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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on establishing a framework of measures to facilitate the transport of military equipment, goods and personnel across the Union - Mandate for negotiations with the European Parliament

Delegations will find in the Annex, for information, the text of the mandate for negotiations with the European Parliament on the above-mentioned file as agreed by the Permanent Representatives Committee at its meeting on 17 June 2026.

Changes compared to the Commission proposal are marked in **bold** and deletions in ~~strike through~~.

2025/0847 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on establishing a framework of measures to facilitate ~~the~~ military transport of military
equipment, goods and personnel across the Union**

(text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article ~~94~~
~~and 91~~, Article 100(2) **and Article 172** thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (-1) In the European Council conclusions of 6 March 2025, the Heads of State or
Government identified military mobility as one of the priority areas for action at EU
level in the field of capabilities.**

¹ ⁽⁺⁾OJ C [...], [...], p. [...].

² ⁽⁺⁾OJ C [...], [...], p. [...].

- (1) The Commission and the High Representative presented a Joint White Paper for European Defence - Readiness 2030³ on 19 March 2025, highlighting that military mobility was an essential enabler for European security and defence and our support to Ukraine. The Joint White Paper indicated that although significant progress had been made in recent years, considerable obstacles to moving troops and equipment unhindered across the Union remained unaddressed.
- (2) In the European Council conclusions of 26 June 2025⁴, the Heads of State or Government invited the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to present further proposals to strengthen military mobility, thereby allowing defence equipment and personnel to be moved efficiently across the Union.
- (3) Military transport ~~operations through the dual-use of civilian infrastructure and mobile assets in~~**within** the Union and across its external borders should be facilitated, while limiting and mitigating the impact of such ~~operation~~**transport** on civilian transport. This is to be without prejudice to the Member States' **sole** responsibility for ~~safeguarding~~ national security and **the specific character of the security and** defence ~~and their power to safeguard other essential State functions, including ensuring the territorial integrity~~**policy of certain Member States. Notwithstanding the applicability of the State and maintaining law and order****Regulation to the aforementioned military transport within the Union, this Regulation is to be without prejudice to the special status of the Åland Islands under international law.**
- (3a) **In Article 1 of the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 (the 'Chicago Convention'), the Contracting States recognise that 'every State has complete and exclusive sovereignty over the airspace above its territory'. It is within the framework of such sovereignty that the Member States of the Union, subject to applicable international conventions, exercise the powers of a public authority, including over or into the airspace above their territory. This Regulation should not affect Member States rights and responsibilities under the Chicago Convention.**

³ (4)JOIN(2025) 120 final - White Paper for European Defence – Readiness 2030.

⁴ (3)Conclusions of the European Council, EUCO 12/25, 26 June 2025.

- (3b) This regulation is without prejudice to the position of the Kingdom of Spain in its dispute with the United Kingdom of Great Britain and Northern Ireland with regard to sovereignty and jurisdiction in relation to Gibraltar and it should not apply to the external border of the EU in respect of Gibraltar, where under Union law only the provisions of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, will be applicable as regards military transport in accordance with that Agreement. In the event that the aforementioned Agreement was terminated this Regulation should apply to the territory under dispute when, following a settlement of the dispute with the United Kingdom, the Kingdom of Spain is in a position to ensure the application of the rules set out in this Regulation to the abovementioned territory.
- (4) In the past, the transport of military goods and equipment was mainly, ~~if not solely,~~ undertaken by the armed forces directly, and such transport was in most Member States exempted from the Union rules on goods transport. However, the armed forces increasingly subcontract their transports to ~~commercial carriers~~ **civilian operators**. There is a need to ensure that the same rules apply through the Union in the area of military transport, whether military transport operations are directly performed by the armed forces of the Member States of the Union, and whether they are carried out on their behalf by civilian companies or other contractors engaged by those armed forces.
- (5) Cross-border military transport performed directly by the armed forces is hindered by the fact that the Union rules on transport have not set out specific measures to take into consideration the particularities of such transport, which is thus subject to different national rules, and fragmented procedures. **Some of** those national requirements are stricter than those applicable to civilian transport operations. **Permission procedures and** administrative rules ~~(e.g. diplomatic clearance)~~ are often complex and/or paper-based across Member States (e.g. **diplomatic clearance**, customs). That causes delays, inefficiencies, and bottlenecks and hampers military transport. The Union lacks a uniform framework to ensure and support military transport across its territory and beyond. Such a framework is critical to ensure seamless military transport under any circumstances, and particularly in situations necessitating the swift and large-scale **military** transport of ~~military persons, and goods and equipment.~~

- (6) To facilitate the **military** transport of ~~equipment~~, goods and persons for ~~military or civil protection~~**the armed forces**, there is in particular a need for a comprehensive Union-wide framework for permissions granted by a receiving Member State for military transport operations carried out on its territory by or on behalf of the armed forces of a requesting Member State. While current Technical Arrangements for cross-border movement permission procedures have been developed by the European Defence Agency ('EDA') and by some Member States, they are applied on a voluntary basis and unevenly implemented. That creates gaps in the harmonisation of rules and procedures on military transport, results in operational uncertainty, administrative burden and puts at risk the Union's capacity of intervention in civil protection as well as its overall preparedness. In order to address those issues, cross-border military transport permissions should be streamlined for all transport modes (road, rail, inland waterway, air and sea). All Member States should apply the same procedures for administrative authorisations and diplomatic clearances, thereby significantly reducing delays, administrative burden and administrative costs. Building on the existing annual permissions under the EDA's Technical Arrangements, it is necessary to increase both predictability and operational readiness by creating a standing military transport permission which should be valid until revoked.
- (7) Standing military transport permissions should not be tied to ~~any~~**a** specific military transport operation, but should constitute pre-authorised permissions for ~~cross-border~~ military transport and should cover pre-defined types of military transport operations. When granting standing military transport permissions for military transport operations, Member States should be able to agree on pre-conditions under which those operations are to be carried out, including applicable traffic arrangements and pre-defined routes, in order to facilitate permitted transport operations requiring traffic arrangements using the available dual-use infrastructure. **Member States should, where applicable, also include possible needs for transport host-nation-support in standing military transport permissions.**
- (8) To ensure more transparency and operational coherence in the management of dual-use transport infrastructure, Member States should coordinate as much as possible in advance, in line with the 2024 Military Mobility Pledge⁵, which emphasises multilateral and bilateral coordination mechanisms to harmonise procedures and improve efficiency along

⁵ ⁽⁷⁾Council Conclusions on EU Security and Defence, 27 May 2024, 9225/24.

main corridors. Therefore, Member States situated along the same military mobility corridor should ~~be able~~**endeavour** to align their standing military transport permissions, ~~and should be able~~ **and** to coordinate in advance those ~~pre-planned~~**traffic** arrangements and pre-defined routes. Where a military transport operation crosses several Member States, the requesting Member State should simultaneously submit the notification to all involved Member States that granted standing military transport permissions to that Member State.

- (9) ~~The scope of the standing military transport permission should be specified in order to cover at this stage only simple military transport operations, while providing for the possibility to be extended in the future in order to cover more complex military transport operations. That process should go hand in hand with an investment effort to adapt and upgrade infrastructure of the military mobility corridors, enhanced coordination on pre-defined routes for all kind of military transport operations and a reinforced access to transport capabilities.~~
- (10) Ad hoc military transport permissions are necessary to carry out military transport operations in the absence of a standing permission or when they fall out of the scope of an existing standing permission and should mainly apply for short notice, unplanned military transport operations that go beyond the agreed scope of standing permission, ~~in line with the 2024 Military Mobility Pledge in which Member States committed to grant cross-border movement permissions within a maximum of three working days.~~
- (11) ~~In addition to permissions, certain cross-border Military transport operations~~ **could** require traffic arrangements **to be determined by the receiving Member States**. Such arrangements can relate to the routes for the safe transport of abnormal military cargo or dangerous goods, the escorts to accompany military transport operations, ~~the necessary Host Nation Support in the context of a military transport operation,~~ or other transport mode-specific traffic safety measures or requirements ~~that go beyond ordinary rules, such as limited access to rail track crossings, blocked roads, or restricted airspace. In addition, in the rail sector, the rail infrastructure manager also needs to allocate an individual train path and give specific authorisation for exceptional transports, while railway undertakings need to carry out route compatibility and train composition checks required for a military transport operation. Such Traffic arrangements and path allocations help minimise adverse impacts on civilian transport activities. Common procedures and deadlines for requesting~~

~~and granting traffic arrangements, including the coordination with infrastructure managers, are needed to harmonise and streamline processes and reduce delays and disruptions. Traffic arrangements established under this Regulation~~**determined by the receiving Member States** should be ~~without prejudice to~~ **in line with any** other operational procedures or requirements that may be applicable under Union or national legislation for carrying out the concerned military transport operations.

- (11a) **For transport by rail, the rail infrastructure manager also needs to allocate an individual train path and give specific authorisation for exceptional transports, while railway undertakings need to carry out route compatibility and train composition checks required for a military transport operation. Such path allocations and specific authorisations help minimise adverse impacts on civilian transport activities. Common procedures and deadlines for requesting and granting train paths, authorisations and traffic arrangements, including the coordination with infrastructure managers, are needed to harmonise and streamline processes and reduce delays and disruptions.**
- (12) It is necessary to streamline procedural formalities and provide templates for military transport requests and notifications in order to avoid delays, inefficiencies and operational bottlenecks. Any request and notification for a military transport permission, including for the military transport of dangerous goods and abnormal military cargo, should be made by Member States using the ~~template~~**forms to be set out in Annex II to this Regulation. All requests and notifications linked to a single military transport operation****an implementing act. Implementing powers** should be ~~combined into a single permission request or a single notification~~**conferred to the Commission to establish these forms.** No additional ~~forms~~**information** should be required by any Member State **other than that contained in these forms.** That should be without prejudice to the applicable Union customs rules, in particular to the EU and NATO forms 302. **To the extent possible, these forms should build upon efforts undertaken in the European Defence Agency.** Any communication between Member States linked to ~~requests~~**permissions** and notifications of military transport ~~operations~~**and to the provision of information for traffic arrangements and transport host-nation-support** should be transmitted through the respective National Coordinator for ~~Cross-Border~~ Military Transport.

- (12a) In order to facilitate the identification of civilian operators carrying out a military transport operation on behalf of the armed forces, the National Coordinator for Military Transport of the requesting Member State should issue certificates to be carried by the civilian operators during each military transport operation, based on a uniform template. Such certificates should be presented by civilian operators during controls and should serve as proof that the military transport operation is subject to the rules set out in this Regulation. These certificates should be digitalised once the System is established. Implementing powers should be conferred to the Commission to establish these certificates.
- (12b) Transport host-nation-support is critical for military transport and includes notably access to refuelling, recharging, parking and rest facilities and medical support on the territory of a receiving Member State. Rules related to the procedure and conditions for requesting and providing transport host-nation-support and for resulting costs should be established in order to facilitate the planning of military transport operators and to enhance predictability, without prejudice to existing bilateral and multilateral agreements or arrangements.
- (13) ~~In order to ensure uniform conditions for the implementation of this Regulation, and in line with the 2024 Military Mobility Pledge's objective to develop and apply digitalised and harmonised procedures where possible, implementing powers should be conferred on the Commission to establish a secure and restricted Military Mobility Digital Information System to be deployed by 2030. Once this system is deployed all Member States should make use of it for all military transport permission, traffic arrangements and for customs formalities for cross-border military transport related to EU form 302. As to the customs formalities related to EU form 302, the system should be in accordance with relevant Union customs legislation, including the common data requirements constituting the EU Customs Data Model.~~
- (14) ~~Military transport operations should be conducted without undue disruption at the internal border crossings, within the customs territory of the Union, in a way that limits bottlenecks for civilian transport. During the escort of military transport, the flagging of vehicles, and the handling of weapons and ammunition are needed to guarantee both safety and efficiency, and controls at the border could introduce delays that could jeopardise the~~

~~timeliness of military transport operations. Any necessary control measures should only be conducted at the first planned stop after the internal border of a Member State.~~

- (15) Some international agreements already apply to the transport of dangerous goods by or **on behalf of the armed forces. Whilst Directive 2008/68/EC of the European Parliament and of the Council already sets harmonised rules for the transport of dangerous goods by road, rail or inland waterways by commercial contractors, including those working** for the armed forces. ~~However, such, the military transport of dangerous goods carried out directly by the armed forces or by civilian contractors under their direct and physical supervision is,~~is to a great extent, subject to the relevant national rules and permit systems of the Member States. This creates delays and ~~unnecessary~~ administrative burdens. Therefore, the military transport of dangerous goods **carried out** within the Union by ~~or for the~~ **armed forces or by civilian operators acting under direct and physical responsibility or supervision of** armed forces should be allowed, provided that the same requirements as set out in the relevant international agreements and regulations on the transport of dangerous goods are complied with. In addition, in cases where a NATO ~~ally~~**member** that is not a Member State and that is not a party to these agreements is treated as equivalent to a requesting Member State in accordance with this Regulation, it should also be able to carry out military transport of dangerous goods in the Union if it complies with the relevant NATO rules or, if no NATO rules apply, with ~~its applicable national rules, as appropriate~~**a bilateral agreement with the receiving Member State.**
- (16) It is necessary to ensure that the road transport of abnormal military cargo that exceeds the maximum weights or dimensions set out in Council Directive 96/53/EC⁶ is permitted, subject to the necessary traffic arrangements, ~~if any,~~ and provided that they carry an indivisible load.
- (17) While most Member States grant some exemptions to military transport operations **by road and rail** from weekend and holiday travel bans, and similar periodic traffic restrictions, those exemptions differ significantly across the Union. There is therefore a need to introduce ~~a general~~**an** exemption from such time-based traffic restrictions, in order

⁶ ⁽⁸⁾Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59, ELI: <http://data.europa.eu/eli/dir/1996/53/oj>).

to ensure that military transport operations **by road and rail** are carried out swiftly and smoothly throughout the Union also during those periods, **subject to the necessary traffic arrangements**.

- (18) Traffic restrictions applied on specific road sections and based on the environmental performance of vehicles can pose in some circumstances a disproportionate burden on military ~~transport~~**transport by road** performed directly by the armed forces. That is because military road vehicles are often significantly heavier than civilian road vehicles, meaning there are less zero- or low emission alternatives. In addition, the renewal of ~~such~~**the fleet of** heavy military road vehicles is slower than that of the civilian fleet. For those reasons, military transport **by road** carried out directly by the armed forces should be exempted from traffic restrictions applied on specific road sections based on the environmental performance of vehicles, **subject to the necessary traffic arrangements**.
- (19) Cabotage operations by road in the Union are restricted under Regulation (EC) No 1072/2009 of the European Parliament and of the Council⁷. While military transport operations done by the armed forces are excluded from those restrictions, this is not the case for those carried out by contracted civilian hauliers. To facilitate military transport, it is necessary to give Member States the possibility to exempt military transport operations carried out by civilian operators from those restrictions where necessary to facilitate military transport.
- ~~(1319a) In order to ensure uniform conditions for the implementation of this Regulation, and~~ In line with the 2024 Military Mobility Pledge's objective to develop and apply digitalised and harmonised procedures where possible, **a Military Mobility Digital Information System (the 'System') should be established. Once the System is operational, all Member States should make use of it for all military transport procedures, including for customs formalities for cross-border military transport related to EU form 302. In order to ensure uniform conditions for the implementation of this Regulation,** implementing powers should be conferred on the Commission to establish a secure and ~~restricted Military Mobility Digital Information~~**cyber-resilient** System to be ~~deployed~~**operational** by 2030. ~~Once this system is deployed all Member States should~~

⁷ ⁽⁹⁾Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72, ELI: <http://data.europa.eu/eli/reg/2009/1072/oj>).

~~make use of it for all military transport permission, traffic arrangements and for customs formalities for cross-border military transport related to EU form 302. As to the customs formalities related to EU form 302, the system should be in accordance with relevant Union customs legislation, including the common data requirements constituting the EU Customs Data Model.~~ **To the extent possible, the System should build upon existing projects and solutions developed within the Union, as well as efforts undertaken in the European Defence Agency. In addition to the System, the Commission should also establish a Classified System for the handling and storage of EU classified information related to military transport procedures.**

- (20) Avoidable delays and unnecessary administrative burden in the transport of goods in the context of military transport operations often stem from an insufficient use ~~by the operators~~ of the facilitations provided for by the Union customs legislation, as well as, to a lesser extent, a divergent national application of Union customs rules. These can also create important bottlenecks that negatively impact civil transport operations. To streamline and simplify customs formalities for cross-border military transport of goods, the Union developed the EU form 302, designed to simplify customs procedures for such military goods. The EU and NATO forms 302 should constitute the standard method for completing relevant customs formalities, unless military authorities in charge of the respective **military transport** operation ~~otherwise indicate their preference for the submission of~~ **decide to use** standard customs declarations. Member States should support and encourage the use of EU and NATO forms 302. ~~To reinforce the effective implementation of these forms, operators, should use them by default, unless their use is explicitly waived by the military authorities in charge of the respective operation in favour of submitting a standard customs declaration.~~ Where controls are required, they should be prioritised to balance operational needs with risk management, in accordance with Union customs legislation.
- (21) ~~Regarding military transport permissions, traffic arrangements, templates, the digital system, transport rules for the uninterrupted transport of military equipment and personnel, the military transport of dangerous goods and abnormal~~ **Cooperation between the Union and NATO should remain in full respect of the agreed guiding principles of transparency, reciprocity and inclusiveness as well as the decision-making autonomy and procedures of both organisations. For uniform military transport permission procedures** ~~and other rules in relation to holiday traffic bans and cabotage, Member States~~

that are ~~NATO~~ members to ~~NATO~~ should treat any of the NATO ~~Allies~~members as equivalent to requesting Member States in the context of ~~NATO~~operations, **missions and exercises that are commonly agreed within NATO**, with the exception of ~~rules and provisions related to the System~~, customs formalities and the related digitalisation of EU form 302. The equivalent treatment laid down in this Regulation shall not put in jeopardy the security and defence interests of the Union and its Member States. ~~This Regulation is to be without prejudice to the application of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA), signed in London on 19 June 1951, by Member States that are parties to the North Atlantic Treaty Organisation (NATO).~~

- (21a) **This Regulation should be without prejudice to and should not affect the existing bilateral and multilateral agreements between Member States and third countries which entered into force prior to the entry into force of this Regulation, including the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA), the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty (Paris Protocol), the Agreement among the States Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the Status of their Forces (PfP SOFA) and the Further Additional Protocol to the Agreement among the States Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the Status of their Forces (Further Additional Protocol to PfP SOFA) or any additional agreements thereto. This Regulation should also be without prejudice to and should not affect future bilateral and multilateral agreements between Member States and third countries in so far that these agreements do not undermine the objectives and the application of this Regulation. In addition, this Regulation should not preclude the application of bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements help to simplify or facilitate further the rules and procedures for the military transport falling under the scope of this Directive.**
- (21b) **To ensure the harmonised application of the customs facilitations provided for the movement of goods used in the context of military activities, bilateral or multilateral agreements with third countries referred to under Article 3b of this Regulation**

should not contradict, restrict or in any way hinder the application of the relevant Union customs legislation.

