



2026/2071

14.9.2026

COMMISSION IMPLEMENTING DECISION (EU) 2026/2071

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 'twenty-first product schedule'), classified at a level equivalent to RESTREINT UE/EU RESTRICTED in accordance with Commission Decision (EU, Euratom) 2015/444 ⁽²⁾, relating to small drones (the 'defence products concerned').
- (5) For the defence products concerned, Ukraine requested to benefit from the derogation laid down in Article 13 (5), point (a) 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, ensure enhanced protection of civilian and critical infrastructure, as well as receive products indispensable at an operational and strategic level.

⁽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>).

- (7) Ukraine also provided information to demonstrate that there is no equivalent product responding to its urgent need which complies with the conditions set out in Article 13(4), point (g), of Regulation (EU) 2026/467, or which would be available at the required scale. Ukraine explained that it verified the existence of equivalent eligible products, capable of responding to its urgent need, and that it took full account of the concrete offers made by eligible industries via Member States, where such offers existed, and the information shared by the Commission on EU industry production capacities, together with bilateral information provided to Ukraine by Member States.
- (8) It is relevant to note that Ukraine is procuring, in parallel procedures, similar defence systems and products complying with the requirements included in Article 13(4), including on the cost of components.
- (9) On the delivery lead time of the defence products concerned, Ukraine substantiated that it would be commensurate with the urgency of the situation and Ukraine's immediate operational needs. This element appears to be confirmed by the fact that the product schedule envisages short delivery lead times, with all deliveries expected to be completed by the end of 2026.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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 of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

The Commission approves the use of the derogations in accordance with Article 13(5), point (a), of Regulation (EU) 2026/467 as requested by Ukraine in the twenty-first 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