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European Security Council: a proposal that divides

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The announcements made by the President of the European Commission on 16 September 2026, during the State of the Union address (SOTEU), concerning the introduction of an emergency security protocol and the establishment of a European Security Council (ESC), do not yet constitute fully developed proposals. Nevertheless, they already reveal differences in how security is understood and how it should be institutionalised. Eastern-flank countries may view the ESC as an extension of deterrence below the threshold of Article 5 of the North Atlantic Treaty, while countries farther removed from this theatre may regard it as a buffer that would enable a response to hybrid threats without the involvement of NATO. While introducing the protocol appears relatively realistic, establishing the Council in peacetime seems doubtful. It carries the risk of dividing security arrangements within the transatlantic area, and negotiations over its design could drag on for years due to concerns about confusion over responsibilities and the duplication of existing EU and NATO arrangements. Nevertheless, both proposals would bring the operationalisation of the mutual-assistance clause in Article 42(7) of the Treaty on European Union (TEU) closer to reality. They would create a consultation mechanism modelled on Article 4 of the NATO Treaty, alongside a mechanism for responding to threats below the threshold of Article 5. This could reduce pressure to invoke NATO and EU mutual-assistance clauses in the event of a hybrid attack and, ultimately, bring the EU closer to becoming a European Defence Union.

Origins and institutional context

Hybrid pressure from the Russian Federation on countries most heavily involved in supporting Ukraine – Poland, the Baltic states, Denmark and Germany – combined with the anticipated reduction of US troops in Europe, is accelerating the debate on the Europeanisation of security. In her State of the Union address (SOTEU), European Commission President Ursula von der Leyen announced the establishment of a European Security Council (ESC) and the adoption of a so-called protocol[1]. Despite its name, this would not be a treaty protocol in the sense of Article 51 TEU, but rather a supplement to the mechanism for responding to hybrid attacks, adopted through a Council decision or European Council conclusions. These two elements are distinct, although related. The Commission has situated them within its work on a new European Security Strategy. Initial reactions from the member states, however, have been sceptical. Most regard the development of European defence capabilities or the improvement of existing NATO mechanisms as a higher priority than the creation of new institutional structures.

[1] European Commission, State of the Union 2026, 16 September 2026. https://commission.europa.eu/strategy-and-policy/state-union_pl (accessed 28 September 2026).

Formally speaking, the EU is a defensive alliance. The mutual-assistance clause in Article 42(7) TEU is, taken literally, even more stringent than Article 5 of the NATO Treaty. However, its force is qualified by the provision recognising the specific character of certain countries' security policies, particularly those of neutral states, as well as by the primacy of their NATO commitments. The clause also lacks an established operational mechanism. When it was invoked for the only time – by France following the terrorist attacks of November 2015 – the forms of assistance were agreed on an ad hoc basis. The EU therefore has no equivalent of Article 4 of the NATO Treaty, which allows consultations before a country unilaterally invokes the mutual-defence clause. The general obligation to consult under Article 32 TEU does not fill this gap. The proposed protocol and Council are intended to address these shortcomings[2].

The idea of an ESC is not new. Emmanuel Macron proposed one in 2017, and Angela Merkel referred to the concept in 2018 as a way of keeping the United Kingdom involved in European affairs following Brexit. In 2026, the idea has been developed further by Andrius Kubilius, the European Commissioner for Defence and Space[3]. The Commission is now linking the proposed Council to countries outside the EU, including Norway, the United Kingdom and Ukraine, and even to a country outside Europe, Canada. However, it has yet to define a clear vision of the Council's final form[4]. More concrete proposals are expected in the coming months. The debate will probably be driven forward by Lithuania, whose presidency of the Council of the EU in the first half of 2027 is expected to be sympathetic to the ideas presented in the SOTEU address[5].

Concerns about the fragmentation of security

The Trump administration's announcements concerning reductions in US troop deployments in Europe are redefining allied trust and encouraging Europe to seek alternatives in the event that NATO fails to reach a consensus. This recalls Madeleine Albright's "3D" principle from the 1990s, which warned against the "duplication" of NATO structures, "discrimination" against non-EU allies, and the "decoupling" of the United States from Europe. At the time, the problem was resolved through Europe's "peace dividend": the United States remained the guarantor of European security, while the EU, alongside economic integration, focused on crisis-management missions beyond its borders. These also included missions conducted under the "Berlin Plus" arrangements, which allowed the EU to use NATO's command and planning resources. Today, the United States is calling on Europe to develop autonomous capabilities. Yet, without its own armed forces, the EU remains dependent on national armies, forces organised within NATO, and US capabilities.

