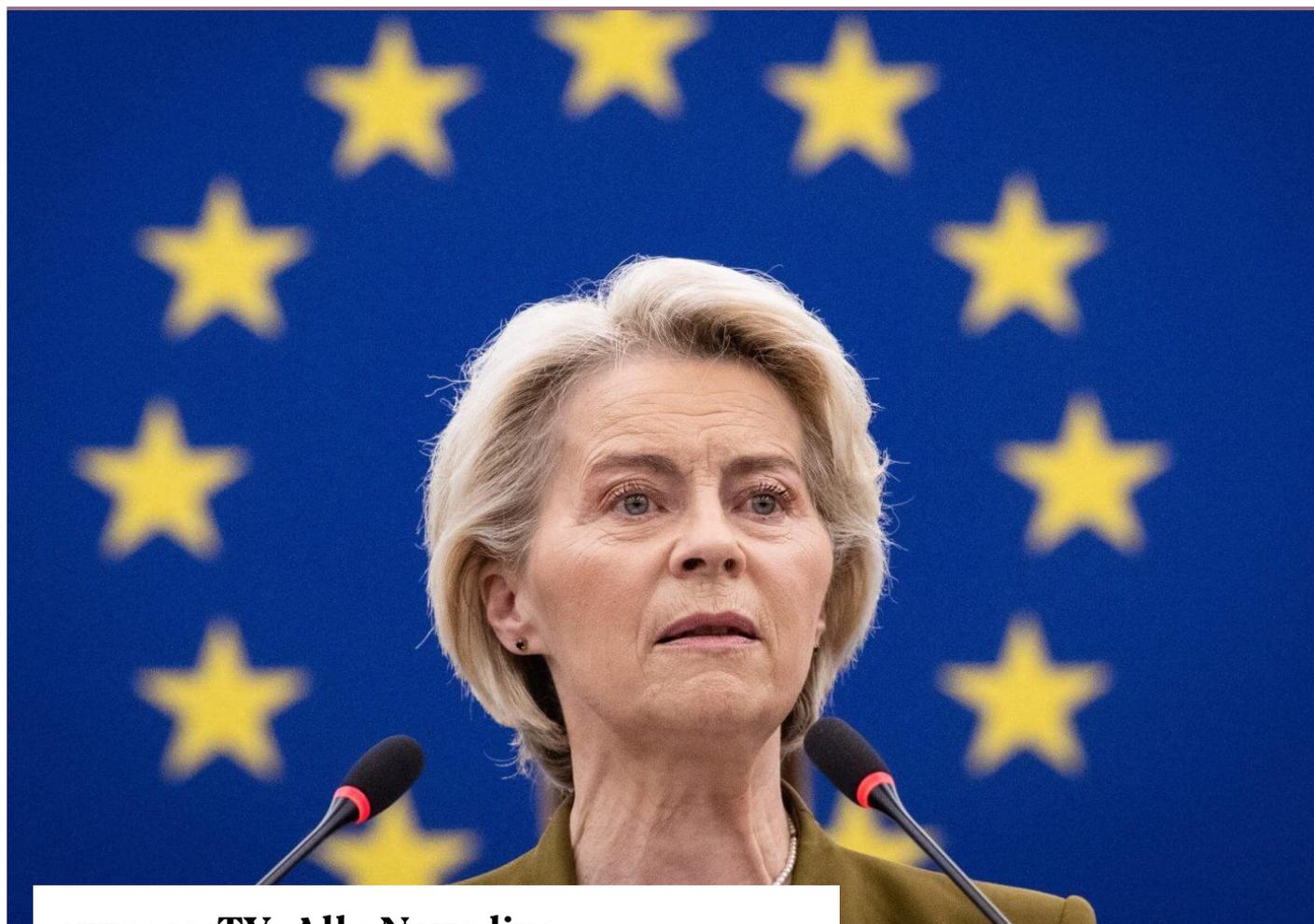
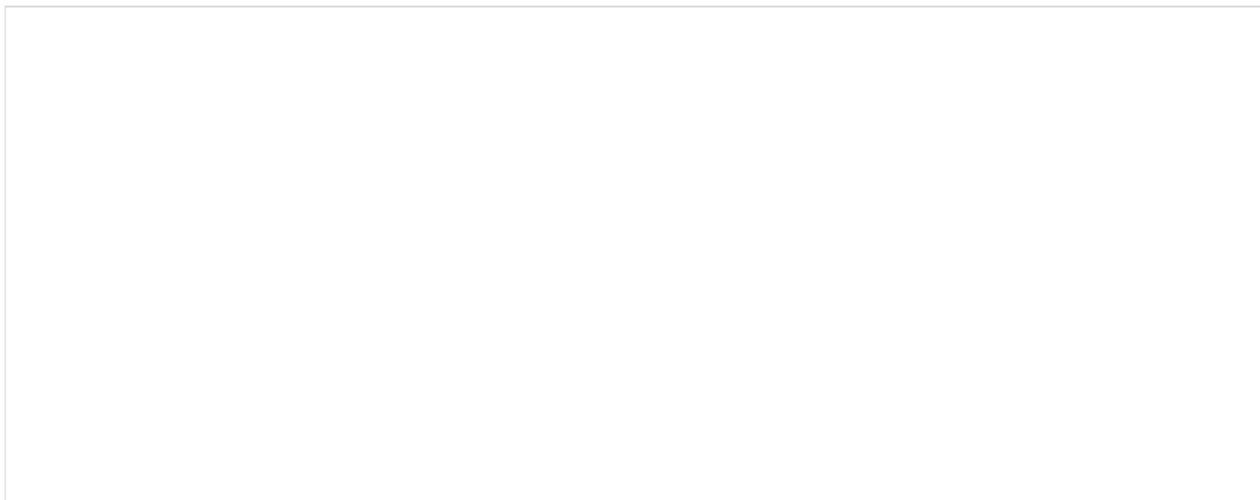
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## Politics