- (22) As highlighted in the Action Plan on Military Mobility 2.0⁸ a Union framework is needed to facilitate large-scale and accelerated transport of military personnel and equipment when needed in exceptional circumstances. To that end, a European Military Mobility Enhanced Response System (~~‘EMERSE~~**EMMERS**) should be established to provide for temporary and extraordinary ~~Union-wide~~ measures to ensure timely and uninterrupted military transport across the Union in such circumstances, while minimising civilian traffic disruption. **EMMERS should be able to be activated on the territory of the Union or within a geographical area, taking into account inter alia military mobility corridors functionality within the scope of the current Regulation. The temporary measures should only apply for those military transport operations directly linked to the purpose of the activation of EMMERS.**
- (23) ~~EMERSE~~**EMMERS** should be activated by the Council where an existing or expected increase in the volume, frequency, or speed of military transport in the Union cannot be met under the normal Union transport rules or due to the capacity of the Union’s transport network. Such an increased need for military transport could be caused, inter alia, by a deterioration in the Union’s security environment, or natural or human-made crises that would necessitate an involvement of armed forces, affecting the Union as a whole or part of it, or by threats in third countries. **The Council should, in particular, take into account whether a crisis affecting the security and defence interests of the Union and its Member States has been identified within the area of CFSP, such as whether that crisis has triggered the activation of the mutual assistance clause pursuant to Article 42(7) TEU.**
- (23a) **In order to account for the exceptional nature of and potential far-reaching consequences of the activation of EMMERS and the impact of such decision on the national security and defence of the Member States as well as their territorial integrity, the implementing powers should be exceptionnally conferred on the Council. The assessment of the need to activate EMMERS for military transport**

⁸ ⁽⁴⁰⁾JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the Action Plan on Military Mobility. JOIN/2018/05.

operations can only be exercised by the Member States as such assessment is closely linked to choices that concern core elements of national security, such as where to deploy forces and equipment, within which time frame. Consequently, the activation of EMMERS should be conditioned to a reasoned request from at least one Member State to that effect addressed to the Commission or to the Council in view of the adoption of a Council implementing act.

- (24) The activation of ~~EMERS~~**EMMERS** should be initiated ~~on the Commission's own initiative or upon~~by a reasoned request from at least one Member State. **If conditions are met, the Commission should propose the activation of EMMERS to the Council as soon as possible and no later than 48 hours after receiving the activation request.** Before submitting ~~this~~ proposal to the Council ~~for the activation of EMERS~~, the Commission should **consult the Military Mobility Transport Group** and may use all expertise available and collect any relevant information to assess the risk of a significant increase in volume, frequency or speed of military transport within the Union, including through liaising with the High Representative for Foreign Affairs and Security Policy and NATO. **EMMERS may also be activated by the Council without a proposal from the Commission, upon a reasoned request from at least one Member State, if conditions for the activation of EMMERS are met. The Council should be able to act based on a proposal from the Commission or on its own initiative to amend or repeal an implementing act, without awaiting a Commission proposal, upon a reasoned request from at least one Member State.**
- (25) ~~When the Commission determines that the activation of EMERS is justified, it should propose such activation to the Council. After receiving this~~ request **for activation**, the Council should be able to activate ~~EMERS~~**EMMERS as soon as possible and, as a rule, no later than 48**72 hours after receiving the activation request, by adopting an implementing act specifying the **purpose of the activation, the geographical scope and the duration of the application of EMMERS**, which should not exceed ~~12~~6 months. The implementing act should also specify which effects of the provisions are to be extended by Member States that are ~~parties to the North Atlantic Treaty~~**NATO members** to military transports by ~~parties to the North Atlantic Treaty~~**NATO members** that are not Member States, without prejudice to relevant customs formalities. When the Council decides to extend certain provisions to ~~Allies~~**NATO members**, it should take into account notably operations, missions and exercises that are commonly agreed within NATO and

that relate to the causes of ~~EMER~~EMMERS, and respect security and defence interests of the Union and its Member States. ~~The conferral of these powers to the Council is justified by the sensitive nature of the decision to activate EMERS and the special nature of the emergency measures to be applicable under that mechanism.~~

- (25a) **The activation of EMMERS could be concomitant with the activation of the EU Integrated Political Crisis Response, as referred to in Article 2(1)(b) of Council Implementing Decision (EU) 2018/1993, and should be without prejudice to it.**
- (26) ~~During the period of activation of EMERS, the Commission should be able to convene meetings of the extraordinary~~EMMERS, the Military Mobility Transport Group, ~~comprising of representatives of the Commission, the European External Action Service ('EEAS'), including the European Union Military Staff, the EDA and the Member States (representing their governments) and should~~ **convene for extraordinary meetings in order to** ensure close coordination with Member States.~~among~~ Member States should ~~promptly inform the Commission of national measures taken in response to EMERS activation, fostering operational coherence and solidarity. The EMERS~~and **with all relevant actors. The EMMERS** framework should work in synergy with the emergency frameworks established under IMERA and ~~[EDIP]~~EDIP, **where relevant.** In case of activation of ~~EMER~~EMMERS due consideration should be given to the ~~[EDIP]~~EDIP supply crisis state and security-related supply-crisis state and the IMERA Emergency Mode, in particular when it is active, in order to assess the impact on the Single Market, and to determine whether it can serve to complement the military transport operations, notably by ensuring the free-movement of workers.
- (27) In order to facilitate military transport, specific rules ~~relating to transport~~ should apply during the period of activation of ~~EMER~~EMMERS. **Member States should choose among two modalities to grant military transport operations permissions during the period of activation of EMMERS and notify the Council of their decision before it activates EMMERS. One of these two modalities should be deemed to be automatically permitted by receiving Member States consist of a general permission for all military transport permissions during the period of activation. Under this modality, requesting Member States should only notify receiving Member States of a planned military transport operation as early as possible and at the latest six12 hours before the scheduled time of arrival at the border crossing point of the receiving Member State. NotificationsThe other**

~~modality should include all relevant details, and, where applicable, the request for Host-Nation Support or other traffic arrangements, to enable receiving Member States to prepare effectively. Where the~~ **consist of case-by-case permissions, whereby a receiving Member State requires traffic arrangements, these should be determined in due time to ensure that** ~~they~~ **take the decision to grant or deny a military transport operation can take place according to schedule, ensuring rapid coordination, balancing military readiness with the need for timely and predictable cross-border operations, which helps to minimise disruptions of civilian traffic** **permission within 24 hours of receiving the request.** ~~To the extent that this Regulation may have indirect consequences on the security and defence policy of certain Member States, it provides rules to cater for specificities of those Member States' security and defence regimes.~~ **should be able to change modality at any time by notifying the Council.**

- (27a) **In order to identify the military transport operations linked to the purpose of activation of EMMERS and which should, as such, be subject to specific rules and derogations, the National Coordinators for Military Transport of the requesting Member State should issue dedicated certificates. These certificates should be digitalised once the System is established. Such certificates should be presented to competent authorities and other relevant actors, including for priority access. Implementing powers should be conferred to the Commission to establish these certificates.**
- (28) ~~The Council~~ **Through its conclusions on EU Security and Defence⁹ of 27 May 2024, the Council** ~~pledged to ensure that, by 2026 at the latest, a~~ **prioritised access or traffic in emergency or crisis situations of the armed forces to relevant transport modes, networks, and assets may be granted for rail military transport, most notably in times of crisis.** ~~Priority access for rail or air military transport may be granted under provisions on crisis or emergency under Regulation [Rail Capacity Regulation proposal] of the European Parliament and of the Council¹⁰ and under Regulation (EC) No 1008/2008 of the European~~

⁹ ~~(41)~~ Council Conclusions on EU Security and Defence—, 9225/24.

¹⁰ ~~(42)~~ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the use of railway infrastructure capacity in the single European railway area. [Rail Capacity Regulation proposal].

Parliament and of the Council¹¹, respectively. However, more specific rules granting priority access, covering all modes of transport and better suited to ~~EMERSEMMERS~~, are needed. It is therefore necessary to introduce a horizontal priority access right for the armed forces **or civilian operators acting on their behalf** to transport networks and infrastructure, and related services and facilities, across all modes of transport, **during the period of activation of EMMERS**.— Due to the exceptional nature of ~~EMERSEMMERS~~, and in order to limit the financial burden on the armed forces, no compensation should be due ~~by the armed forces to~~ **passengers, undertakings hiring transport users operators or to the transport operators themselves** that are affected by such priority access, for instance because their train is delayed, or **because** they cannot dock at a specific port terminal, **without prejudice to the right of Member States to establish a national compensation mechanism. In particular, under no circumstances may the infrastructure managers affected by**. ~~In view of these potentially severe and costly consequences for other transport users,~~ priority access **be held liable for any financial losses resulting from the interruption, delay or cancellation of ongoing or scheduled transport operations to accommodate the request for priority access. Insofar as this concerns passengers, this limitation to the right for compensation should take precedence over the passenger rights set out in Regulation (EU) 2021/782¹², Regulation (EC) 261/2004¹³, Regulation (EU) 181/2011¹⁴ and Regulation (EU) 1177/2010¹⁵. Although no compensation will be due for the armed forces is considered**

¹¹ ⁽⁴³⁾Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: <http://data.europa.eu/eli/reg/2008/1008/oj>).

¹² **Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).**

¹³ **Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/261/oj>).**

¹⁴ **Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/181/oj>).**

¹⁵ **Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1, ELI: <http://data.europa.eu/eli/reg/2010/1177/oj>).**

~~justified only where EMERS is activated~~**delay or cancellation of a transport service or for economic losses incurred by certain persons as a result of priority access during the period of activation of EMMERS, this does not concern the possible obligation on transport service providers to reimburse amounts paid for the transport service.**

Moreover, the protection of fundamental rights is safeguarded, since the exceptionally necessary measures are limited to emergency or crisis situations correspond to the objectives of the Union serving the common good and security and do not constitute a disproportionate interference with regard to the purpose pursued.

- (29) During the period of activation of ~~EMERS~~**EMMERS**, where the requirements laid down in international agreements are applicable to the military transport of dangerous goods ~~under this Regulation~~, Member States should be allowed, with the exception of customs formalities, to exempt military transport of dangerous goods from ~~any of those requirements. When doing so, they should not impose additional national rules~~ **under certain conditions**. They should also coordinate such exemptions in order to ensure that military transport operations are subject to consistent rules as regards the transport of dangerous goods.
- (30) In normal situations, the cargo to be transported should not exceed the maximum applicable weights and dimensions, namely for reasons of road safety, unless the cargo is indivisible. However, during the period of activation of ~~EMERS~~**EMMERS**, it may be necessary to transport significant loads in a quick and effective manner, due to the emergency situation. Therefore, during this period, the transport of abnormal cargo should be permitted even if the load is not indivisible.
- (31) During the period of activation of ~~EMERS~~**EMMERS**, Member States need to have access to necessary **dual-use** transport and ~~logistical~~**logistic** capabilities to execute their military transport operations. Therefore, Member States should be able to benefit from increased support in this regard. The ability of the Commission **and the European Defence Agency** to assist Member States in accessing those capabilities **through service contracts** is also necessary to ensure the effective execution of military transport operations. The Military Mobility Transport Group should be able to identify specific **dual-use** transport **and logistic** capabilities registered in the Solidarity Pool that are urgently needed by certain Member States. In such cases, sharing and coordination efforts under the Solidarity Pool

should focus on supporting those priority requests, ensuring that the required capabilities are made available in a timely and efficient manner.

- (32) During the period of activation of ~~EMERSE~~**EMMERS**, more military transport operations involving cabotage may be needed. Member States should therefore exempt ~~all~~ military transport of ~~equipment, goods and personnel~~**persons** from cabotage restrictions during that period.
- (33) Union rules on driving times, breaks and rest periods for road transport as laid down in Regulation (EC) No 561/2006 of the European Parliament and of the Council¹⁶ are important to ensure traffic safety and the health and well-being of transport workers. While traffic safety remains essential during the period of activation of ~~EMERSE~~**EMMERS**, the limitations that those rules impose on military transport operations can cause critical delays. Therefore, during that period, military transport by road should benefit from less restrictive rules, without compromising workers' welfare and the safety of the transport.
- (34) Directive (EU) 2016/797 of the European Parliament and of the Council¹⁷ sets out that before a railway undertaking uses a vehicle on a given network, the railway undertaking should check if the vehicle has been authorised for this area of use and is duly registered. During the period of activation of ~~EMERSE~~**EMMERS**, due to higher volumes and frequency of military transport operations, dual-use rail vehicles could be needed outside their specified authorised areas of use. Therefore, railway undertakings should be able to use them outside those areas, provided that safety is assured via other mechanisms.
- (35) Union and national rules restricting traffic on the basis of noise, air quality and other environmental criteria support the Union's objectives of reducing the environmental impact of the transport sector and ensuring the wellbeing of citizens. However, in ~~emergency~~ cases where a higher volume and frequency of military transport operations are needed for overriding reasons of public security, those rules can lead to disproportionate

¹⁶ ⁽³⁵⁾ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/561/oj>) ~~eu/eli/reg/2006/561/oj~~).

¹⁷ ⁽⁴⁴⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (recast) (OJ L 138, 26.5.2016, p. 44, ELI: <http://data.europa.eu/eli/dir/2016/797/oj>).

restrictions and delays of such transport. During the period of activation of ~~EMERSEMMERS~~, military transport should be exempted from ~~road~~ traffic restrictions based on the environmental performance of vehicles and from restrictions based on air quality and noise control ~~put in place at ports and airports~~.

- (36) Regulation (EU) 2017/625 of the European Parliament and of the Council¹⁸ lays down rules for the performance of official controls by the competent authorities of the Member States to verify compliance with Union legislation in certain areas, including food and feed safety and animal health. In particular, Regulation (EU) 2017/625 requires that certain categories of animals and goods from third countries are presented at a border control post for official controls upon first entry into the Union to verify compliance with Union requirements relating among others to public health and animal health.
- (37) Regulation (EU) 2017/625 does not provide for specific mechanisms for expedited or waived official controls in emergency situations that justify the rapid entry of relevant goods into the territory of the Union. During the period of activation of ~~EMERSEMMERS~~, the requirement to perform mandatory border controls provided for in Regulation (EU) 2017/625 risks causing delays incompatible with the urgent and seamless military transport of food, feed **for military dogs and military** ~~and~~ dogs. To ensure rapid and unhindered military transport when ~~EMERSEMMERS~~ is activated, a derogation from official controls at border controls posts required under Regulation (EU) 2017/625 is necessary with respect to food and feed supplies and military dogs entering the Union. **Sanitary and phytosanitary requirements should remain fully applicable.**
- (38) To ensure rapid and unhindered military transport within the Union in situations when ~~EMERSEMMERS~~ is activated and to avoid bottlenecks that could negatively impact civil

¹⁸ (45) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/625/oj>).

transport, customs procedures should be managed by activating the protocols and procedures prepared by the European Union Customs Authority, in consultation with the Commission, and the customs crisis management mechanism set out in Regulation [customs reform]¹⁹-. **When EMMERS is activated, goods used for military activities should be declared using the EU or NATO Forms 302.**

- (39) The EU priority military mobility corridors as set out in the Council ‘Military Requirements for Military Mobility within and beyond the EU’^(206a) -are an instrument to facilitate the coordinated implementation of the parts of the trans-European transport network that are of particular military value. They are intended, in particular, to ensure the smooth movement, across the Union and beyond, of military troops and materiel. By focusing on the most urgent investments in dual-use infrastructure along those corridors, and in particular on targeted short-term investments (‘hotspots’), Member States can upgrade those corridors rapidly, and in a coordinated and synchronised manner.
- (39a) **Upgrades of the dual-use infrastructure that are necessary to satisfy the requirements set out in Annex II to the Council Military Requirements should be carried out depending on the degree of maturity, the compliance with Union and national legal procedures and the availability of financial resources, without prejudice to the financial commitments of Member States and the Union. The strategic importance for military transport of these upgrades of dual-use infrastructure should equally be taken into account.**
- (40) In addition, those corridors provide the basis for **receiving** Member States ~~and rail infrastructure managers or national aviation authorities to pre-agree on designated~~ **to pre-determine routes and supporting facilities for road, rail, inland waterways, sea, or air military transport** , in particular for the military transport of dangerous goods and for abnormal military transport, ~~and on predefined cross-border air connections, or~~

¹⁹ ⁽⁴⁶⁾ Proposal for a Regulation of the European Parliament and of the Council establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013.