It is difficult to dismiss the case for establishing an ESC outright, but the risks of overlapping commitments and selectively applying security guarantees must be taken into account. A Council that included Canada but excluded the United States could be interpreted in Washington as "discrimination" and a gradual "decoupling"

2 The Council could adopt the "protocol" through a decision, most likely on the basis of Article 222(3) TFEU or Articles 26 and 28 TEU. However, insofar as consultations are concerned, it would duplicate existing powers under Articles 30 and 32 TEU. Its significance would therefore depend on whether it introduced an automatic response mechanism and linked consultations to specific instruments, rather than merely establishing the right to request consultations.

3 Speech by Commissioner Kubilius at the Folk och Försvar – National Conference 2026: "Europe Under Pressure", 11 January 2026. https://ec.europa.eu/commission/presscorner/detail/en/speech_26_69 (accessed 27 September 2026).

4 The origins of the debate over a similar body can be traced back to the 1980s. Cooperation within the Western European Union was revived during that period, although there were no references to a "European Security Council". A bilateral French–German body of that name was established in 1988. In the 1990s, Czechoslovakia proposed a "European Security Commission" within the framework of the Conference on Security and Co-operation in Europe (CSCE) as an alternative to NATO.

5 The issue was raised, among others, by Lithuania's Minister for European Affairs, Sigitas Mitkus, in an interview. https://www.epc.eu/publication/lithuania-urges-eu-to-move-faster-as-security-pressures-mount/ (accessed 27 September 2026).

of Europe from America. The opposite effect is also possible: an EU-level response mechanism could give some NATO allies a pretext for avoiding the use of Articles 4 and 5, while giving the United States an argument that sub-threshold threats against the eastern flank are Europe's responsibility alone. A precise division of responsibilities and separate EU–NATO arrangements would therefore be necessary.

This is where a fundamental difference emerges. Countries geographically distant from the eastern flank may view the protocol and Council as safeguards against being drawn into an escalation following an attack. Frontline countries – including Poland and the Baltic states – as well as the Nordic countries, may support the proposals provided they do not weaken the guarantees under Article 5. So far, Finland, Norway and Estonia have reacted positively, on the condition that the arrangements complement NATO rather than compete with it[6]. Poland has received the announcement with interest, although Foreign Minister Radosław Sikorski has pointed out that accelerating military production is a more urgent priority.

Over time, sceptical countries are likely to emerge; Slovakia and Bulgaria could be among them. Ukraine's participation in the ESC may prove particularly controversial. The electoral calendar is also significant. Presidential elections will take place in France in 2027, while Poland and Italy will hold parliamentary elections. These three countries, alongside Germany and the United Kingdom, form the informal E5 group, which could provide momentum for work on the Council. Scepticism may nevertheless decline as the US military presence in Europe is reduced – the review of US force deployments is scheduled to be completed by the end of the year – and pressure on the eastern flank intensifies, potentially including an escalation of hybrid threats. The European Commission's proposal is not merely about establishing the ESC; it may be even more importantly about consolidating existing mechanisms.

What kind of European Security Council?

Regional security councils, such as the African Union's Peace and Security Council, are not unusual. What is unusual, however, is the overlap of two collective-defence systems on the same continent. In Europe, this affects 23 countries that belong to both NATO and the EU.

First, the security protocol announced by the Commission must be distinguished from the ESC itself. A protocol modelled on Article 4 of the NATO Treaty could be seen as competing with Article 32 TEU, the Political and Security Committee, the Integrated Political Crisis Response (IPCR) arrangements, or the solidarity clause in Article 222 of the Treaty on the Functioning of the European Union (TFEU). The latter, however, covers terrorist attacks and disasters rather than explicitly addressing hostile actions by a state. The Commission has correctly identified a gap: none of these mechanisms combines consultations initiated at the request of a threatened country with the mutual-assistance clause in Article 42(7) TEU.

Second, the ESC could divide member states over its membership, powers, decision-making procedures and very establishment. Amending the treaties appears unlikely. A format described as "European Council plus" is also improbable. If third countries participated, such an arrangement would be politically binding only and would offer limited appeal to Norway, the United Kingdom, or Ukraine. Alternatives include an agreement between the EU and third countries under Article 37 TEU, or an intergovernmental treaty. Kubilius's proposal, which envisages the E5 as the core of a European Defence Union in an "E5+" format, provides for 10–12

[6] See https://x.com/PetteriOrpo/status/2100160972677660922?s=20 and https://copenhagen.mfa.ee/tsahkna-on-commission-presidents-state-of-the-union-address-estonia-supports-building-a-geopolitically-stronger-europe/ (both accessed 27 September 2026).

permanent and rotating members of the ESC, including the country holding the Council presidency and the United Kingdom[7]. This is not, however, the Commission's official position. Such a composition would rule out a broad forum modelled on the European Political Community. The SOTEU announcements refer to additional countries outside the EU, which would place the ESC beyond the EU's institutional framework and give it the character of a forum rather than an EU institution. The Commission's choice of the term "Council", rather than something such as "dialogue", somewhat contradicts this interpretation.

