



2026/2067

14.9.2026

COMMISSION IMPLEMENTING DECISION (EU) 2026/2067

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 eighth product schedule'), classified at a level equivalent to RESTREINT UE/EU RESTRICTED in accordance with Commission Decision (EU, Euratom) 2015/444 ⁽²⁾, relating to missiles and ammunitions including explosives, and air and missile defence systems (the 'defence products concerned').
- (5) For the defence products concerned, Ukraine requested to benefit from the derogations laid down in Article 13(5), points (a) and (b) of Regulation (EU) 2026/467, in respect to eligibility conditions set out in article 13(4) of that Regulation on the manufacturers, infrastructures and components of such defence products.
- (6) In support to its request, Ukraine provided information to demonstrate the urgency of its need for the acquisition of the defence products concerned to counter the rising threat posed by jet engine drones, cruise missiles and ballistic missiles among other. 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) For six of the defence products concerned, Ukraine requested to benefit from the derogation under Article 13(5) point (a) of the Regulation. In support of its request, Ukraine 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) of Regulation (EU) 2026/467, or which would be available at the required scale and which delivery lead time would be commensurate with the urgency of the situation and Ukraine's immediate operational needs. The procurement of the six defence products concerned aims at replenishing stocks, which requires ensuring full compatibility of the defence products concerned with the systems already in service in the Ukrainian armed forces. Ukraine notably underlined that it conducted a multistage assessment to verify whether products complying with requirements included in Article 13(4) could be procured instead of the defence products concerned. Ukraine explained that this assessment included verifying the existence of equivalent products originating from the Union, an EEA EFTA State or Ukraine capable of responding to its urgent need. Ukraine underlined it took full account of the concrete offers made by Member States and by their industry where such offers existed, and the information shared by the Commission on EU industry, together with bilateral information provided to Ukraine by Member States. Ukraine further described that when a similar eligible product has been identified, it has verified that such product was not compatible with existing systems in service in the Ukrainian armed forces, or was not available at the required scale.
- (8) On this basis, the available information also suggests that no alternatives to those products are available in the Union, EEA EFTA States and Ukraine.
- (9) Ukraine also provided information to establish that the delivery lead time of the abovementioned defence products is commensurate with the urgency of the situation and Ukraine's immediate operational needs. In particular, the products correspond to an immediate operational need that includes the use of systems already in place to protect civil population exposed to intensified attacks by Russia and is therefore particularly urgent. The product schedule therefore envisages very short or short delivery lead times, given the availability of the products.
- (10) Ukraine provided a legal commitment by the Government of the third country which acts as the supplier of the defence products concerned including a delivery lead time that is intended to be respected.
- (11) For 24 of the defence products concerned, Ukraine requested to benefit from the derogation under Article 13(5) point (b) of the Regulation. In support of its request, Ukraine provided information to demonstrate that, at the time of its decision, 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 70 % of the total amount of products will have been delivered by the third quarter of 2026. With regards to the remaining defence products concerned, all of them but one are envisaged for delivery on the first quarter of 2027. The remaining product is currently delivered through several instalments until Q3 2027. Ukraine also confirmed that, in the context of its assessment under Article 13(5) point (b), it carried out a comparison with concrete offers made by Member States and their industry when such offers existed, information previously shared by the Commission on the state of EU industry, as well as bilateral information provided by Member States.
- (12) On this basis, the available information also suggests that no alternatives to those products are available in the Union, EEA EFTA States and Ukraine.
- (13) Ukraine provided a legal commitment by the Government of the third country which acts as the supplier of the defence products concerned including a commitment on the delivery lead time.
- (14) Nonetheless, in order to ensure that the use of the derogation over the time is made in full respect of the objectives of the Regulation to ensure a genuine economic and industrial cooperation between Ukraine and the Union on the manufacturing of defence products, as well as to ensure the progressive integration of the Ukrainian industry into the European defence technological and industrial base (EDTIB), it is relevant to consider that Ukraine is procuring, in a parallel procedure, some similar defence systems and products complying with the requirements included in Article 13(4). This will thereby allow for the further diversification of suppliers, and Ukraine's continuous integration into the EDTIB.

- (15) 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.
- (16) 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.
- (17) 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.
- (18) 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 of its publication in the Official Journal.

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

This Decision shall enter into force on the day 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