²⁰ ~~ST10440, ADD1, Council ‘Military Requirements for Military Mobility within and beyond the EU’ approved by the Council on 26 June 2023 and 23 October 2023 and any subsequent amendments thereof as approved by the Council (doc. 6728/25) and Annexes (doc. 6728/25 ADD1 REV1).~~

~~connectivity points. Such pre-agreed or pre-arranged.~~ **Such pre-defined** routes should be established to significantly reduce the time needed for processing traffic arrangements.

- (41) The Union transport system relies on the development of traffic measures and technical requirements that are built with the view of ensuring and improving safety and reliability. Those objectives serve in a similar way military transport that uses the dual-use infrastructure as well as the resilience and security of the transport systems.
- (41a) Large-scale dual-use cross-border rail infrastructure projects play a critical role in enabling military mobility needs while simultaneously supporting civilian transport connectivity. They are of particular importance to strengthen regional and national security within the European Union and NATO. Recent increases in military transport flows and the unstable geopolitical situation demonstrate the growing operational relevance of rail infrastructure for Military Mobility needs. Ensuring sufficient capacity, resilience and protection of strategic rail infrastructure, including signalling and traffic management systems, is essential to accommodate military movements while maintaining the stability of the wider rail network.**
- (42) Directive (EU) 2022/2557 of the European Parliament and of the Council²¹ requires Member States to identify critical entities that provide essential services across eleven key sectors in the Internal Market, with a view to enhancing the resilience of those critical entities against all hazards, and accounting for both natural and man-made risks. Under Directive (EU) 2022/2557, Member States must also ensure that critical entities take measures to enhance their resilience. ~~In addition, there may be certain dual-use transport, energy and digital infrastructure that are critical for military transport, and notably the infrastructure that is located on or along the EU military mobility corridors. This infrastructure has a strategic value that goes beyond national borders. Such strategic dual-use infrastructure ('SDI') should therefore be identified and protected by Member States due to its strategic importance under the coordination of the Commission.~~

²¹ ⁽⁴⁷⁾ Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC (OJ L 333, 27.12.2022, p. 164, ELI: <http://data.europa.eu/eli/dir/2022/2557/oj>).

- (42a) **There may be certain dual-use transport, energy and digital infrastructure that are critical for military transport, and notably the infrastructure that is located on the military mobility network. This includes fuel transmission pipelines, fuel storage facilities and electric power infrastructure. This infrastructure has a strategic value that goes beyond national borders. Such strategic dual-use infrastructure ('SDI') should therefore be identified and protected by Member States due to its strategic importance.**
- (43) ~~Such SDI should therefore be protected against all the most anticipated hazards, and threats identified at national level to enhance their resilience and to ensure their effective operation at all times, by.~~ **In order to avoid duplications in the implementation of measures,** Member States ~~and they~~ **should be able to exempt** owners, **managers and operators and managers alike.** ~~As a minimum, the obligations for critical entities stemming from of SDI falling under the scope of Directive (EU) 2022/2557 and the requirements for essential and important entities stemming from Directive (EU) 2022/2555 of the European Parliament and of the Council²² should be complied with by the owners, operators and managers of SDI, irrespective of whether they fall within the scope of those Directives.~~ **from complying with some of the basic protection measures set out in this Regulation.**
- (44) ~~Moreover, following up on the announcements in this respect in the White Paper on the future of European Defence,~~ Member States should also ~~put in place stricter rules on the~~ **address the risks associated with foreign** ownership and control of strategic dual-use infrastructure. While effective screening of new foreign investments into SDI in accordance with Regulation (EU) 2019/452 of the European Parliament and of the Council²³ could help in preventing risks related to malicious foreign ownership or control, Member States should **be able to** also mitigate and address already existing risks of foreign ownership of control in SDI.

²² Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, pp. 80 ELI: <http://data.europa.eu/eli/dir/2022/2555/oj>).

²³ Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/452/oj>).

- (44a) In order to prevent, mitigate and address the risks linked to the management or operation of specific equipment, systems, personnel and transport services that are part of or related to an SDI, Member States should pay particular attention to specific lifting equipment, IT systems, security control and detection equipment, as well as critical personnel and operations, such as rail freight providers, logistics companies, providers of port services as defined in Regulation (EU) 2017/352 of the European Parliament and of the Council, seafarers and pilots.
- (45) As highlighted in the Action Plan on Military Mobility 2.0, Member States are faced with capability gaps when it comes to military mobility. Those capability gaps hamper Member States' ability to perform military transport operations. Hence, empowering the Commission to establish a Solidarity Pool is appropriate to address those capability gaps faced by Member States. ~~The Solidarity Pool~~ **These gaps should allow be identified in the Council Military Requirements, taking into account the defence capability priorities commonly agreed by Member States to pool and share within the framework of the common foreign and security policy (CFSP), in particular within the context of the Capability Development Plan (CDP), and with the collaborative opportunities identified in the Coordinated Annual Review on Defence (CARD). On that basis, and after consulting the Military Mobility Transport Group, the Commission should adopt non-binding guidelines defining the types and specifying the number of key dual-use transport and logistic capabilities, including those enhancing energy security, thereby facilitating their access to the necessary capabilities and enhancing their ability to perform military transport operations required for the Solidarity Pool.**
- (45a) **The Solidarity Pool should allow Member States to pool and share dual-use transport and logistic capabilities, including those enhancing energy security, thereby facilitating their access to the necessary capabilities and enhancing their ability to perform military transport operations. The decision to deploy a dual-use transport and logistic capability registered in the Solidarity Pool should rest with the Member State that has registered it. The Solidarity Pool should be able to operate separately from other existing mechanisms, such as the Union Civil Protection Mechanism.**
- (46) The Commission should ensure that the Solidarity Pool is set up in a way that encourages Member States to voluntarily share their **dual-use** transport and ~~logistics~~ **logistic** capabilities, including dual-use mobile assets such as vehicles and vessels, and allows for

the efficient use of Union funding to support the deployment and maintenance of those capabilities. The Solidarity Pool should also encompass ~~Union dual-use~~ transport and logistic capabilities, ~~including those that are contracted with private~~ **made available by the Union through service contracts with commercial** operators. Such Union ~~transport and logistic capabilities~~ **service contracting** should have a particular focus on rare and scarce capabilities that are not readily available within the armed forces of Member States, ~~and where Union service contracting could provide significant added value.~~

- (46a) **A secure and cyber-resilient digital platform for the Solidarity Pool should be developed to enable communication and the sharing of information between the Commission and the National Coordinators for Military Transport. To the extent possible, the System should build upon the expertise of and the efforts undertaken in the European Defence Agency.**
- (47) ~~Member States should be able to access information about existing dual-use transport capabilities to appropriately plan future military transport operations and identify persisting capability gaps. Most civilian rail and road vehicles, vessels and aircraft are registered in national or European registers. Member States' visibility over existing capabilities should therefore be improved by ensuring that the national services responsible for military transport have access to those registers. To enhance visibility at Union level and support the planning of military transport, the Commission should also have access to that information.~~
- (48) Large numbers of civilian rail vehicles might be considered dual-use and fit for military transport operations, or easily upgradeable for those purposes. Therefore, implementing powers should be conferred on the Commission to set out whether and under what conditions railway undertakings that own such vehicles, vehicle keepers that are responsible for them and vehicle manufacturers that manufacture them assess whether railway vehicles have the technical characteristics to be used as part of a military transport. Those powers should include the development of harmonised technical parameters on which such identification might be based.
- (49) ~~In exceptional circumstances, military transport operations may necessitate the use of specialised infrastructure, assets or equipment to further facilitate military transport. To ensure uninterrupted access to such critical transport resources, Member States should~~

~~establish or have in place a framework that enables them to access them in a timely manner when alternative solutions, such as contracting, are not available in the required timeframe.~~

- (50) ~~Such framework should enable Member States to obtain the temporary control or right of use of infrastructure, assets or equipment, as a last resort measure where strictly necessary to ensure military transport. It should also allow the use of such temporary control measures to support the military transport operations of other Member States, upon request. Owners, operators and managers of the infrastructure, assets or equipment concerned should however not be unfairly burdened by such measures and should therefore be appropriately compensated for expenses incurred and damages suffered as a result of their deployment. In accordance with the Charter on Fundamental Rights, Member States should ensure that where such measures interfere with the right to property, they are provided for by law, respect the essence of those rights and freedoms, and comply with the principle of proportionality.~~
- (51) ~~While the European Council stressed the importance of establishing framework contracts with civilian transport providers~~ **was stressed** in the 2024 Military Mobility Pledge **approved by the Council**, any future framework ~~contracts~~**agreements** should be more transparent and flexible.
- (52) Because of scarce transport capabilities, a Member State may end up pre-contracting those already booked by another Member State. To address such risks associated with possible double-booking, in new framework ~~contracts~~**agreements**, transport providers should keep Member States informed of such double-booking cases. At the same time, with a view to ensuring access to the necessary transport services, new framework ~~contracts~~**agreements** should allow Member States to invite other Member States to join as contracting parties.
- (53) Without prejudice to the National Point of Contact network established under the Permanent Structured Cooperation in Defence (PESCO) project Military Mobility, a National Coordinator for ~~Cross-Border~~ Military Transport should be designated by each Member State, in order to ensure the effective coordination, communication and execution of ~~cross-border~~ military transport operations, especially when ~~EMERSEMERS~~ is activated.

- (54) **As an entity**, the National Coordinator for ~~Cross-Border~~ Military Transport should be reachable at all times to facilitate the timely exchange of information and requests related to military transport operations, including the receipt and transmission of military transport permission requests and notifications. In order to achieve the objectives of this Regulation, the National Coordinator should also **coordinate traffic arrangements and transport host-nation-support, issue certificates for civilian operators and for military transport operators during the period of activation of EMMERS**, have the necessary expertise and resources to provide advice and support on customs formalities, receive and ~~reply~~**respond** to requests for priority access submitted during a period of activation of ~~EMER~~**EMMERS** and facilitate the necessary procedures, ~~and~~ have the ability to coordinate with all relevant national, regional, and local level actors involved in military transport operations, **decide on deconflictions and prioritisations between national and requesting Member States' transport operations on its territory, facilitate the coordination between infrastructure managers in case of transit through several Member States, inform of any incidents in relation to strategic dual-use infrastructure, register dual-use capabilities in the Solidarity Pool, coordinate Military Transport Readiness Checks and collaborate with the Commission for the conduct of stress tests. To facilitate communication and allow for the sharing of best practices, a network of National Coordinators for Military Transport should be established.**
- (55) In order to assist the Commission in the implementation of this Regulation and facilitate cooperation and exchange of information among Member States a Military Mobility Transport Group should be established. Such Military Mobility Transport Group is essential to, ~~among other tasks~~**inter alia**, facilitate cooperation on the granting of military transport permissions and traffic arrangements – particularly among Member States situated along the same military mobility corridors, ~~fostering~~**foster** coordination and cooperation among Member States, including for the implementation of the relevant customs formalities, ~~facilitating~~**provide an advice to the Commission prior to the activation of EMMERS, advise on protection measures for strategic dual-use infrastructure, support the Commission for the identification and pre-positioning of key dual-use transport and logistic capabilities for the Solidarity Pool, addressing** address energy security challenges for military transport operations and ~~in identifying areas where~~**exchange views on needs related to the** joint procurement of capabilities for

military transport ~~can be undertaken~~. The Military Mobility Transport Group should be allowed to invite, where relevant and with due respect to the security and defence interests of the Union and its Member States, **other organisations and bodies, including NATO, as well as** Ukraine, Moldova and European Economic Area countries to attend meetings as observers. ~~Where relevant, the Military Mobility Transport Group should also be allowed to organise joint meetings with the Defence Security of Supply Board set up under Article 57 of Regulation [EDIP proposal], to address issues linked to availability of military assets and capabilities.~~

- (56) To facilitate the effectiveness of military transport operations in the Union, Member States should conduct an annual Military Transport Readiness Check, enabling each Member State to assess its preparedness to perform or contribute to military transport operations, as well as to implement ~~EMERSEMMERS~~, **considering all modes of transport**. Such checks should, among others, help ensure that Member States are adequately prepared to welcome ~~cross-border~~ military transport operations on their territory and that they have taken the necessary measures to facilitate the granting of military transport permissions and to ensure a whole-of-government approach. **These checks could be conducted during national, bilateral and multinational exercises, whenever possible, and include consultations with managers of dual-use transport infrastructure, where necessary. The results of those checks might be shared using a standardised template, without prejudice to Article 346 TFEU.**
- (57) The ~~European~~ Council's 2024 Military Mobility Pledge highlighted the need for regular exercises to test cross-border military movements. The Commission's ability to perform stress tests is also essential to evaluate the effectiveness of this Regulation in this regard. Therefore, the Commission should be allowed, **upon the agreement of the concerned Member States**, to conduct stress tests, in collaboration with ~~Member States~~ **them** and relevant Union bodies, to improve the preparedness of Member States and Union-level actors to implement this Regulation. **Where appropriate, other relevant organisations and bodies, including NATO, might be invited to participate.** Such tests should focus on aspects such as preparing for the activation of ~~EMERSEMMERS~~, assessing the effectiveness of the whole-of-government approach in implementing this Regulation's objectives, and assessing the implementation of this Regulation's objectives in specific geographical areas, such as specific military mobility corridors, or sectors, including customs. **These tests could be conducted during national, bilateral and multinational**

exercises, whenever possible, and include consultations with managers of dual-use transport infrastructure, where necessary.

- (58) ~~In order to achieve the objective of this Regulation to establish uniform Union rules for military transport, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission for updating the list of types of military transport operations covered by standing military transport permissions laid down in Annex I, and for updating the template for requests and notifications of military transport permissions laid down in Annex II, in order to ensure that it remains up to date. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making²⁴. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.~~
- (59) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish a **list of types of military transport operations covered by standing military transport permissions, establish forms for military transport permission requests and notifications, establish templates for military transport by civilian operators and for military transport during the period of activation of EMMERS, establish a secure and restricted cyber-resilient** Military Mobility Digital Information System, identify basic protection and resilience measures and enhanced protection measures for strategic dual-use infrastructure, establish a Solidarity Pool guarantying, optimising, **accelerating** and facilitating the execution of military transport operations, identify categories of railway vehicles most suitable for use as part of a military transport, establish technical specifications on which such identification may be based, and whether and under what conditions railway undertakings, vehicle keepers and manufacturers should identify such vehicles. Those

²⁴ ⁽¹⁹⁾OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁵.

- (60) Large numbers of rail vehicles might be considered for dual-use and necessary to fulfil the military transport purposes of the railways. The European Union Agency for Railways ('ERA') should be allowed to assist the Commission in establishing criteria for the identification of suitable vehicles. Moreover, in order to bring rail vehicles involved in military transport rapidly and effectively into operation, processes should be streamlined and Member States should be allowed to delegate the authorisation of vehicles that can be used for military transports to ERA. After having granted vehicle authorisations, ERA should be given powers similar to Member States to update information in the European vehicle register ('EVR') with immediate effect. Regulation (EU) 2016/796 of the European Parliament and of the Council²⁶ and Directive (EU) 2016/797 should be amended accordingly. Finally, more generally Regulation (EU) 2016/796 of the European Parliament and the Council should be amended to reflect the European Union Agency for Railways' role in supporting military mobility by enhancing preparedness, resilience and security of the railway system.
- (61) ~~A~~ Robust and continuously available communication services between air and ground assets ~~is~~ **are** crucial for optimising airspace ~~utilization~~ **utilisation**. Regulation (EU) 2024/2803 of the European Parliament and of the Council²⁷, which entered into force on 1 December 2024, aims to bolster the resilience of critical air traffic infrastructure. It mandates that providers of Communication, Navigation, and Surveillance systems, Aeronautical Information Services, Automatic Dependent Surveillance, Meteorological services, and air traffic control services for aerodrome and approach control are to meet stringent certification and ownership requirements. Those requirements, including the necessity for providers to be more than 50% owned and effectively controlled by Member

²⁵ ⁽²⁰⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

²⁶ ⁽²¹⁾ Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (OJ L 138, 26.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/796/oj>).

²⁷ ⁽²²⁾ Regulation (EU) 2024/2803 of the European Parliament and of the Council of 23 October 2024 on the implementation of the Single European Sky (OJ L, 2024/2803, 11.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2803/oj>).