Membership. Even such a forum could be significant if it took the views of the entire Union into account. Under the model proposed here, permanent seats on the ESC would be allocated to:

- The High Representative of the Union for Foreign Affairs and Security Policy.
- The presidency of the Council of the European Union.
- The five most populous EU member states: Germany, France, Italy, Spain, and Poland.
- The United Kingdom.

This arrangement could face opposition from smaller countries and from states that are increasing their defence spending, such as the Netherlands and Sweden. Population is an objective criterion and, unlike Kubilius's proposal, it includes Spain. Excluding Spain while granting the United Kingdom a permanent seat would be difficult to justify[8]. Spain's participation would also ensure geographical balance. Four non-permanent seats on the Council would be allocated annually on a rotating basis, with one seat for each of four subregional groups:

- Western group: the Benelux countries, Ireland, and Portugal.
- Central group: Czechia, Slovakia, Hungary, Austria, and Slovenia.
- South-eastern group: Romania, Bulgaria, Croatia, Greece, Cyprus, and Malta.
- Nordic–Baltic group: Denmark, Sweden, Finland, Estonia, Latvia, and Lithuania[9].

This composition would provide 12 seats, representing approximately one-third of all EU member states and partners, while ensuring that each subregion is represented. It would strike a compromise between decision-making effectiveness and legitimacy. Under this proposal, Norway, Iceland, and Canada would participate in ESC partnership sessions. The criteria for inviting third countries could partly draw on the arrangements established under Permanent Structured Cooperation (PESCO), particularly Council Decision (CFSP) 2020/1639. These include sharing the Union's values, providing added value and contributing to the strengthening of the Common Security and Defence Policy (CSDP), as well as sharing an understanding of the security environment.

The country holding the presidency of the Council of the EU would neither chair the ESC nor occupy a non-permanent seat on it during that year. If the presidency were held by a country with a permanent ESC seat, the presidency's seat would go to the next country in the presidency trio. A country activating the protocol – which could only be an EU member state – would participate in Council deliberations for as long as the specific case was under consideration. Non-permanent members would sit on the Council, on average, once every five to six years. The limited frequency of participation would be offset by allowing the attacked country and

[7] The E5 format, bringing together European countries with the highest defence expenditures, was launched in 2024 and has been gaining importance. The first meeting of heads of government took place in June 2026.

[8] According to Kubilius, the ESC should also include the leadership of the European Commission and the President of the European Council.

[9] The participation of neutral countries in this group would require individual decisions. Among the EU-27, Malta is the only country that does not participate in PESCO.

its neighbours to take part in deliberations, following the model of Article 31 of the United Nations Charter. Ukraine's participation would require a separate decision, for example through partnership sessions or in the capacity of a neighbour of the attacked country. The proposed structure of the ESC is presented in Table 1.

Table 1. Proposed composition of a future European Security Council

Category	Composition	Number of seats
Institutional members	High Representative for Foreign Affairs and Security Policy; presidency of the Council of the EU	2
Permanent members	Germany, France, Poland, Italy, Spain, United Kingdom	6
Non-permanent members (one-year terms, geographical allocation)	One country from each of the western, central, south-eastern and Nordic–Baltic groups	4
Total		**12**

Functions. Ultimately, however, the usefulness of the proposed ESC will depend on its functions. The Council would meet at the ambassadorial level, in a "COREPER II+" format to accommodate the participation of a UK representative; at a foreign and defence ministerial level; and, during a crisis, at the level of heads of state and government. Activation of the protocol would automatically trigger a meeting of the ESC at the ambassadorial level within 48 hours. Its tasks could include:

1. Conducting a joint assessment of the threat, including the political attribution of a hybrid attack.
2. Coordinating national responses.
3. Making recommendations to the Council of the EU, for example on sanctions.
4. Coordinating assistance under Article 42(7) TEU in an EU-27 format.

Attribution is particularly important. At present, attacked countries are often left to establish responsibility for an attack on their own. Joint attribution would not require any new competences.

Decision-making

Majority voting within such a body is unlikely. Some proposals for the ESC advocate a "consensus minus one" principle, which the Organization for Security and Co-operation in Europe (OSCE) uses to make decisions concerning a state that seriously violates its commitments[10]. At a minimum, a country that disagreed with an ESC decision could use an opt-out mechanism, or constructive abstention, following the example of Article 31(1) TEU.

