



2026/2081

14.9.2026

COMMISSION IMPLEMENTING DECISION (EU) 2026/2081

of 11 September 2026

approving derogations from Regulation (EU) 2026/467 of the European Parliament and of the Council, as regards the eligibility conditions of defence products for financial assistance to Ukraine

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Regulation (EU) 2026/467 of the European Parliament and of the Council of 24 February 2026 implementing enhanced cooperation on the establishment of the Ukraine Support Loan for 2026 and 2027 ⁽¹⁾ and in particular Article 13(5) thereof,

Whereas:

- (1) In accordance with Article 14 of Regulation (EU) 2026/467 Ukraine is to draw up a schedule for each activity, expenditure or measure related to a defence product or other product for defence purposes for which it intends to receive assistance, to support its defence industrial capacities, pursuant to Article 8(2), point (a)(iii) of Regulation (EU) 2026/467.
- (2) Such schedule is to set out a description of the defence product or other product for defence purposes and information on compliance with the eligibility conditions set out in Article 13 of Regulation (EU) 2026/467.
- (3) Article 13(5) of Regulation (EU) 2026/467 establishes derogations from the eligibility conditions of defence products for financial assistance to Ukraine. The Commission is to approve such derogations by means of implementing acts, taking into account the advice, expertise and support of the Ukraine's Defence Industrial Capacities Expert Group, and pending a positive opinion of the Committee referred in Article 27 of that Regulation.
- (4) On 18 August 2026, Ukraine submitted to the Commission, in accordance with Article 14 of Regulation (EU) 2026/467, a product schedule ('the fifteenth product schedule'), classified at a level equivalent to RESTREINT UE/EU RESTRICTED in accordance with Commission Decision (EU, Euratom) 2015/444 ⁽²⁾, relating to defence products for Electronic Warfare (the 'defence products concerned').
- (5) For the defence products concerned, Ukraine requested to benefit from the derogation laid down in Article 13(5), point (b) of Regulation (EU) 2026/467, in respect of the cost of components of such products, originating outside the Union, EEA EFTA States and Ukraine, set out in Article 13(4), point (g) of that Regulation.
- (6) In support to its request, Ukraine provided information to demonstrate that it urgently needed the defence products concerned to respond to Russia's war of aggression. Ukraine notably insisted on the importance of these products in a context of intensified attacks by Russia on civilian targets and critical infrastructure, the scaling-up of Russia's manufacturing capacity, and Russia's expected further mobilisation of military personnel. This pressure is combined with the deficit of defence assistance to Ukraine generated by the reduction of bilateral support from partner countries in 2026. The defence products concerned would therefore allow Ukraine to counter intensified attacks by Russia in its war of aggression, contribute to enhanced protection of civilian and critical infrastructure, as well as receive products indispensable at an operational and strategic level.
- (7) Ukraine also provided information to demonstrate that at the time of contracting, the delivery lead time of those products is significantly shorter than for a defence product which would comply with the conditions set out in Article 13(4) of Regulation (EU) 2026/467. In particular, Ukraine confirmed that all products will have been delivered by the end of 2026. In addition, the Commission did not receive any request to issue a prioritisation measure pursuant Article 19(1) of that Regulation.

⁽¹⁾ OJ L, 2026/467, 26.2.2026, ELI: <http://data.europa.eu/eli/reg/2026/467/oj>.

⁽²⁾ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53, ELI: <http://data.europa.eu/eli/dec/2015/444/oj>).

- (8) On 26 August 2026, the Commission consulted the Ukraine's Defence Industrial Capacities Expert Group, established on the basis of Article 15 of Regulation (EU) 2026/467, on Ukraine's derogation request and received its advice on the same date.
- (9) In the light of the above-mentioned circumstances and taking into account the advice of the Ukraine's Defence Industrial Capacities Expert Group, the Commission considers that the conditions for the derogation laid down in Article 13(5) of Regulation (EU) 2026/467 are met. Consequently, the derogation requested by Ukraine on 18 August 2026 should be approved.
- (10) The measures provided for in this Decision are in accordance with the opinion of the committee established by Article 27(1) of Regulation (EU) 2026/467.
- (11) In view of the urgency for Ukraine to procure the defence products concerned and to allow a swift implementation of the derogation, this Decision should enter into force on the day following that of its publication in the Official Journal.

HAS ADOPTED THIS DECISION:

Article 1

The Commission approves the use of the derogations in accordance with Article 13(5), point (b), of Regulation (EU) 2026/467 as requested by Ukraine in the fifteenth product schedule received by the Commission on 18 August 2026.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 11 September 2026.

For the Commission
The President
Ursula VON DER LEYEN