States or their nationals, are designed to ensure the integrity and security of air traffic services. However, to prevent disruptions to air traffic services, it is essential to amend Regulation (EU) 2024/2803 by postponing the application of its relevant provisions to providers of ~~communication~~ services to maintain their operational readiness,

- (62) The current cooperation model between the European **Union** Aviation Safety Agency ('EASA') and national armed forces has proven effective in certifying dual-use aircraft. However, the certification of large ~~drones~~ **unmanned aircraft systems (UAS)** poses a significant challenge, with national armed forces certifying them in an uncoordinated manner, creating a risk of fragmentation and non-alignment with future civilian regulations. The integration of those ~~drones~~ **UAS** into General Air Traffic – as defined in Article 2(4) of Regulation (EU) 2024/2803 – is considered a necessity by the armed forces. In order to enable the dual-use of such ~~drones~~ **UAS** for transport purposes, it is essential to align the military requirements with future civilian requirements. The current Union regulatory framework does not provide adequate flexibility to permit the certification of innovative technologies and products, such as certain categories of ~~drones~~ **UAS**. It is necessary to amend Article 71 of Regulation (EU) 2018/1139 of the European Parliament and of the Council²⁸ to allow for exemptions from applicable requirements when such requirements prevent the certification of innovative technologies and products, while ensuring the highest level of safety ~~and security~~, and to establish a coordinated approach between EASA and national armed forces to define requirements for the certification of ~~large drones~~ **UAS**.
- (63) To enhance military transport, the Union should promote innovative, dual-use air transport solutions, including ~~unmanned aerial vehicles~~ **UAS**, autonomous systems, advanced urban air mobility concepts and cyber-secure air traffic management systems. Establishing regulatory testing environments ('regulatory sandboxes') is necessary to facilitate a more rapid and autonomous development in the Union of such technologies in cooperation

²⁸ ⁽²³⁾ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>).

between civil and military authorities. By providing controlled conditions for experimentation, those testing environments should contribute to accelerating the deployment of new capabilities, improving logistics and supply-chain management, and strengthening the readiness and effectiveness of military transport. Furthermore, they should support the harmonisation of civilian and military regulatory frameworks, enabling the seamless integration of dual-use air transport assets into both commercial and military transport operations, while reducing administrative burdens associated with mode switching. In that way, regulatory sandboxes should help to bridge existing regulatory gaps, foster interoperability, and contribute to a more resilient, efficient and responsive system of military transport within the Union. Regulation (EU) 2018/1139 should therefore be amended accordingly, without prejudice to the relevant Union requirements and formalities in areas such as health, safety, environment and competition, as well as to customs formalities and procedures which cannot be lifted for the purposes of the regulatory sandboxes. **Relevant actors may be involved in the establishment and operation of regulatory sandboxes, including airport managers where airport operations and airside safety zones are impacted.**

- (64) Member States and the Commission should take all necessary measures to ensure the protection of ~~confidential~~**classified** information in compliance with, in particular, Commission Decision (EU, Euratom) 2015/443²⁹, ~~Commission Decision (EU, Euratom) 2015/444³⁰~~**2015/444, Council Decision 2013/488/EU** and the Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union³¹. Those measures should include, in particular, the obligation not to downgrade or declassify classified information without the prior written consent of the originator. ~~Any non-~~

²⁹ (24) Commission Decision (EU, Euratom) ~~2015/443~~**2015/444** of 13 March 2015 on the security ~~in the Commission rules for protecting EU classified information~~ (OJ L 72, 17.3.2015, p. 41**53**, ELI: <http://data.europa.eu/eli/dec/2015/443/oj>)~~eu/eli/dec/2015/444/oj~~.

³⁰ (25) ~~Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU~~**Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union (OJ C 202, 8.7.2011, p. 13)**~~(OJ L 72, 17.3.2015, p. 53, ELI: <http://data.europa.eu/eli/dec/2015/444/oj>).~~

³¹ (26) ~~Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union (OJ C 202, 8.7.2011, p. 13).~~

~~classified sensitive information or information which is provided on a confidential basis should be handled as such by the authorities.~~

- (65) Any processing of personal data pursuant to this Regulation should comply with the applicable rules on the protection of personal data. Processing of personal data by Member States should be carried out, in particular, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council³² and Directive 2002/58/EC of the European Parliament and of the Council³³. Processing of personal data by the Commission should, in particular, be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council³⁴.
- (66) Since the objectives of this Regulation, namely to facilitate military transport in the Union and across its external borders, while minimising and mitigating the impact of such transport on civilian transport, cannot be sufficiently achieved by the Member States, as the current fragmentation, inefficiencies, and incoherent implementation of national policies prevent effective resolution at the Member State level, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (67) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on ~~on~~ **[DD/MM/YYYY]** on **12/01/2026**.

³² ⁽²⁷⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

³³ ⁽²⁸⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37, ELI: <http://data.europa.eu/eli/dir/2002/58/oj>).

³⁴ ⁽²⁹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter

This Regulation lays down measures ~~relating to dual-use equipment, means of transport and infrastructure~~ to facilitate military transport ~~in~~ **by any mode of transport within** the Union and across its external borders, while minimising and mitigating the impact of such transport on civilian transport.

This Regulation lays down in particular:

- (a) a uniform framework for permission procedures for ~~cross-border~~ military transport and measures that ensure ~~uninterrupted~~ **swift** and safe military transport, including measures that simplify customs formalities applicable to such transport at the Union's external borders;
- (b) efficient, coordinated and effective measures that facilitate military transport in response to temporary, extraordinary and urgent situations;
- (c) rules to make dual-use transport infrastructure fit for dual-use purpose and to protect and make strategic dual-use infrastructure resilient against all hazards and threats;
- (d) measures ~~to share and pool Union and~~ **for the pooling and sharing of** Member States' **dual-use** transport and logistic capabilities and **to** increase visibility of existing **dual-use** transport **and logistic** capabilities for military transport.

This Regulation shall be without prejudice to the sole responsibility of each Member State over national security and to the specific character of the security and defence policy of certain Member States.

Article 2

Scope

This Regulation applies to the **military** transport of ~~equipment, goods and personnel that is operated by, or under the responsibility~~ **or persons by, or on behalf** of, the armed forces of the Member States or, in the cases provided for in Articles 17 and 19 ~~of this Regulation, of Allies, by members~~ of the North Atlantic Treaty Organisation (NATO), **and which** takes place in part or entirely in the Union ~~and makes use, during that transport, of dual-use infrastructure, assets and capabilities located in the Union.~~

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘military transport’ means the transport of ~~equipment, goods or persons~~ **which are primarily intended for military purposes**, undertaken directly by armed forces, as well as the transport carried out on their behalf by ~~civil companies or other contractors engaged~~ **civilian operators contracted** by those armed forces, **authorised in accordance with Articles 5, 6 and 20, for laden or unladen journeys**, including in the context of a military exercise, operation or mission, and including, the manned or unmanned transport of vehicles, vessels or aircraft through their own propulsion;
- (2) ~~‘military transport operation’ means a laden or unladen journey of military transport;~~
- (3) ‘military transport permission’ means an authorisation ~~or a~~, **including** diplomatic clearance **and any other required approval**, granted by a receiving Member State to a requesting Member State, for cross-border military transport **or for transport operations carried out within the territory of the receiving Member State, including, where applicable, traffic arrangements and transport host-nation-support;**
- (4) ‘requesting Member State’ means the Member State making a request to a receiving Member State to conduct a military transport operation through the territory of that receiving Member State, ~~or the Member State making a request for support under the Solidarity Pool referred to in Article 35;~~

- (5) ‘receiving Member State’ means the Member State of destination of a military transport operation or the Member State crossed or overflowed in transit of a military transport operation;
- (6) ‘abnormal military cargo’ means military-related goods ~~or equipment~~ that require special permits, customised transport plans or specialised logistical handling to ensure safe transport, and that, together with the vehicle carrying out the military transport operation, exceed:
- (a) in the case of transport by road, the maximum authorised dimensions (length, width, height) or weight limits set out in Annex I to Directive 96/53/EC;
 - (b) in the case of transport by rail, the weight limits, loading gauge or other technical characteristics specified in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797 and ~~in the RINF application referred to~~ **specified in** Commission Implementing Regulation (EU) 2019/777³⁵;
- (7) ‘abnormal military transport’ means the military transport of abnormal military cargo;
- (8) ‘dangerous goods’ means the substances and articles falling within the scope of the international agreements and regulations referred to in Article 10(1) of this Regulation;
- (9) ‘**Transport Host-Nation-Support**’ means any action or assistance provided by a receiving Member State or on its behalf, **in the context of a military transport operation**, to facilitate the transit through and temporary stationing within the territory of the receiving Member State of military ~~personnel and equipment~~ **persons and goods** of the requesting Member State, including access to refuelling, recharging and to parking and rest facilities, ~~in the context of a military transport operation~~ **as well as medical support**;
- (10) ‘traffic arrangements’ means ~~operational~~ arrangements established by the receiving Member States’ ~~competent authorities~~ specifically to ~~enable~~ **facilitate the** military transport operations in their relevant territories **and for safety reasons**, including traffic control services measures, measures to ensure the safe transport of abnormal military cargo and

³⁵ ⁽³⁰⁾ Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312, ELI: http://data.europa.eu/eli/reg_impl/2019/777/oj).

dangerous goods, escorting and any other security arrangements, ~~Host-Nation-Support~~, and any other transport mode-specific requirements such as the establishment of temporary restricted areas for air movements;

- (10a) **‘pre-defined routes’ means routes for road, rail, inland waterways, sea, or air military transport pre-determined by receiving Member States in order to facilitate military transport operations;**
- (11) ~~‘escort’ means a guard or police force accompanying a military transport operation;~~
- (12) ‘cabotage’ means either of the following:
- (a) national transport of goods for hire or reward carried out on a temporary basis in a Member State by an operator established in another Member State;
 - (b) national road passenger services for hire ~~and/or~~ reward carried out on a temporary basis in a Member State by a carrier established in another Member State;
- (13) **‘framework contract agreement’** means an agreement between one or more contracting authorities or entities and one or more ~~economic operators~~ **service providers**, the purpose of which is to establish the terms governing contracts **for transport services**, to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged;
- (14) **‘transport capabilities’** means any ~~equipment~~ **goods**, transport means or personnel, separately or in combination, that can facilitate, enable and execute military transport operations, as well as mobile assets for the repair of strategic dual-use infrastructure;
- (15) **‘logistic capabilities’** means the personnel, equipment, and services, that can facilitate, enable, and ~~execute Host-Nation-Support activities~~ **provide logistic support**, including the storage and distribution of fuel, supplies, and other essential commodities;
- (16) ‘strategic dual-use infrastructure’ or ‘SDI’ means an infrastructure meeting the criteria set out in Article 33;
- (16a) **‘hotspots’ means targeted, short-term transport infrastructure investments that are to be implemented as a matter of priority along the military mobility corridors in**

order to meet the transport infrastructure requirements defined in Annex II to the Council Military Requirements;

- (17) ~~‘owners, operators and managers of an infrastructure’ means entities responsible for investments in, or day-to-day operation of that infrastructure;~~
- (18) ‘Council Military Requirements’ means the ‘Military Requirements for Military Mobility within and beyond the EU’ approved by the Council ~~on 26 June 2023 and 23 October 2023~~ and any subsequent amendments thereof as approved by the Council;
- (19) ‘military mobility corridor’ means one among the EU priority military mobility corridors set out in Annex II to the Council Military Requirements;
- (19a) **‘military mobility network’ means the network of transport infrastructure as set out in Annex II to the Council Military Requirements;**
- (20) ‘dual-use **transport and logistic capabilities**’ means ~~the capacity to~~**capabilities that can** be used for both civilian and military transport purposes;
- (20a) **‘dual-use transport infrastructure’ means a transport infrastructure that addresses both civilian and military mobility;**
- (21) ‘food’ means food or foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council³⁶;
- (22) ‘goods to be moved or used in the context of military activities’ means any goods, including **equipment and** animals, to be moved or used in either of the following contexts:
- (a) of activities arranged by or under the control of the relevant military authorities of one or more Member State(s) or of a third country with which one or more Member State(s) has (have) concluded an agreement to carry out military activities within the customs territory of the Union, **including in the context of ad hoc coalitions; or** ~~or~~
 - (b) of any military activities undertaken on the basis of either of the following:

³⁶ ~~(34)~~ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1 ELI: <http://data.europa.eu/eli/reg/2002/178/oj>).

- (i) the Common Security and Defence Policy of the European Union (CSDP);
- (ii) the North Atlantic Treaty, signed in Washington D. C. on 4 April 1949.

(22a) ‘EU classified information’ (EUCI) means any information or material designated by a EU security classification, the unauthorised disclosure of which could cause prejudice to the interests of the European Union or of one or more of the Member States.

Article 3a

Liability

In the absence of bilateral or multilateral agreements or arrangements, requesting Member States shall, in principle, be liable for any loss or damage caused by its military transport of goods and persons.

Article 3b

International agreements

- 1. This Regulation shall be without prejudice to and shall not affect the existing bilateral and multilateral agreements between Member States and third countries which entered into force prior to the entry into force of this Regulation in so far as they are compatible with Union law.**
- 2. This Regulation shall be without prejudice to and shall not affect future bilateral and multilateral agreements between Member States and third countries in so far that these agreements do not undermine the objectives and the application of this Regulation and are compatible with Union law.**
- 3. This Regulation shall not preclude the application of bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements help to simplify or facilitate further the rules and procedures for the military transport falling under the scope of this Regulation, in so far as they are compatible with Union law.**

Chapter II

Uniform framework for military mobility

SECTION 1

UNIFORM MILITARY TRANSPORT PERMISSION PROCEDURES AND RULES

Article 4

Military transport permissions

1. To facilitate ~~cross-border~~ military transport, the receiving Member State may grant to the requesting Member State any of the following:
 - (a) standing military transport permissions as specified in Article 5;
 - (b) ad hoc military transport permissions as specified in Article 6.
2. **Any communication between requesting and the receiving Member States under Articles 5 and 6 shall be transmitted through the National Coordinator for Military Transport, appointed in accordance with Article 40(1). Traffic arrangements and transport host-nation-support shall be coordinated by the National Coordinators for Military Transport of the requesting and the receiving Member States.**

Article 5

Standing military transport permissions

1. A standing military transport permission shall specify the types of military transport operations that are deemed to be authorised by the receiving Member States during its period of validity. Standing military transport permissions shall cover at least the types of military transport operations **to be set out in Annex I an implementing act.**

The Commission shall adopt the implementing act in accordance with the examination procedure referred to in Article 45(4).

2. The receiving Member States shall take a decision to grant or deny a standing military transport permission no later than ~~two months~~ **one month** after receipt of the request for a standing permission.
3. The receiving ~~and requesting Member States~~ **State** shall inasmuch as possible ~~agree to determine~~, in the standing military transport permission, ~~on~~ the conditions under which the military transport operations covered by that standing military transport permission are to be carried out, ~~if any~~, including applicable traffic arrangements and pre-defined routes. **Where applicable, the standing permission shall also specify the transport host-nation-support to be provided.**
4. Member States, notably those situated along the same military mobility corridor, may align their standing military transport permissions and coordinate in advance, in particular to ensure coherence of traffic arrangements and pre-defined routes.
5. Standing military transport permissions shall be valid until explicitly suspended or revoked by the receiving Member State. ~~The Member State shall only suspend or revoke a standing military transport permission in the case of force majeure or where there is a serious threat to public policy, public order or national security in that Member State and it shall provide justification. The receiving Member State revoking or suspending the permission shall notify the requesting Member State as early as possible~~ **without undue delay.**
6. The receiving Member State may, ~~in duly justified cases~~, modify a standing military transport permission, giving the requesting Member State at least ~~three working~~ **five calendar** days' notice.
7. Before carrying out a military transport operation under a valid standing military transport permission, the requesting Member State shall send a notification to the receiving Member State, **if required by the receiving Member State, including the necessary information for traffic arrangements.** Where the requesting Member State seeks ~~Host-Nation-Support or other traffic arrangements~~ **transport host-nation-support**, such request shall be included in the notification. **In case the requesting Member State has specific needs related to transport host-nation-support which are not specified in the standing permission, it shall request them in the notification, without prejudice to the possibility for the receiving Member State to deny them.**

8. The notification referred to in paragraph 7 shall be sent at the latest ~~72 hours~~**three calendar days** before the scheduled time of arrival at the border crossing point of the receiving Member State. ~~In the case of transit through several Member States, the requesting Member State shall submit the notification to all receiving Member States at the same time. When the notification includes one or more requests for traffic arrangements, the receiving Member States shall coordinate and process these requests simultaneously to ensure coherent traffic arrangements for the military transport.~~ The receiving and requesting Member State may, in the standing military transport permission, agree on a shorter deadline for notifications of military transport operations. **In the case of transit through several Member States, the requesting Member State shall submit the notification to all receiving Member States at the same time. Receiving Member States shall coordinate among them to ensure coherent traffic arrangements.**
9. Upon receipt of a notification as referred to in paragraph 7, the ~~receiving Member State may determine specified~~**determination of the** traffic arrangements for the military transport operation in question ~~or impose conditions on that military transport operation~~**remains at the full discretion of the receiving Member State**, including the use of **pre-defined or** specific routes, in particular where that is necessary for the safe transport of abnormal military cargo or dangerous goods in accordance with Articles 10 and 11. In such cases, ~~the receiving Member State shall coordinate the necessary~~**traffic arrangements and transport host-nation-support** with the requesting Member State without undue delay, in order to make sure that the military transport operation can take place as scheduled.
10. ~~The Commission is empowered to adopt delegated acts in accordance with Article 44 to amend Annex I in order to update the list of types of military transport operations covered by standing military transport permissions.~~

Article 6

Ad hoc military transport permissions

1. An ad hoc military transport permission may be granted by the receiving Member State to the requesting Member State for one or several military transport operations which are not covered by a valid standing military **transport** permission. It shall be valid only for the duration specified in the ad hoc military transport permission.

2. The requesting Member State shall make the request for an ad hoc military transport permission as early as possible, and in any case in due time to allow the receiving Member State to grant or deny the permission in accordance with paragraph 3. Where the requesting Member State ~~seeks Host Nation Support or other traffic arrangements, such request for traffic arrangements~~ **has specific needs related to transport host-nation-support, these** shall be included in the request for the ad hoc military transport permission, **without prejudice to the possibility for the receiving Member State to deny them. The request shall also include all necessary information for traffic arrangements.** In the case of transit through several Member States, the requesting Member State shall submit the request to all receiving Member States at the same time. ~~The receiving Member States shall then coordinate and process the requests simultaneously to ensure coherent traffic arrangements for the military transport.~~
3. The receiving Member State shall take a decision to grant or deny the ad hoc permission no later than ~~three working~~ **five calendar** days after the receipt of the ad hoc permission request. In its decision to grant an ad hoc military transport permission, the receiving Member State ~~may~~ **shall** determine specific traffic arrangements for the military transport operation in question or impose conditions on that military transport operation, including the use of **pre-defined or** specific routes, ~~in particular where that is necessary~~ **including** for the safe transport of abnormal military cargo or dangerous goods in accordance with Articles 10 and 11. In such cases, it shall coordinate the necessary arrangements with the requesting Member State without undue delay, in order to make sure that the military transport operation can take place as scheduled. **In case of denial of the permission, the decision shall be communicated.**
4. The receiving Member State may **suspend or** revoke an ad hoc military transport permission ~~only in the case of force majeure or where there is a serious threat to public policy, public order or national security in that Member State.~~ The receiving Member State **suspending or** revoking the permission shall notify the requesting Member State as early as possible ~~and duly justify it.~~
5. The receiving Member State may modify the ~~issued~~ **granted** ad hoc military transport permission ~~only in duly justified cases.~~ It shall notify the requesting Member State about the modifications as early as possible.