# Controversy surrounding wind turbines: EU plans attack on German states

What's being touted as a turbocharger for the energy transition is actually creating political dynamite. With the new "European Grids Package," the EU Commission is deeply encroaching on national competencies. The German federal states, in particular, see their say threatened.

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### Editorial staff

13. Dezember 2025 10:05

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The starting point for this initiative is Europe's high electricity prices. Industry and households in the EU pay significantly more than in the US or China. In 2024, industrial electricity prices in the EU averaged €0.199 per kWh, while in China they were €0.082 and in the US €0.075. The range is also evident for household electricity: In the first half of 2025, prices in the EU ranged from €0.104 per kWh in Hungary to €0.384 per kWh in Germany. By comparison, according to the EU Commission, prices in China were around €0.065 and in the US around €0.13 per kWh.

Brussels aims to counteract this trend by expanding renewable energy sources. According to the Commission, this could save the €375 billion that Europe spends annually on energy imports. However, critics point out that a crucial aspect is being overlooked: only a small portion of these imports is actually used for electricity generation – the majority goes to transportation, heating, industry, and raw materials.

### Simplified permits – with a catch

The core of the package is a massive acceleration of permitting processes.

Wind turbines, photovoltaic systems, grid expansion, storage projects, and charging infrastructure are to be approved more quickly. Cross-border grids are also to benefit from EU funding and simplified bureaucracy.

But this is precisely where the potential for conflict lies. To achieve this acceleration, the EU Commission intends to intervene deeply in subsidiarity law. In the future, German states would no longer be allowed to block off large areas for renewable energy projects on environmental grounds – including landscape protection. Even the protection afforded to Natura 2000 sites would be weakened. According to the proposal, exceptions are only foreseen for cultural heritage sites.

## Criticism from the federal states

In Austria, there is already significant resistance. Manfred Haimbuchner (FPÖ), the Upper Austrian deputy governor responsible for nature conservation, sharply criticizes the draft: "Austria is not the Danish coast. Countries must decide for themselves where wind power makes sense – and where it doesn't."

For many state politicians, one thing is clear: the expansion of renewable energies is being prioritized in the EU package over local citizen decisions, state competencies, and environmental and landscape protection. At the same time, this opens up a lucrative business opportunity for landowners who make land available for wind turbines – ultimately financed by taxpayers.