Three types of activity within the ESC should be distinguished:

1. Convening meetings: automatic.
2. Joint threat assessment: a non-binding political act, requiring unanimity with constructive abstention permitted; alternatively, a "consensus minus one" procedure could be used, with the possibility of an objection.
3. Collective action: subject to the same decision-making rules as the joint threat assessment.

Under this arrangement, an individual country would not be able to block the convening of a meeting or, under the "consensus minus one" option, the identification of an attack and its attribution to the aggressor. Alternatively, a country could opt out of participating in the response. In summary, the formal and political

[10] See R. G. Whitman, Forging European Strategic Unity: The Case for a European Security Council, Swedish Institute for European Policy Studies, September 2026. https://sieps.se/en/publications/2026/forging-european-strategic-unity-the-case-for-a-european-security-council/ (accessed 27 September 2026).

requirements for the operation of such a Council would be less restrictive than those of NATO, which operates on the basis of consensus.

Conclusions and recommendations

Conclusions

- Interest in the ESC will grow as hybrid incidents increase in number and are regarded by the attacked country as attacks, while NATO fails to provide a joint response. The ESC could organise a collective response below the threshold of Article 5 of the NATO Treaty without replacing NATO's mutual-defence guarantees.
- The prospects for establishing the ESC depend on the informal E5 group and therefore on the 2027 elections in France, Poland, and Italy, with Germany playing a key role. If Europe's security situation deteriorates, the E5 could issue a political declaration to accelerate work on establishing the ESC. Such a declaration would provide an impetus for the EU, rather than formally establishing the Council, since the E5 also includes a country outside the Union. Lithuania's presidency of the Council of the EU in the first half of 2027 could also drive this work forward.
- Establishing the ESC risks undermining the deterrent effect of NATO's strategic ambiguity regarding whether Article 5 should be invoked in response to hybrid attacks. This ambiguity reflects previous allied agreements, including the NATO summits in Wales in 2014, Warsaw in 2016, and Brussels in 2021. Creating a separate EU response mechanism for sub-threshold incidents could be interpreted by Russia as a signal that hybrid attacks will not be addressed under Article 5, thereby weakening NATO's deterrence.

Recommendations

- The EU does not need another structure that exists primarily to issue declarations, and rushing to establish one risks a false start. A realistic first step would be to adopt a protocol through a unanimous Council decision under the Common Foreign and Security Policy (CFSP), based on European Council guidelines. This would not require treaty amendments, as it would operationalise Articles 30(2) and 32 TEU by introducing an automatic procedure for convening consultations at the request of a threatened country, without prejudice to Article 42(7) TEU. Such a protocol would bind only EU member states, and only they could activate it.
- The protocol could be complemented by a 12-member ESC, comprising two institutional members, six permanent members and four non-permanent members, convened automatically within 48 hours. Its key function would be the joint assessment of threats and attribution of responsibility. The participation of the United Kingdom and Norway could initially be based on political arrangements and, eventually, on agreements under Article 37 TEU. At the ambassadorial and ministerial levels, meetings would be convened and chaired by the High Representative for Foreign Affairs and Security Policy. Atthe leaders' level, they would be convened by the President of the European Council, who would participate in ESC meetings without voting rights.
- To preserve consistency, the operating rules of a future ESC involving third countries should not alter EU decision-making procedures. CFSP acts are adopted by the Council, generally unanimously. Relying exclusively on a political declaration to establish the ESC would make it vulnerable to changes of

government. Its durability would be better secured by basing the protocol that triggers Council meetings on a Council decision. If unanimity could not be achieved, the protocol could operate as a political agreement among interested countries, with the possibility of subsequently incorporating it into the EU framework.

- The ESC should have no separate legal personality and should be linked to the EU and NATO through working arrangements, for example by extending joint EU–NATO declarations and involving the NATO Secretary General. It must not create the impression that the United States is being excluded. A permanent channel for informing the United States, together with opening partnership sessions to American participation, would help prevent this.
- A permanent seat for Poland on the ESC would serve the national interest of the Republic of Poland. It would give Poland influence over the identification of sub-threshold threats and the response to them, while ensuring continuity in representing the eastern-flank perspective. This perspective could be reinforced through consultations with Nordic, Baltic and Central European countries in other formats, such as the Bucharest Nine (B9), Nordic–Baltic Eight (NB8) and Joint Expeditionary Force (JEF). It is essential to distinguish between threats falling below the threshold of full-scale aggression, which would be addressed by the ESC, and those exceeding it, which would fall within NATO's remit. Procedures for classifying incidents must give the attacked country a decisive voice. Poland should ensure that the proposed sub-threshold response mechanism does not become a means for countries distant from the eastern flank to keep responses permanently below the threshold of Article 5 of the NATO Treaty. Nor should it become a pretext for some allies or the United States to avoid consultations under Article 4 of the NATO Treaty.