6. The requesting Member State may modify a ~~previously submitted~~ request for an ad hoc military transport permission. It shall do so no later than ~~three working~~ **five calendar** days prior to the originally scheduled date of arrival at the border crossing point. The receiving Member State shall ~~reply~~ **respond** to modification requests without undue delay. **This also applies to permissions already granted.**

7. **Where the planned modifications concern the transport of dangerous goods or abnormal military cargo, significant modifications to the transport host-nation-support or a modification of dates that cannot be processed in due time,** a new request for an ad hoc military transport permission shall be submitted by the requesting Member State ~~if the planned modifications concern transport of dangerous goods or abnormal military cargo, significant modifications to the Host-Nation-Support or a modification of dates~~ **in coordination with the receiving Member State.**

Article 7

Individual train paths for military transport by rail

1. Before carrying out a military transport operation by rail, the requesting Member State, ~~directly or through a railway undertaking~~ **undertakings** carrying out the military transport on behalf of that requesting Member State, shall request an individual train path from the rail infrastructure manager(s) in the receiving Member State pursuant to Article 48 of Directive 2012/34/EU of the European Parliament and of the Council³⁷. **When allocating the individual rail paths, infrastructure managers shall take into account any requirements of the National Coordinator for Military Transport of the receiving Member State.**

2. ~~Where the cooperation of the infrastructure manager is required to ensure that the rail vehicles, in particular when carrying abnormal military cargo, are compatible with the route and are properly integrated in the composition of the train in accordance with~~ **By derogation of Article 23(2) of Directive (EU) 2016/797, the for military transport operations by rail, infrastructure managers, in consultation with the applicant,**

³⁷ ⁽³²⁾ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32, ELI: <http://data.europa.eu/eli/dir/2012/34/oj>).

~~shall provide the necessary information to the rail undertaking and facilitate any required testing, as soon as possible~~ **and at the latest within one month of the request, make every effort to ensure that any tests to be carried out by the railway undertaking take place.**

3. **In accordance with Article 23(1)(b) of Directive (EU) 2016/797, before a railway undertaking uses a vehicle specified in its authorisation for placing on the market, it shall check that the vehicle is compatible with the route on the basis of the infrastructure register, the relevant TSIs or any relevant information to be provided by the infrastructure manager free of charge and within a reasonable period of time, where such a register does not exist or is incomplete.** Where the rail vehicles, in particular when carrying abnormal military cargo, are not compatible with the parameters of the route set out in the common specifications for the register of infrastructure laid down in Implementing Regulation (EU) 2019/777 under normal operating conditions, ~~the infrastructure manager~~ **infrastructure managers, in close collaboration with the railway undertakings,** shall determine as soon as possible whether those vehicles could operate safely under particular operating conditions, **taking into account, where relevant, the operational principles applicable to exceptional transports under the Commission Implementing Regulation (EU) 2019/773. Infrastructure managers shall inform the relevant national safety authorities.**
4. ~~Where the rail transport includes dangerous goods permitted under Article 10, the infrastructure manager and railway undertaking shall put in place all measures necessary to ensure compliance with the provisions referred to in Article 10.~~
5. In the case of transit through several Member States, the infrastructure managers of those Member States shall coordinate to ensure coherent treatment of the military transport operation. **National Coordinators for Military Transport shall facilitate this coordination where required.**

Practical arrangements Forms for military transport permission requests and notifications procedures

1. ~~For requests for~~ **of standing or ad hoc** military transport permissions; ~~and for~~ notifications under such permissions, and requests for traffic arrangements provided for in this Chapter, including for the **a standing** military transport of dangerous goods and abnormal military cargo, ~~permission, Member States shall be made using the template~~ **use the forms to be set out in Annex II. Requests and notifications an implementing act and shall be combined into a single permission request, a single notification or a single request for traffic arrangements for the same military transport. not require any additional information than that contained in those forms,** without prejudice to the applicable Union customs rules, including the NATO and EU forms 302 referred in Article 15. **These forms shall cover all modes of transport and contain all the necessary information for traffic arrangements, including for the military transport of dangerous goods and abnormal military cargo where necessary, and for transport host-nation-support. These forms shall also contain in annex information on the intended route, timeline of the transport and, where applicable, the need for priority access and the civilian operator carrying out the transport. Different, no additional forms shall be required by any Member State established for land, air and sea transport. For military transport by rail, forms shall also be accompanied by a copy of the individual train path request where appropriate.**
2. ~~The Commission is empowered to~~ **shall adopt delegated acts the implementing act referred to in paragraph 1,** in accordance with **the examination procedure referred to in Article 44 to amend Annex II, by updating the content of the template, in order to take account of technical or operational developments** **45(4).**
3. ~~Any communication between requesting and the receiving Member States under Articles 5 and 6 shall be transmitted through the National Coordinator for Cross Border Military Transport, appointed in accordance with Article 40(1).~~

Article 8a

Certificate of military transport operations for civilian operators

1. **Civilian operators carrying out a military transport operation on behalf of the armed forces shall carry a certificate attesting to the military nature of the transport operation. The certificate shall be issued by the National Coordinator for Military Transport of the requesting Member State and shall serve as proof that the military transport operation is subject to the rules set out in this Section. Once the System referred to in Article 14 is established and becomes operational, the certificate shall be digitalised.**
2. **The Commission shall adopt an implementing act to establish a uniform template for the certificate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).**

Article 8b

Transport Host-Nation-Support

1. **The receiving Member State shall determine conditions for providing transport host-nation-support in response to a request for military transport permission or a notification from the requesting Member State.**
2. **In the absence of bilateral or multilateral agreements or arrangements, the cost of transport host-nation-support shall be covered by the requesting Member State.**

Article 9

~~Uninterrupted military transport~~

~~Any necessary control measures in relation to the escort of military transport operations, flagging of vehicles of a military transport and weapons and ammunition, for military transport operations within the Union, shall only be carried out at the military transport operation's first planned stop after the internal border of a Member State to ensure uninterrupted military transport.~~

Article 10

Military transport of dangerous goods

1. **Without prejudice to Directive 2008/68/EC**, military transport of dangerous goods **carried out directly by the armed forces or under the direct and physical responsibility or supervision of the armed forces** shall be permitted, subject to a valid military transport permission referred to in Article 5 and 6, when it complies with the requirements laid down in any of the following instruments, as appropriate:
 - (a) Agreement concerning the International Carriage of Dangerous Goods by Road, concluded at Geneva on 30 September 1957 (ADR);
 - (b) European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways, concluded at Geneva on 26 May 2000 (ADN);
 - (c) Regulations concerning the International Carriage of Dangerous Goods by Rail, appearing as Appendix C to the Convention concerning International Carriage by Rail (COTIF) concluded at Vilnius on 3 June 1999 (RID);
 - (d) International Maritime Dangerous Goods Code (IMDG Code);
 - (e) International Civil Aviation Organization – Technical Instructions (ICAO-TI);
 - (f) NATO Allied Movement Publication 6 (AMovP-6).
2. Military transport ~~operations~~**of dangerous goods** carried out in accordance with Article 17 by the armed forces of a NATO ~~Ally~~**member** that is not a contracting party to ADR, ADN, RID, IMDG Code or ICAO-TI shall be permitted if ~~they comply with NATO AMovP-6 or, if these do not apply, with the national rules applicable in the country of origin, as appropriate.~~**it complies with:**
 - (a) NATO AMovP-6 or
 - (b) **a bilateral agreement between the requesting NATO member and the receiving Member State.**

3. Where necessary, specific measures to ensure compliance with the requirements laid down in the instruments referred to in paragraph 1 and 2 shall be included in the traffic arrangements ~~set under this Regulation~~ **determined by the receiving Member State.**
4. Military transport of dangerous goods carried out under a military transport permission shall not require ~~the submission~~, before the start of the military transport, **the submission** of any forms or documents demonstrating compliance with the requirements laid down in ADR, ADN, RID, IMDG Code, ICAO-TI, NATO AMovP-6 or with the ~~national rules applicable in the country of origin, as appropriate~~ **bilateral agreement between the requesting NATO member and the receiving Member State. The forms or documents demonstrating compliance with the above requirements shall be presented in a digital format, upon request, during the military transport operation.**

Article 11

Abnormal military transport by road

1. Military transport by road carried out by vehicles or vehicle combinations which exceed the maximum weights or dimensions set out in Annex I to Directive 96/53/EC, where these vehicles or vehicle combinations carry or are intended to carry indivisible loads as defined in Article 2 of Directive 96/53/EC, shall be permitted ~~where it is subject to a valid military transport permission referred to in Articles 5 and 6 of this Regulation~~ **without prejudice to any necessary traffic arrangements determined in accordance with paragraph 2.**
2. For military transport carried out in accordance with paragraph 1, the receiving Member State shall determine traffic arrangements to ensure **overall road safety**, the safe transport of abnormal military cargo and infrastructure compatibility. **By derogation of Article 4(3) of Directive 96/53/EC**, such traffic arrangements shall replace the special permits and similar arrangements referred to ~~in Article 4(3) of Directive 96/53/EC~~ **therein.**

Article 12

Exemption of military transport by road and rail from traffic restrictions

1. Military transport carried out ~~under a valid military transport permission referred to in Articles 5 and 6~~ **by road and by rail** shall be permitted during weekends, public holidays,

national celebrations, nighttime, and any other period that may be subject to traffic restrictions, **without prejudice to any necessary traffic arrangements.**

2. Member States shall exempt military transport operations **by road** undertaken directly by the armed forces from traffic restrictions that apply on specific road sections and are based on the environmental performance of vehicles.

Article 13

Exemption of military transport from cabotage rules

- ~~1.~~ Member States may, ~~where necessary to facilitate military transport,~~ exempt military transport carried out by civilian operators from the restrictions on cabotage operations laid down in Article 8 of Regulation (EC) No 1072/2009 **to facilitate military transport.**
- ~~2.~~ ~~Member States shall inform the Commission and other Member States of such exemptions.~~

Article 14

Military Mobility Digital Information System

1. The Commission ~~may~~**shall** adopt ~~an implementing act~~**an** establishing a secure and ~~restricted~~**cyber-resilient** Military Mobility Digital Information System (the System) **to support military transport operations for all procedures covered by this Chapter, including for military transport permissions, and customs procedures and formalities related to EU Form 302. The System shall be developed, tested and operational at the latest by 2030. The System shall be established** taking into account the following requirements:
 - ~~(a) the System shall be deployed by 2030;~~
 - (aa) the System shall, to the extent possible, build upon existing projects and solutions developed within the Union;**
 - (b) any digitalisation of EU Form 302 under the System shall comply with applicable Union customs legislation, ~~including the common data requirements constituting the EU Customs Data Model, as defined in Article 36 of Regulation (EU) [customs~~ **[UCC reform];**

- (c) the System shall be **established**, operated and maintained by the Commission[†];
- (ca) **access to the System and the information contained therein shall be only on a need-to-know basis and granted only to authorised personnel of competent authorities, including military and customs authorities of the Member States, as well as relevant Union institutions, bodies and agencies, including the EEAS, including EUMS, and EDA;**
- (cb) **the System, including data storage, shall be located within the territory of the Union and shall be subject to the applicable Union legislation;**
- (cc) **fallback procedures in the case of a temporary failure of the System;**
- (d) the System shall, with the exception of the relevant customs legislation, take into account military transport ~~in the context of NATO operations, as laid out~~**referred to** in Article 17;
- (e) the System shall ensure interoperability where ~~required~~**feasible, including with NATO procedures and forms, as well as with national systems**, and shall be developed using Union and international standards, with due regard to EU customs legislation~~;~~;
- (f) **additional functionalities that support military transport may be developed and added into the System, including the possibility for international organisations and third states to use the System.**

1a. The Commission shall adopt an implementing act to establish in addition a Classified Military Mobility Digital Information System (the ‘Classified System’) for the handling and storage of EU classified information to support military transport operations for procedures covered in Chapter 1, based on the System referred to paragraph 1. The development and operation of this Classified System shall ensure full compliance with the security requirements applicable to classified information laid down in the Commission Decision (EU, Euratom) 2015/444 on the security rules for protecting EU classified information. The Commission shall protect national classified information introduced in the Classified System in accordance with Article 5(3) of the Commission Decision (EU, Euratom) 2015/444 as EUCI. This Classified System and its interconnections shall be security accredited in accordance with

Article 49(a)(3). Only individuals who have a need-to-know, were briefed on their responsibilities and where appropriate have been security cleared to the relevant security classification level shall be given access to the classified module and information contained therein. The Classified System, including data storage, shall be located within the territory of the European Union. The level of classification of the Classified System shall be determined in the implementing act.

- 1b.** ~~That~~**The implementing acts referred in paragraphs 1 and 2** shall be adopted in accordance with the examination procedure referred to in Article 45(4).
2. Where the System ~~is established and~~ becomes operational, Member States shall make use of it for all procedures covered by this Chapter, including for customs formalities related to EU form 302, referred to in this Regulation.

Article 15

Simplified customs formalities

1. The military transport of goods to be moved or used in the context of military activities crossing the Union external borders shall be subject to customs supervision and shall be declared ~~for the relevant customs procedure~~ using the NATO form 302 or the EU form 302 as defined in Article 1, points (50) and (51), of Commission Delegated Regulation (EU) 2015/2446³⁸, as applicable, unless the military authorities in charge of the respective military transport operation expressly decide to submit the standard customs declaration.
2. Where consignments declared under EU or NATO forms 302 have been selected for physical or document-based control, those controls shall be carried out as a matter of priority.

³⁸ ⁽³⁴⁾Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1, ELI: http://data.europa.eu/eli/reg_del/2015/2446/oj).

Article 16

Digitalisation of EU form 302

1. Where the Military Mobility Digital Information System referred to in Article 14 is established and becomes operational, ~~customs~~**the relevant** authorities of the Member States shall use it for the purpose of the exchange and storage of information related to EU form 302, based on common data requirements defined in accordance with Article 36 of Regulation (EU) [customs reform]. ~~Customs authorities of the Member States and the European Union Customs Authority shall have access to that system to perform their customs obligations in the context of military mobility.~~
2. In the case of a temporary failure of the Military Mobility Digital Information System, ~~economic operators and other persons, including military authorities, shall submit the information to fulfil the formalities concerned by the means determined~~**shall be submitted** in accordance with Article 203 of Regulation [customs reform], including means other than electronic data processing techniques.

Article 17

Military transport in the context of NATO operationsby NATO members

1. As regards military transport in the context of operations, missions and exercises that are commonly agreed within ~~the North Atlantic Treaty Organisation (NATO), as well as in the context of operations, missions and exercises at multilateral and bilateral level among NATO members~~**NATO**, Member States that are ~~parties to the North Atlantic Treaty~~**also NATO members** shall treat other ~~parties to the North Atlantic Treaty~~**NATO members** as equivalent to requesting Member States for the purposes of Articles 4 to 13 in this Section. In this case, they shall apply the rules in Articles 4 to 13 of this Section mutatis mutandis ~~and without prejudice to the security and defence interests of the Union and its Member States.~~

As regards military transport not conducted in the context operations, missions and exercises that are commonly agreed within NATO, Member States that are also NATO members may treat other NATO members as equivalent to requesting Member States for the purposes of Articles 4 to 13 in this Section. In this case, they shall apply the rules in Articles 4 to 13 of this Section mutatis mutandis.

This shall be without prejudice to the security and defence interests of the Union and its Member States.

2. Member States that are not ~~parties to the North Atlantic Treaty~~ **NATO members** may equally decide to treat ~~parties to the North Atlantic Treaty~~ **NATO members** that are not Member States as equivalent to requesting Member States for the purposes of Articles 4 to 13 and apply those rules mutatis mutandis.

SECTION 2

EUROPEAN-MILITARY MOBILITY ENHANCED RESPONSE SYSTEM (~~EMERSEMMERS~~)

Article 18

~~EMERSEMMERS~~

1. A European Military Mobility Enhanced Response System (**'~~EMERSEMMERS~~'**) is established. Upon activation in accordance with the procedures and conditions set out in Article 19, **~~EMERSEMMERS~~** shall allow for the implementation of the temporary measures provided for in this Section.
2. During the period of activation of **~~EMERSEMMERS~~**, the temporary measures under this Section shall apply **for those military transport operations directly linked to the purpose of the activation on** ~~to~~ the entire territory of the Union **or within a geographical area, while ensuring the integrity and speed of the military transport operations, as well as the functioning of military mobility corridors.**

Article 19

Activation of ~~EMERSEMMERS~~

1. **~~EMERSEMMERS~~** may be activated ~~in accordance with the procedure set out in paragraph 2~~ where there is an existing or an expected need for significantly higher volumes, frequency or speed of military transport in the Union or any part thereof, and the existing rules on military transport and the capacity of the transport network do not allow or are not sufficient for that need to be met.