## The federal government is keeping quiet

The responsible Ministry of Agriculture, headed by Minister Norbert Totschnig and led by the Austrian People's Party (ÖVP), expressed a more reserved opinion. In response to an inquiry from the Krone newspaper, the ministry stated: "The network package for modernizing the energy infrastructure, presented today by the European Commission, must now be reviewed and examined in detail. It is also essential to ensure that we handle protected areas with particular care. Given the differing areas of responsibility, there will be close coordination with the federal states, which are also constitutionally responsible, as well as with the Ministry of Energy, which is responsible for network infrastructure."

## Negotiations are still pending.

The draft of the "European Grids Package" will now be submitted to the member states for negotiation. One thing is already clear: the debate about wind turbines, landscape protection, and national self-determination is likely to intensify further. The conflict between EU objectives and regional interests has thus definitively begun.

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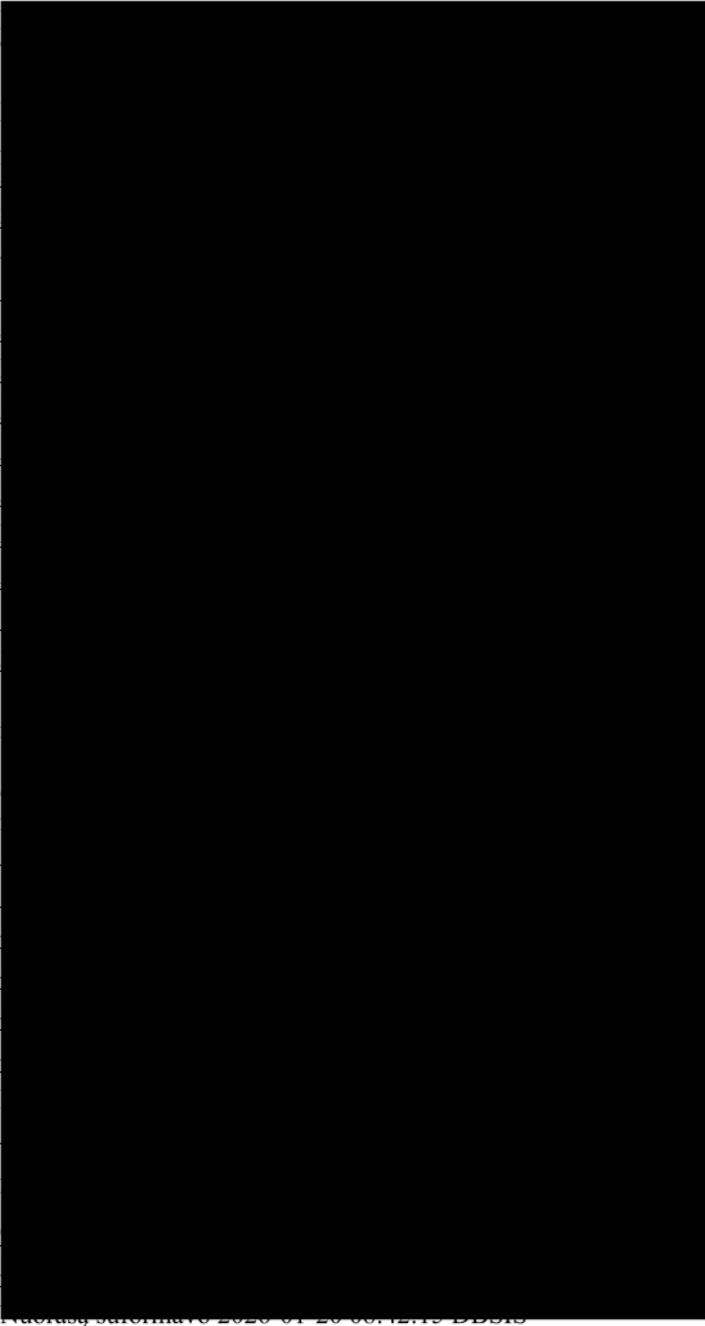


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**DETALŪS METADUOMENYS**

<b>Dokumento sudarytojas (-ai)</b>	Lietuvos Respublikos aplinkos ministerija 188602370, A. Jakšto g. 4, LT-01105 Vilnius
<b>Dokumento pavadinimas (antraštė)</b>	
<b>Dokumento registracijos data ir numeris</b>	
<b>Dokumento gavimo data ir dokumento gavimo registracijos numeris</b>	
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<b>Parašo paskirtis</b>	
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<b>Laiko žymoje nurodytas laikas</b>	
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