2. ~~Where the Commission considers that the conditions set out in paragraph 1 are met, or~~
Upon a reasoned request ~~offrom~~ at least one Member State **defining the military transport need**, the Commission, **after consulting the Military Mobility Transport Group**, shall submit to the Council, **as soon as possible and no later than 48 hours after receiving the activation request**, a proposal for an implementing act to activate ~~EMERS~~ **as soon as possible EMMERS, if the conditions set out in paragraph 1 are met. The Council, acting by qualified majority, may amend the Commission's proposal.**

~~Prior to requesting activation of EMERS and where it is possible in view of the urgency,~~ **EMMERS may also be activated by a Council implementing act without a proposal from the Commission shall consult, upon a reasoned request from at least one Member State defining the military Mobility-transport Group need, if the conditions set out in paragraph 1 are met. The Council shall act by qualified majority.**

~~Prior to requesting~~ **In parallel to an activation or in parallel of EMMERS**, the Commission shall conduct an assessment of the impact of ~~the that activation of EMERS~~ on the functioning of the internal market, **including on the impact on cross-border transport**, and of the possible need for mitigating measures.

3. The Council, ~~acting on the proposal of the Commission referred to in paragraph 2,~~ may adopt the implementing act to activate the ~~EMERSE~~ **EMMERS as soon as possible and, as a rule**, no later than ~~48~~ **72** hours after receiving the ~~activation~~ **proposal by the Commission or a reasoned request by a Member State**. The implementing act of the Council shall specify the **purpose for the activation of EMMERS, its geographical scope and duration of the application of EMERS**, which shall not exceed ~~12~~ **6** months.

The Council shall specify in the implementing act activating ~~EMERSE~~ **EMMERS** which effects of the provisions of this Section are to be extended by Member States that are ~~parties to the North Atlantic Treaty~~ **NATO members** to military transports by ~~parties to the North Atlantic Treaty~~ **transport by NATO members** that are not Member States, without prejudice to relevant customs formalities. Member States that are not ~~parties to the North Atlantic Treaty~~ **NATO members** may decide to apply the same extension of the rules of ~~EMERS to parties to the North Atlantic Treaty~~ **EMMERS to NATO members** that are not Member States. When deciding to extend certain ~~EMERSE~~ **EMMERS** provisions to ~~parties to the North Atlantic Treaty~~ **NATO members** that are not Member States, the Council shall

take into account notably operations, missions and exercises that are commonly agreed within NATO and that relate to the causes of ~~EMERS~~ **EMMERS** and shall respect security and defence interests of the Union and its Member States.

4. During the ~~application of EMERS, the Commission shall~~ **period of activation of EMMERS**, upon request from a Member State or ~~on its own initiative~~ **the Commission**, ~~convene extraordinary meetings of the Military Mobility Transport Group where necessary. Member States shall work closely with the Commission, by informing it in a timely manner about and coordinating with it any national measures taken~~ **convene extraordinary meetings** with regard to the activation of ~~EMERS~~ **EMMERS**.
5. **The Council may amend or repeal the implementing act adopted pursuant to paragraph 3 at any time, acting on a proposal of the Commission or upon a** ~~Upon~~ **reasoned request of** ~~from~~ **at least one Member State, or on its own initiative, the** ~~acting by~~ **qualified majority. When acting upon a Commission proposal, the Military Mobility Transport Group shall assess whether the conditions pursuant to paragraph 1 continue to be met and submit** ~~be consulted before the proposal is submitted to the Council a new proposal, where appropriate. Based on the Commission's assessment, the Council may decide to extend EMERS or to terminate it before the end of the deadline set out in the Council implementing act referred to in paragraph 3, in accordance with the procedure set out in paragraph 2. Each implementing act extending the application of EMERS shall remain in force for a period not exceeding 12 months. If further extension is needed after that date, the same procedure provided for in this Article shall apply.~~

In case of an extension of the duration of EMMERS, the Commission shall conduct an assessment of the impact of that activation on the functioning of the internal market, including on the impact on cross-border transport, and of the possible need for mitigating measures.

Article 20

~~Notification of Military transport permissions during the period of activation of~~ EMMERS

1. ~~By way of derogation from Article 5 and 6,~~ **For granting permissions for military transport operations** during the period of activation of ~~EMERS~~ **EMMERS**, ~~requests for~~

~~military transport permissions shall be deemed accepted by the receiving Member States. This shall be without prejudice to the specific character of the security and defence policies of certain Member States.~~**decide between one of the security and defence policies of certain Member States following modalities:**

- (a) A general permission for all military transport operations to any other Member State. This permission shall apply from the entry into force of the Council implementing act referred to in Article 19(3). Prior to each military transport operation, the requesting Member State shall send a notification to the receiving Member State at the latest 12 hours before the scheduled time of arrival at the border crossing point. [or]**
- (b) Case-by-case permissions for military transport operations based on requests for each military transport operation. The receiving Member State shall take a decision to grant or deny a military transport permission within 24 hours of receiving the request.**

- 2. ~~The requesting~~**Each** Member State shall notify ~~the receiving Member States of its intended military transport as early as possible, and at the latest six hours~~**in writing the Council before the scheduled time of arrival at the border crossing point it adopts the Council implementing act referred to in Article 19(3) which modality for granting the permissions defined in paragraph 1 it will apply. If a Member State does not notify the Council, before it adopts the Council implementing act, of which of the receiving modalities set out in paragraph 1 it will apply, the modality referred to paragraph 1(b) shall apply to that Member State. The notification**Council implementing act shall include all relevant details, including the scope, intended route, and timeline of the transport, and, where applicable, the request for Host Nation Support or other traffic arrangements. an Annex containing the choice of those modalities for each Member State.****
- 3. ~~Where the receiving~~**A** Member State requires traffic arrangements in accordance with ~~Articles 5(9) and 6(3), it~~**which has decided to apply one of the modalities set out in paragraph 1 may at any time decide to change to the other modality. This decision shall determine these without undue delay, in order to make sure that the transport operation can take place as scheduled****be notified in writing to the Council. The Council**

shall amend on its own initiative, as soon as possible, the Annex referred to in paragraph 2 accordingly, indicating the date of application of the new modality.

4. For notifications of military transport operations referred to in paragraph 1(a) and for the requests for military transport permissions referred to in paragraph 1(b), Member States shall use the forms referred to in Article 8 and include all necessary information for traffic arrangements and transport host-nation-support.
- 4a. The determination of the traffic arrangements for military transport operations during the period of activation of EMMERS remains at the full discretion of the receiving Member State, including the use of pre-defined or specific routes.
5. Any communication between requesting and the receiving Member States under this Article shall be transmitted through the National Coordinator for Military Transport, appointed in accordance with Article 40(1).

Article 20a

Certificate for military transport operations during the period of activation of EMMERS

1. The armed forces, or the civilian operators acting on their behalf, carrying out a military transport operation linked to the purpose of the activation of EMMERS, as set out in the implementing act activating EMMERS, shall carry a certificate. The certificate shall be issued by the National Coordinator for Military Transport of the requesting Member State and shall serve as proof that the military transport operation is subject to the rules set out in this Section. Once the System referred to in Article 14 is established and becomes operational, the certificate shall be digitalised.
2. The Commission shall adopt an implementing act to establish a uniform template for the certificate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).

Article 21

Priority access during the period of activation of ~~EMER~~EMMERS

1. During the period of activation of ~~EMER~~EMMERS, Member States, as well as infrastructure owners, operators and managers or, as the case may be, related services or

facilities providers, shall grant military transports, ~~including abnormal military transports or transports of dangerous goods,~~ **transport** priority access to **dual-use** transport networks and infrastructure, including road networks, **tunnels, bridges**, roadside parking and rest areas, rail networks, stations, and service facilities, maritime and inland waterways infrastructure, including internal waters and territorial seas as defined in the United Nations Convention on the Law of the Sea (UNCLOS), sea lanes, fairways, dredged channels, port approaches, straits used for international navigation, and areas under maritime-traffic management or pilotage, **winter navigation services**, locks, ports and port terminals, sea canals, aerodromes, airspace, multimodal freight terminals, refuelling/recharging infrastructure for all modes of transport, and related services and facilities.

2. In order to ensure priority access for a military transport operation, the armed forces performing or contracting the military transport shall submit a request for priority access to the National Coordinator for ~~Cross-Border~~ Military Transport of the receiving Member State, appointed in accordance with Article 40. **The request shall be submitted as soon as possible using the forms referred to in Article 8.**
3. ~~The request referred to in paragraph 2 shall be submitted as soon as possible and shall include the information necessary to appropriately prepare the priority access of the military transport. It shall in particular specify the expected arrival time and duration of the priority access and the number of vehicles, a description of the cargo, their respective dimensions and weights. It shall also specify whether the military transport includes dangerous goods and their nature. It may include an application for the traffic arrangements referred to in Article 20(2).~~
4. The National Coordinator for ~~Cross-Border~~ Military Transport of the receiving Member State shall promptly inform the affected infrastructure owners, operators and managers ~~or, as the case may be,~~ **as well as** related services or facilities providers **and any other bodies and entities concerned**, of the request for priority access, ~~that they are likely to be concerned by the military transport operation~~ **and ensure coordination**, so that they can grant priority in accordance with paragraph 6.

5. With the assistance of the National Coordinator for ~~Cross-Border~~ Military Transport, the ~~armed forces performing or contracting the military transport~~ **requesting Member State** shall request:

- (a) the individual train paths from the competent infrastructure managers **via the railway undertakings appointed to carry out the transport operation;**
- (b) the berth allocation and port services from the competent port authorities **or managing bodies of the ports;**
- (c) the required airspace **from the receiving Member State** and access to aerodrome services from the competent ~~airport~~ **aerodrome** managers and coordinators, ~~from~~ **in coordination with** the European Network Manager and ~~from~~ **the designated air traffic** ~~air navigation~~ service provider, as the case may be.

6. The priority access shall be granted as ~~early~~ **soon** as possible following the requests referred to in paragraphs 2 and 5 ~~and the armed forces performing or contracting the military transport~~, **taking into account pre-defined routes. The requesting Member State** shall be immediately informed thereof, in accordance with the provisions of this paragraph. **Priority access shall be implemented primarily through traffic management and coordination measures, while cancellations of civilian services shall remain measures of last resort.** To the extent necessary, and with due regard to safety measures, ongoing or planned transport services and operations shall be interrupted, postponed or cancelled to allow for priority access of the military transport, **without prejudice to any necessary traffic arrangements.**

~~As regards military transport by road, the road infrastructure owners, operators and managers concerned shall inform the armed forces performing or contracting the military transport that they have taken the necessary measures ensuring~~ **Where it is impossible to ensure timely** priority access ~~at the tolling sections, roadside parking and rest areas, bridges and tunnels on their road networks. The~~ **for simultaneous military and civilian transport operations, Member States may give priority to rescue, police or other operations necessary for the protection of life, critical infrastructure or public security, as well as for the supply of essential goods. In such situations, they shall promptly inform the relevant** ~~National Coordinator for Cross-Border~~ **Coordinators for** Military Transport ~~may recommend the route and the road infrastructure ensuring~~

~~best~~**providing the reasons for the priority access to the requesting armed forces decision and proposing alternative routes or timing arrangements for the affected military transports.**

As regards military transport by rail, ~~by way of derogation from Article 7(1), the infrastructure manager shall grant individual train paths within six hours. However, in the case of transport of dangerous goods or abnormal~~**road, the receiving Member State, acting through the National Coordinator for Military Transport, shall determine the route and the road**~~the rail infrastructure manager~~**ensuring best priority access to the requesting armed forces through the implementation of traffic arrangements. The National Coordinator for Military Transport shall grant the individual train paths as soon as possible****inform the armed forces performing or contracting the military transport that they have taken the necessary measures ensuring priority access at the tolling sections, roadside parking and rest areas, bridges, viaducts and tunnels on their road networks.**

As regards ports, ~~the competent port authorities shall inform the armed forces performing or contracting the military transport of the berth allocated and port services offered~~**by rail the infrastructure manager shall grant individual train paths as soon as possible. If the request path is part of a pre-defined route, the paths shall be granted within twelve hours after receiving the notification from the requesting Member State.**

As regards military transport by inland waterways, ~~where necessary, the National Coordinator for Cross-Border Military Transport~~**ports, the port authorities or the competent managing bodies of the ports** shall inform the armed forces performing or contracting the military transport of the ~~route and inland waterway infrastructure ensuring best priority access~~**berth allocated and port services offered.**

As regards military transport by air, ~~the competent airport managers and coordinators, the European Network Manager and the air navigation service provider, as applicable,~~**inland waterways, where necessary, the National Coordinator for Military Transport** shall inform the armed forces performing, ~~or contracting or ordering~~ the military transport of ~~available airspace and~~**the route and inland waterway infrastructure ensuring best priority access to aerodrome services offered at the airports concerned.**

As regards military transport by air, the competent aerodrome managers and coordinators, the European Network Manager and the relevant air traffic service providers, or the national airspace management cell, as applicable, shall inform the armed forces performing, contracting or ordering the military transport of available airspace and access to aerodrome services offered at the aerodromes concerned.

7. When priority access is granted to a military transport ~~under operation following a request referred in paragraph 12~~, no compensation shall be due ~~to other affected~~ **for the delay or cancellation of a transport users. Member States and infrastructure owners, operators and managers or, as the case may be, related services or facilities providers shall make all reasonable efforts to limit the impact of such service or for economic losses incurred by the following persons as a result of the priority access by, for example, offering alternative routes, slots, transport services or facilities as appropriate and depending on availabilities and inform the transport users as soon as possible.:**
- (a) any natural or legal person to whom a transport service is provided or is meant to be provided, including passengers and undertakings hiring transport operators for the carriage of goods and persons;
 - (b) any natural or legal person providing or intending to provide a transport service.

This should be without prejudice to the right of the receiving Member State to establish, under its national law, a national compensation mechanism, provided any such compensation is borne exclusively by the receiving Member State and does not give rise to any compensation claims against the requesting Member State.

The foregoing shall be without prejudice to the possible obligation on transport service providers to reimburse amounts paid for the transport service.

Member States and infrastructure owners, operators and managers or, as the case may be, related services or facilities providers shall make all reasonable efforts to limit the impact of priority access by, for example, offering alternative routes, slots, transport services or facilities as appropriate and depending on availabilities and inform the transport users as soon as possible.

8. Where ~~emergency~~ measures **related to priority access** have a significant impact on cross-border traffic, Member States, infrastructure owners, operators and managers or, as the case may be, related services or facilities providers, shall ~~coordinate~~ **be coordinated through the National Coordinators for Military Transport** in order to limit impacts on traffic flow as much as possible.

Article 22

Military transport of dangerous goods during the period of activation of ~~EMERS~~EMMERS

1. ~~During the period of activation of EMERS, where the requirements laid down in international agreements or national rules referred to in Article 10(1) are applicable to 10~~ **shall apply for the military transport of dangerous goods under this Regulation, Member States may exempt such transport from those requirements or national rules, insofar as those requirements do not mandatorily apply in accordance with those agreements. When a Member State grants such an exemption, it shall not impose new requirements under national law during the period of activation of EMMERS.**

By derogation of Article 10(1), Member States may exempt the military transport of dangerous goods from the requirements laid down in international agreements referred to in Article 10(1), points (a) to (e), insofar as those requirements do not mandatorily apply in accordance with those agreements.

2. Member States concerned by the military transport shall coordinate **with each other** any exemptions granted in accordance with this Article and ~~promptly~~ **subsequently** inform ~~other Member States thereof through~~ the Military Mobility Transport Group.

Article 23

Abnormal military transport by road during the period of activation of ~~EMERS~~EMMERS

During the period of activation of ~~EMERS~~EMMERS, military transport by road carried out by vehicles or vehicle combinations which exceed the maximum weights or dimensions set out in Annex I to Directive 96/53/EC shall be permitted irrespective of whether the load is indivisible or not, without prejudice to any necessary traffic arrangements **determined by the receiving Member State, including the use of specific pre-defined routes. By derogation of Article 4(3) of**

Directive 96/53/EC, such traffic arrangements shall replace the special permits and similar arrangements referred to therein.

Article 24

Enhanced protection of strategic dual-use infrastructure during the period of activation of ~~EMERSEMMERS~~

During the period of activation of ~~EMERSEMMERS~~, Member States shall activate enhanced protection measures, **in addition to basic protection measures set out in Article 34, for the relevant in relation to the strategic dual-use infrastructure located on their territories and identified by national authorities as the most critical in view of the most anticipated hazards and threats, among the ones** identified in accordance with Article 33, ~~to protect them, to make them resilient against all hazards and threats and to ensure their effective operation at all times.~~

Article 25

Enhanced access to transport and logistic capabilities during the period of activation of ~~EMERSEMMERS~~

1. During the period of activation of ~~EMERSEMMERS~~, and if the Solidarity Pool referred to in Article 35 is operational, the ~~Commission, taking into account the advice of the Military Mobility Transport Group, may~~ **shall** identify specific **dual-use transport and logistic** capabilities registered in the Solidarity Pool that are urgently needed to support certain Member States. In such cases, requests for those capabilities from the affected Member States and Member States that support military transport operations for the affected Member States shall be given priority consideration.

The sharing and coordination efforts under the Solidarity Pool referred to in Article 35 shall focus on supporting those priority requests, ensuring that the required capabilities are made available in a timely and efficient manner, **in accordance with procedures to be set out in the implementing act referred to in Article 35.**

~~Where Member States' capabilities have been acquired, contracted or purchased, after the entry into force of this Regulation, with the financing support of any Union funding and could support priority requests in accordance with the first subparagraph of this paragraph,~~

~~the Member States shall not invoke the exceptional situation requiring the use of their capabilities, referred to in Article 35(10) and (11).~~

2. The Commission **and the European Defence Agency** may assist the Member States in contracting any relevant **dual-use** transport and logistic capabilities **identified in paragraph 1**.
3. The Commission may contract any relevant **dual-use** transport and logistic capabilities **identified in paragraph 1**, following the advice of the Military Mobility Transport Group, **in accordance with Article 35**.

Article 26

Exemption of military transport operations by road from cabotage rules during the period of activation of EMERSEMMERS

During the period of activation of ~~EMERSEMMERS~~, military transport carried out by civilian operators shall be exempted from the restrictions on cabotage operations laid down in Article 8 of Regulation (EC) No 1072/2009, and from restrictions on the duration and frequency of cabotage operations carried out in the context of road passenger transport services **laid out in Regulation (EC) No 1073/2009**.

Article 27

-Derogations from rules on driving time and rest periods for military transport operations during the period of activation of EMERSEMMERS

1. During the period of activation of ~~EMERSEMMERS~~, the following derogations from driving times, breaks and rest periods laid down in Regulation (EC) No 561/2006 of the European Parliament and of the Council shall apply to military transport operations carried out by civilian operators:
 - (a) by way of derogation from Article 6(1) of Regulation (EC) No 561/2006, the daily driving time of 9 hours shall be extended to 11 hours twice during the week;
 - (b) by way of derogation from Article 6(2) of Regulation (EC) No 561/2006, the weekly driving time of 56 hours shall be extended to 60 hours;

- (c) by way of derogation from Article 6(3) of Regulation (EC) No 561/2006, the total accumulated driving time during any two consecutive weeks shall be extended from 90 hours to 96 hours;
- (d) by way of derogation from Article 7, first paragraph, of Regulation (EC) No 561/2006, the driving period of four and a half hours after which the driver is required to take an uninterrupted break of not less than 45 minutes shall be increased up to five and a half hours. The break may be replaced by three breaks of 15 minutes each distributed in such a way as to comply with the provision of Article 7, first paragraph, of that Regulation;
- (e) by way of derogation from Article 8(2), second subparagraph, of Regulation (EC) No 561/2006, the daily rest period of 9 hours shall be regarded as a reduced daily rest period;
- (f) by way of derogation from Article 8(6), first subparagraph, of Regulation (EC) No 561/2006, in any two consecutive weeks a driver may take two reduced weekly rest periods of at least of 24 hours. When use is made of this derogation, the start of the weekly rest period referred to in Article 8(6), second subparagraph, of that Regulation may be postponed beyond the end of six 24-hour periods from the end of the previous weekly rest period, without however exceeding 12 periods of 24 hours;
- (g) by way of derogation from Article 8(6b) of Regulation (EC) No 561/2006, any reduction in the weekly rest period shall be compensated by an equivalent period of rest taken before the end of the twelfth week following the week in question, either en bloc or as two rest periods, one of them being of at least 45 hours;
- (h) by way of derogation from Article 8(8) of Regulation (EC) No 561/2006, the regular weekly rest periods and any weekly rest period of more than 45 hours taken in compensation for previous reduced weekly rest periods may be taken in a vehicle, provided that the vehicle is safely parked and has adequate conditions for the rest;
- (i) by way of derogation from Article 9(1) of Regulation (EC) No 561/2006, the permitted period of interruption where a driver accompanies a vehicle which is transported by ferry or train and takes a regular daily rest period or a reduced weekly

rest period in a sleeper cabin, bunk or couchette shall be increased from one to two hours.

2. The use of the derogations laid down in paragraph 1 of this Article shall be without prejudice to the maximum working times under Directive 2002/15/EC of the European Parliament and of the Council³⁹.
3. For the purpose of roadside checks, the driver shall be able to produce, whenever an authorised control officer so requests, **the certificate referred to in Article 20a, and** the record sheets and any manual records and printouts for the current day and the previous days that justify the use of the derogations.

Article 28

Use of rail vehicles outside their specified area of use during the period of activation of ~~EMERSEMMERS~~

1. During the period of activation of ~~EMERSEMMERS~~, rail vehicles may be used outside the area of use specified in their authorisation for placing on the market under Article 21 of Directive (EU) 2016/797 or outside the area of use for which they were put in operation under the Union or national legal framework previously applicable before the authorisation framework set out by that Directive, provided that the following conditions are met:
 - (a) the vehicle has been subject to checks in accordance with Article 23(1), points (b) and (c), of Directive (EU) 2016/797;
 - (b) the vehicle is to be used as part of a military transport;
 - (c) the vehicle is in operation on one network prior to its use on a further network;
 - (d) the vehicle has been identified for potential use as part of a military transport in accordance with Article 37 of this Regulation.
2. Operations of the vehicles referred to in paragraph 1 shall be carried out in agreement between the concerned infrastructure managers and railway undertakings, in compliance

³⁹ ⁽³⁶⁾Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35, ELI: <http://data.europa.eu/eli/dir/2002/15/oj>).

with each of their safety management system as set out under Article 9 of Directive (EU) 2016/798 of the European Parliament and of the Council⁴⁰ and, where relevant, in accordance with Article 10(9) of that Directive.

3. **For the purposes of paragraphs 1 and 2, to confirm the compatibility of the vehicle with the infrastructure and to rule out potential safety concerns, the railway undertaking planning to use a rail vehicle outside its authorised area of use shall provide all necessary information to the infrastructure manager. Infrastructure managers shall inform the relevant national safety authorities.**

Article 29

Exemption of military transport operations from traffic restrictions during the period of activation of EMERSEMMERS

1. During the period of activation of ~~EMERSEMMERS~~, military transport operations ~~carried out by road~~ shall be permitted during weekends, public holidays, national celebrations, nighttime, and any other period that may be subject to traffic restrictions. **For safety reasons, the receiving Member State may deviate from this provision in the corresponding traffic arrangements.**
2. During the period of activation of ~~EMERSEMMERS~~, Member States shall exempt military transport operations from traffic restrictions applied on specific road sections and based on the environmental performance of vehicles and from restrictions based on air quality and noise control put in place at ports and ~~airports~~ **aerodromes**.
3. **During the period of activation of EMMERS, rail vehicles used as part of a military transport operation shall be exempted from railway traffic restrictions applied based on Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock — noise’.**

⁴⁰ ⁽³⁷⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102, ELI: <http://data.europa.eu/eli/dir/2016/798/oj>).

Exemption of official controls on food, feed and dogs at entry into the Union during the period of activation of ~~EMERS~~ EMMERS

1. During the period of activation of ~~EMERSE~~ EMMERS, Articles 43 to 57 and Articles 65 to 72 of Regulation (EU) 2017/625 shall not apply to food, feed **for military dogs and military** ~~and~~ dogs entering the Union that constitute goods to be moved or used in the context of military activities, provided that they:
 - (a) are declared under the EU or NATO forms 302, as referred to in Article 15;
 - (b) are identified by means of marking or labelling as being for military use only, in accordance with the internal procedures implemented by the military authorities in charge of the respective military transport operation, **such marking or labelling shall be clearly visible**;
 - (c) enter the Union under the supervision of military authorities in charge of the respective military transport operation.
2. Following the entry into the Union of food, feed **for military dogs and military** ~~and~~ dogs referred to in paragraph 1, military authorities in charge of the respective military transport operation shall ensure that those goods move under their supervision and are intended for military use only.
3. Military authorities in charge of the respective military transport operation shall ensure that food and feed **for military dogs** referred to in paragraph 1 **do not pose a risk to animal, public or plant health in the Union and** are not placed on the market of the Union and are either consumed, safely disposed of or reexported from the Union.
4. Military authorities in charge of the respective military transport operation shall ensure that **military** dogs referred to in paragraph 1 do not pose a risk to animal or public health in the Union and are not subjected to any transfer of ownership in the Union.

Article 31

Expedited Customs procedures during the period of activation of EMERSEMMERS

1. During the period of activation of EMERSEMMERS, the Council implementing act referred to in Article 19(3) of this Regulation shall have the effect of activating the procedures and protocols in accordance with the procedures set out in Article 203(1) of Regulation [customs reform] and– the customs crisis management mechanism as defined in Article 204 of Regulation [customs reform].
2. The European Union Customs Authority, as set out in Title XII of Regulation [customs reform], in consultation with the Commission shall prepare procedures and protocols referred to in paragraph 1 of this Article for the implementation of action in the event of the activation of EMERSEMMERS as defined under Article 19, **taking due account of relevant military expertise.**
- 2a. **When EMMERS is activated, goods used for military activities shall be declared using the EU or NATO Forms 302.**

Chapter III

Resilience of transport infrastructure

Article 32

Preparedness of the transport network for dual-use

1. ~~Member States shall upgrade~~ **With a view to upgrading** the dual-use transport infrastructure identified as part of the military mobility corridors to the transport infrastructure requirements defined in Annex II to the Council Military Requirements as a matter of priority, **taking into account the strategic importance for military transport,** and in a coordinated and synchronised approach. ~~When upgrading those dual-use sections of the military mobility corridors,~~ Member States shall prioritise the **projects taking into account the following projects criteria:**
 - (a) ensuring continuity of the **dual-use** transport network, by closing missing links and removing important bottlenecks to military transport;

- (b) ensuring interoperability of the **dual-use** transport network, ~~including by migrating to European nominal standard~~ **particularly of the railway gaugenetwork**;
- (c) adapting the infrastructure to abnormal military transport, including by reinforcing bridges **and widening tunnels** for rail and road transport and by reinforcing and enlarging rail, road, port and aerodrome infrastructure;
- (d) upgrading road tunnels to ADR category A **where technically feasible**, or providing for **mitigation measures or** alternative routes for vehicles carrying dangerous goods incompatible with the existing tunnel category;
- (e) increasing throughput capacity for ~~all~~ **the most relevant** transport modes, including by improving rail and road access to ports and ~~airports~~ **aerodromes** and improving port, ~~airport~~ **aerodrome** and terminal facilities and equipment, **in order to ensure multimodal transport and operational military transport continuity, including, where relevant, access to remote regions and hinterland connections**;
- (f) enhancing the resilience of communication, control, navigation, surveillance and energy supply infrastructure, ~~in particular against interferences with radio-frequency communications;;~~
- (g) ensuring sufficient resilience and redundancy in the network, **including by providing adequate diversionary routes with equivalent functionality in terms of capacity, load-bearing requirements and continuity of military transport.**

The upgrading of dual-use transport infrastructure shall take into account the degree of maturity of projects, compliance with Union and national legal procedures and the availability of financial resources, without prejudice to financial commitments of Member States or the Union.

2. The Member States situated along the same military mobility corridor shall cooperate to identify and address potential risks that may affect the functionality, security, or resilience of that corridor, in particular for cross-border transport. To that end, they shall:
 - (a) assess the functionality of the military mobility corridors;

- (b) analyse the state of compliance of the military mobility corridor infrastructure with the transport infrastructure requirements as set out in the Council Military Requirements;
- (c) **identify and** assess potential infrastructure gaps, **including for the “last mile”, as well as** missing links and bottlenecks hampering the smooth flow of military transport, **including, where relevant, access to remote regions and hinterland connections;**
- (d) determine the accurate and precise technical **and operational** characteristics of their transport infrastructure and the conditions under which abnormal military cargo could be transported;
- (e) **assess the risks for military transport operations along the military mobility corridors, and** monitor the resilience of communication, control, navigation, surveillance and ~~fuel~~**energy** supply infrastructure, in particular against interferences with radio-frequency communications, ~~and assess enforcement measures;~~
- (f) ~~assess any other potential risks for military transport operations along the military mobility corridors, with a view to appropriately protecting the related transport~~**identify any operational gaps in the ability of infrastructure managers to ensure a quick repair and recovery of the** infrastructure;
- (g) reinforce resilience by ensuring compatibility with the use of the services offered by the Union Space Systems, such as Positioning, Navigation and Timing (PNT), Earth Observation (EO) and Secure Connectivity. ~~In particular, when using PNT services, they shall use the authentication services offered by the Union Space Programme, or alternatively the Galileo Public Regulated Service (PRS) whenever, where feasible and without prejudice to Member States prerogatives concerning the use of PRS in their territory. Furthermore, Member States shall utilise the Union space-based EO services, where they offer monitoring and protection solutions..~~

3. Based on the analysis conducted in accordance with paragraph 2, ~~the Commission~~**Member States**, in close cooperation with the ~~Member States~~**Commission, supported by EEAS**, shall identify targeted short-term investments (transport infrastructure ‘hotspots’) that are to be implemented ~~by Member States~~ as a matter of priority along the military mobility

corridors. ~~To that end,~~ The Commission, **with the support of the EEAS**, shall set up targeted meetings per military mobility corridor in order to agree on the implementation of such hotspots in a synchronised and coordinated manner. The Member States concerned shall be invited to such meetings, and military experts shall be consulted in the assessment. **The list of hotspots shall be regularly assessed and updated.**

4. Member States, with the support of the Commission and the EEAS, shall coordinate on the following:
- (a) agreeing on designated routes, transport nodes and supporting facilities like military transport support centres **and logistic hubs**, and making best use of the military mobility corridors, **taking into account the most common military transport convoys, also considering strategically relevant external-border nodes, maritime approaches and island connections;**
 - (b) fostering coordination and cooperation between rail infrastructure managers **and operators** in different Member States, in particular to ensure the efficient processing of the traffic arrangements pursuant to Article 7 and rapid and efficient route compatibility checks for abnormal military transport crossing more than one network, **while preserving the independence of infrastructure managers;**
 - (c) fostering coordination and cooperation between national aviation authorities with the support of the EDA and, where relevant, the Network Manager defined in Article 2, point (49), of Regulation (EU) 2024/2803, in order to define cross-border connectivity points between all Member States, in accordance with the principles laid down in Commission Regulation (EC) No 2150/2005⁴¹.

For the purposes of the first subparagraph, point (b), Member States shall instruct infrastructure managers to agree on ~~pre-arranged~~ **pre-defined** routes for cross-border military transport, in particular for dangerous goods and abnormal military transport. **To this end, military transport operations by rail shall be categorised with clearly identified technical and operational characteristics, and a list of predefined train**

⁴¹ ⁽³⁸⁾Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace (OJ L 342, 24.12.2005, p. 20, ELI: <http://data.europa.eu/eli/reg/2005/2150/oj>).

paths on suitable routes shall be established, including alternative routes for use in case of disruptions, in order to facilitate and accelerate the allocation of capacity.

5. ~~In the implementation of this Article, the Commission shall be assisted by the Committee established in accordance with Article 61 of Regulation (EU) 2024/1679⁴². Where relevant, the Military Mobility Transport Group may be consulted.~~

Article 33

Identification of strategic dual-use infrastructure

1. ~~Without prejudice to Directive (EU) 2022/2557 and in complementarity with it~~**Based on operational needs**, Member States shall identify the following~~which~~ infrastructure located in their territories, **taking into account the national military mobility network, is to be considered** as strategic dual-use infrastructure for the purposes of this Regulation. These may include:
- (a) ~~key transport infrastructure serving the capital city of each Member State, including, if applicable, the biggest maritime and inland waterway ports as well as the biggest airport and multimodal freight terminal, based on highest traffic volumes or throughput capacity, or both;~~
 - (b) ~~key transport infrastructure serving the urban nodes on the trans-European transport network with a population of at least 1 million inhabitants;~~
 - (c) ~~for each NUTS 2 region along the military mobility corridors, the biggest maritime and inland waterway port as well as the biggest airport and multimodal freight terminal, based on highest traffic volumes or throughput capacity, or both.~~
2. ~~In addition to the strategic dual-use infrastructure referred to in paragraph 1, Member States shall identify transport infrastructure meeting the following criteria as strategic dual-use infrastructure for the purposes of this Regulation:~~

⁴² ~~Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (OJ L, 2024/1679, 28.6.2024, ELI: <http://data.europa.eu/eli/reg/2024/1679/oj>)~~

- (a) infrastructure that has ~~a strategic~~**the capacity and relevance** to support large-scale military transport operations;
- (b) infrastructure that is strategically important for military transport along one or several military mobility corridors;
- (c) infrastructure that provides or ~~has provided a strategic~~**is expected to provide a significant** contribution to planned ~~or past~~ military transport;
- (d) infrastructure that poses a ~~known~~**potential** bottleneck or missing link for military transport operations, ~~such as a strategic river crossing or tunnel or that, if affected by an incident, would have a significant disruptive effect on the support large-scale military transport operations.~~

3. In addition to the ~~strategic dual-use~~ infrastructure referred to in paragraph 1, Member States shall also identify essential supporting infrastructure, amongst which transport-critical energy and communications infrastructure, ~~meeting the following criteria as which is to be considered strategic dual-use infrastructure for the purposes of this Regulation, including fuel infrastructure. These may include:~~

- (a) infrastructure that has ~~a strategic~~**the capacity and relevance** to support large-scale military transport operations;
- (b) infrastructure that provides or ~~has provided~~**is expected to provide** a strategic contribution to planned ~~or past~~ military transport;
- (c) infrastructure that plays a ~~strategic~~**key** role in providing services of **military** transport of goods or persons ~~to Member States or regions vulnerable to security threats;~~
- (d) infrastructure that ~~disposes of~~**provides** very specialised dual-use services ~~or, facilities or equipment that are essential for military transport, and for which there are very few alternatives elsewhere in the same Member State or along the same military mobility corridor;~~
- (e) infrastructure that plays a strategic role in storing dual-use assets that facilitate military transport along the military mobility corridors.

4. By [2 years after entry into force of this Regulation], each Member State shall draw up a list of the strategic dual-use infrastructure located in its territory and identified in accordance with this Article. ~~They shall submit that list to the Commission for possible comments and review it accordingly.~~ The Member States shall update that list on a regular basis ~~according to the same procedure. The list shall be treated as “Sensitive/Limité”.~~

5.

~~In the implementation of paragraphs 1 and 2, the Commission shall be assisted by the Committee established in accordance with Article 61 of Regulation (EU) 2024/1679.~~

~~In the implementation of paragraph 3, the Commission shall be assisted by Military Mobility Transport Group.~~

Article 34

Basic protection measures for SDI

1. Member States shall take the following basic protection measures in relation to SDI located in their territories to protect them against ~~all~~ **the most anticipated hazards and threats identified at national level**, to enhance their resilience and to ensure their effective operation ~~at all times~~:
- (a) inform the owners, operators and managers of the infrastructure of its designation as an SDI and communicate any relevant information necessary for them to comply with their obligations under ~~this Article~~ **paragraph 2, including on relevant risks**;
 - (b) prevent, mitigate and address the risks associated with foreign ownership or control of SDI, ~~including through the foreign investment screening in accordance with Regulation (EU) 2019/452~~;
 - (c) prevent, mitigate and address the risks linked to the management or operation of specific ~~asset~~ **equipment, systems, personnel and transport services** that are part of or related to an SDI ~~such as specific lifting equipment, IT systems, security control and detection equipment, as well as critical personnel and operations, such as rail freight providers, logistics companies, providers of port services as defined in~~

~~Regulation (EU) 2017/352 of the European Parliament and of the Council⁴³;~~
seafarers and pilots;

- (d) where appropriate **and proportionate**, take basic measures to protect **and to equip** the SDI against interferences and attacks by State and non-State actors, ~~including terrorist attacks, cybersecurity and other hybrid attacks, and equip the SDI with electronic warfare interference capacity to counter air raids and drone attacks, including jamming and spoofing.~~

2. The owners, operators and managers of SDI shall take ~~all necessary~~**appropriate and proportionate** technical, security, **operational** and organisational measures within their area of responsibility and, where relevant, in collaboration with each other, to ensure that the SDI is appropriately protected against ~~all~~**the most anticipated hazards and threats identified at national level**, that its resilience is enhanced and that its effective operation ~~at all times~~ is guaranteed. In particular, the owners, operators and managers of SDI shall:

- (a) ~~implement the relevant basic protection and resilience measures for SDI;~~
- (b) ~~comply with the obligations for critical entities stemming from Directive (EU) 2022/2557, in particular those laid down in Articles 12 to 15 thereof, irrespective of whether the owner, operator or manager of SDI falls within the scope of that Directive~~**take appropriate and proportionate measures to carry out risk assessments for natural or man-made incidents, prevent incidents from occurring, ensure physical protection, respond, resist and mitigate the consequences of the incidents, recover from incidents, ensure adequate employee security management, carry out background checks on personnel, notify incidents that have or might have significant impact on the operation of the SDI;**
- (c) ~~apply the requirements for essential or important entities stemming from Articles 20 and 21 of Directive (EU) 2022/2555, irrespective of whether the owner, operator or manager of SDI falls within the scope of that Directive~~**implement appropriate and**

⁴³ ~~(³⁹) Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57, 3.3.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/352/oj>).~~

proportionate cybersecurity risk management measures, based on a all-hazards approach, that aim to protect network and information systems and the physical environment of those systems from incidents;

- (d) ~~provide detailed~~**relevant** information on the ownership structure of the SDI at the first request of the Member State where the SDI is located.

The Commission shall adopt non-binding guidelines to identify a set of protection measures for owners, operators and managers of SDI and communicate them through the Member States. To this end, the Commission shall seek the advice of the Military Mobility Transport Group and may take account of the Commission guidelines adopted pursuant to Article 13(5) of Directive (EU) 2022/2557, as well as guidance issued by the NIS cooperation group pursuant to Article 14(4) of Directive (EU) 2022/2555.

- 3. **Where appropriate and in order to avoid duplication of implementation of measures, Member States may exempt the owners, operators and managers of SDI located on their territory and falling under the scope of the CER (2022/2557) and NIS2 (2022/2555) Directives from complying with some of the basic protection measures set out in paragraph 2, points (b) and (c).**

- 3. Member States shall, ~~without undue delay~~**through their National Coordinator for Military Transport**, inform the ~~Commission and the~~**other potentially affected** Member States ~~situated along the same military mobility corridors~~ of any incidents in relation to SDI located on their territory that significantly disrupt or have the potential to significantly disrupt the ~~provision of essential services, within the meaning of Article 15, paragraph 1 of Directive (EU) 2022/2557,~~**operations of SDI** and that were either notified to them by the owners, operators and managers of SDI or that they became aware of through any other means. Such notifications shall include any available information to enable the ~~competent authority~~**national authorities** to assess the nature, cause and possible consequences of the incident, including any available information to determine the resulting capacity restrictions and possible cross-border impact of the incident. **This information shall be treated with the appropriate level of classification, set by each Member State.**

- 4. ~~The Commission may adopt implementing acts to identify the basic protection and resilience measures for SDI, as referred to in paragraphs 1 and 2 of this Article, and to~~

~~identify the enhanced protection measures for SDI referred to in Article 24 of this Regulation. To this end, the Commission shall in particular take account of the Commission guidelines adopted pursuant to Article 13(5) of Directive (EU) 2022/2557 and may also seek the advice of the Military Mobility Transport Group and the Committee established in accordance with Article 61 of Regulation (EU) 2024/1679. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4) of this Regulation. The Commission may propose to include the measures covered in that implementing act in the Council Military Requirements.~~

Chapter IV

Availability of dual-use transport and logistic capabilities for military transport operations

Article 35

Solidarity Pool to facilitate military transport operations

1. The Solidarity Pool is established. It shall consist of a pool with a list of registered **dual-use transport and logistic** capabilities of Member States ~~and possibly of the Union. The,~~ **as well as a digital platform enabling its functioning. The dual-use** capabilities registered in the Solidarity Pool shall consist of transport and logistic capabilities and shall be used to guarantee, optimise, **accelerate** and facilitate the execution of military transport operations. The Solidarity Pool shall become operational subject to the adoption by the Commission of the implementing act referred to in paragraph 15.
2. On the basis of **an assessment of gaps in dual-use transport and logistic capabilities, to be annexed to the Council Military Requirements, and after consulting** ~~the advice of the Military Mobility Transport Group and the results of the stress tests referred to in Article 43,~~ the Commission ~~may~~**shall** adopt **non-binding** guidelines defining the types and specifying the number of key **dual-use transport and logistic** capabilities required for the Solidarity Pool ~~to address the Union's gaps in the area of military transport capabilities.~~ **The European External Action Service, including the EUMS, and the European Defence Agency shall be consulted in this process, as appropriate. The Commission shall also take into account the results of the stress tests referred to in Article 43.**

3. The Solidarity Pool shall be operational 24 hours a day, seven days a week.
- 3a. **The Commission shall develop and manage a secure and cyber-resilient digital platform for the Solidarity Pool (the ‘Platform’), to enable communication and sharing of information between the Commission and the Member States’ National Coordinators for Military Transport. Access to the Platform and the information contained therein shall be only on a need-to-know basis and granted only to authorised personnel of competent authorities. The Platform, including data storage, shall be located within the territory of the European Union and shall be subject to the applicable Union legislation. Fallback procedures shall be developed in the case of a temporary failure of the Platform.**
4. Member States may voluntarily register ~~through their own~~ **National Coordinator for Military Transport** their dual-use transport and logistic capabilities in the Solidarity Pool. ~~Capabilities that have been acquired or contracted by Member States with the financing support of any Union funding shall be registered in the Solidarity Pool, taking into account the non-binding guidelines referred to in paragraph 1.~~
5. The registration of ~~multinational~~ **dual-use transport and logistic** capabilities ~~provided~~ **owned** by two or more Member States shall be undertaken jointly by all the Member States concerned ~~or by any relevant entity.~~
6. ~~Subject to the availability of Union funding, Union capabilities may be procured with the objective of addressing the Union’s gaps in the area of transport capabilities, under conditions to be specified in the implementing act referred to in paragraph 15. Union capabilities shall be automatically registered in the Solidarity Pool.~~
7. The capabilities **voluntarily** registered in the Solidarity Pool by Member States ~~or the Union, or both,~~ may comprise their own capabilities and those obtained through service contracts with commercial operators, where such contracts permit it.
- 7a. **Dual-use transport and logistic capabilities may be made available by the Union through service contracts with commercial operators, to complement Member States’ registered capabilities, pending the availability of Union funding. Such contracted services shall be registered in the Solidarity Pool.**

8. Capabilities registered in the Solidarity Pool shall be **made** available ~~for support~~ following a request made by a ~~requesting Member States~~**State** to the Commission unless such capabilities are already used to support another request **or its own needs**. In the event of competing requests, any decisions to allocate the capabilities shall be taken, in close coordination between the requesting Member States, the Commission and ~~where relevant~~ the Member State that has registered the capabilities.
9. ~~When not being used or needed for planned support, capabilities registered under the Solidarity Pool may be used for national purposes by their registering Member States or for commercial purposes by the commercial operator that has been contracted by the registering Member State or the Union.~~
10. **The decision on the deployment of a Member State's capabilities dual-use transport and logistic capability** registered in the Solidarity Pool ~~may be excluded from support where that shall rest with the Member State is confronted with an exceptional situation requiring the use of those capabilities. Where that has registered it. In case a Member State invokes such an exceptional situation~~**opposes the deployment of one of its registered capabilities**, it shall inform and ~~provide explanations to the Commission accordingly~~, as early as possible.

~~When not being used or needed for planned support,~~**deployed, registered dual-use transport and logistic** capabilities ~~registered under the Solidarity Pool~~ may be used for national **or other** purposes by their registering Member States ~~or for commercial purposes by the commercial operator that has been contracted by the registering Member State or the Union.~~
11. Member State's capabilities registered in the Solidarity Pool which are deployed for support shall remain **national assets and** under its command and control. Where the registering Member State is confronted with an exceptional situation requiring the use of registered capabilities that have been deployed, it may withdraw them, ~~upon consultation with the Commission and~~**informing** the requesting Member State for which the capabilities were deployed **immediately and the Commission as early as possible**.
12. ~~Union capabilities shall be hosted in a Member State. The Commission and the Member States shall ensure, where appropriate, an adequate geographical distribution of Union~~

~~capabilities. The requesting Member State for which Union capabilities are deployed shall be responsible for directing support operations.~~

13. **Dual-use transport and logistic** capabilities registered under the Solidarity Pool may be pre-positioned **with the agreement of the Member State which registered these capabilities**. When capabilities are pre-positioned, they ~~shall~~**may** be located in facilities that apply, where relevant, the basic protection measures referred to in Article 34.
14. The maintenance and deployment costs of Member States' capabilities shall be borne by the ~~registering~~**requesting** Member State unless provided otherwise in the implementing act referred to in paragraph 15.
- 14a. **The Solidarity Pool shall operate separately from other existing mechanisms, such as the Union Civil Protection Mechanism.**
15. ~~Subject to the availability of Union funding,~~ The Commission ~~may~~**shall** adopt an implementing act putting into operation the Solidarity Pool **and its platform, pending the availability of Union funding**. That implementing act shall also set out:
 - (a) the procedures to be followed to **register and** process requests by Member States for **dual-use transport and logistic** capabilities under the Solidarity Pool, **including the respective roles of EU institutions, bodies and agencies involved;**
 - (b) ~~additional specifications under which the~~**modalities for deployment and maintenance costs listed in paragraph 14 may be financed of capabilities, including, but not limited to, personnel, insurance coverage, compensation and the overall liability regime;**
 - (c) additional specifications under which the cost related to the pre-positioning of the **dual-use transport and logistic** capabilities ~~may~~**shall** be financed;
 - (ca) **additional specifications for the secure and cyber-resilient digital platform of the Solidarity Pool;**
 - (d) additional specifications under which the training, reskilling and upskilling costs of personnel operating the **dual-use transport and logistic** capabilities registered under the Solidarity Pool may be financed;

- (e) any additional rules on the functioning of the Solidarity Pool, **including operational arrangements**, where necessary;

This implementing act may **also set out: the conditions under which a credit-based system may be established as a form of non-financial exchange mechanism for dual-use capabilities registered in the Solidarity Pool.**

This implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).

- ~~(a) the conditions under which the maintenance and deployment costs of member State capabilities are to be allocated;~~
- ~~(b) the conditions under which a credit-based system may be used as a form of non-financial exchange mechanism for capabilities registered in the Solidarity Pool.~~

Article 36

Access to vehicle registries for potential use in military transport

- ~~1. Member States shall ensure that their services responsible for carrying out military transport operations have access to their respective national road vehicle registers, with a view to identify dual-use road transport vehicles.~~
- ~~2. Member States, in cooperation with the European Union Agency for Railways, shall ensure that their services responsible for carrying out military transport operations have access to their respective national railway vehicle registers and to the European Vehicle Register referred to in Article 47(5) of Directive (EU) 2016/797, with a view to identify dual-use railway vehicles.~~
- ~~3. Member States shall ensure that their services responsible for carrying out military transport operations have access to their respective national aircraft and shipping registers, with a view to identify dual-use aircraft and vessels.~~
- ~~4. The Commission shall equally be granted access to the registries specified under paragraphs 1 to 3, with a view to identify dual-use vehicles, vessels or aircraft.~~

Identification of railway vehicles for potential use in military transport

1. The Commission ~~may~~**shall** adopt implementing acts in order to:
 - (a) identify categories of railway vehicles most suitable for use as part of a military transport;
 - (b) where available, and after consulting the European Union Agency for Railways, **national safety authorities and relevant stakeholders**, establish technical specifications on which the identification pursuant to point (a) may be based, and if necessary, establish any appropriate technical parameters and related compliance testing methods;
 - (c) for railway vehicles already authorised pursuant to Article 21 of Directive (EU) 2016/797 or put in operation under the Union or national legal framework previously applicable before the authorisation framework set out by that Directive, determine whether and under what conditions:
 - (1) railway undertakings and vehicle keepers are to identify if the vehicles for which they are responsible fall into a category under point (a), and if so, determine the full relevant technical characteristics of those vehicles;
 - (2) manufacturers of railway equipment are to identify if vehicles they manufacture fall into a category under point (a), and if so, determine the full relevant technical characteristics of those vehicles.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(4).

2. If the Commission adopts the implementing act referred to in paragraph 1, for every registered railway vehicle, the vehicle keeper shall include the identification as a vehicle that can be used as part of a military transport and any relevant parameters established under paragraph 1, point (b) in the respective vehicle's technical documentation. Vehicle keepers, in collaboration with the registration entities, shall be responsible for recording those parameters in the European Vehicle Register referred to in Article 47(5) of Directive (EU) 2016/797.

Establishment of a temporary control or right of use framework for military transport

1.

~~By [1 year following the entry into force of this Regulation], each Member State shall have in place a framework allowing it to issue, as a last resort, binding orders to obtain the temporary control or right of use over an infrastructure, asset or equipment located on its territory which is necessary for the execution of military transport operations, in cases where no alternative solution can be achieved through mutual agreement or under an existing contract within the required timeframe. Where a Member State has an existing framework enabling such temporary control or right of use, it shall ensure that the existing framework complies with the requirements set out in paragraphs 2 and 3.~~

2. Member States shall ensure that their framework referred to in paragraph 1 complies with the following minimum requirements:

- ~~(a) allows for the temporary control or right of use over an infrastructure, asset or equipment to support the military transport operations of another Member State, upon request from that Member State, and lays down a procedure for submitting such request;~~
- ~~(b) entails a compensation mechanism to compensate owners, operators and managers of the infrastructure, assets or equipment concerned for expenses incurred and damages suffered;~~
- ~~(c) includes transparent and non-discriminatory rules and procedures related to such temporary control and right of use, and that measures taken pursuant to such rules and procedures are in place.~~

3. Member States shall ensure that any measures adopted under their framework referred to in paragraph 1 are strictly necessary and proportionate.

Article 39

Framework ~~contracts~~agreements with dual-use transport service providers

1. **In accordance with Directive 2009/81/EC and Directive 2014/24/EC**, Member States may conclude framework ~~contracts~~**agreements** with dual-use transport service providers for ensuring the availability of transport capabilities for military transport operations, including the rapid deployment of personnel, equipment, and supplies.
2. The framework ~~contracts~~**agreements** referred to in paragraph 1 that are concluded, ~~renewed or substantially modified~~ after the entry into force of this Regulation shall:
 - (a) be designed to allow other Member States to join as contracting parties **upon the agreement of the national authorities that concluded the framework agreement**, and shall provide for the possibility ~~to be amended~~ to accommodate additional participants without compromising the primary objective of supporting military transport;
 - (b) entail an obligation for the transport service providers to disclose any potential double-booking of transport capability to all ~~participating~~**concerned** Member States, prior to accepting conflicting orders, **in accordance with Article 50**.
3. Member States and the transport service providers referred to in paragraph 2, point (b), shall ~~implement~~**establish** procedures ~~to resolve~~**for resolving** transport capability allocation disputes, ensuring that military transport priorities are met without undue delay.

Chapter V

Horizontal provisions

Article 40

National Coordinator for ~~Cross-Border~~ Military Transport

1. By ~~six~~**nine** months following the entry into force of this Regulation, each Member State shall designate a National Coordinator for ~~Cross-Border~~ Military Transport, **an entity** with permanent availability, to ensure coordination and effective communication on cross-border military transport.

2. Member States shall ensure that their respective National Coordinator for ~~Cross-Border~~ Military Transport:
- (a) receives and sends military transport permission requests and notifications as referred to in ~~Article 8(3) and Article 20(2)~~ **Articles 8 and 20, as well as notifications to revoke and suspend military transport permissions as referred to in Articles 5 and 6;**
 - (aa) **coordinates traffic arrangements and transport host-nation support;**
 - (ab) **issues certificates for civilian operators and for military transport operations during the period of activation of EMMERS as referred to in Articles 8a and 20a;**
 - (b) has the necessary expertise and resources to be able to provide advice and support ~~for~~ **all to military transport operators regarding customs formalities, in support and in coordination with the competent customs authorities;**
 - (c) receives and replies to requests for priority access submitted during a period of activation of ~~EMERSEMMERS~~ and facilitates the necessary procedures, in accordance with Article 21;
 - (d) ~~is able to coordinate~~ **ensures coordination with all relevant actors, at national, regional, and local level-actors, involved in military transport operations, in order to ensure the smooth execution of cross-border military transport operations, in particular during the activation of EMERS, and coordinate the Military Transport Readiness Check EMMERS as referred to in Article 42-19;**
 - (da) **decides on deconflictions and prioritisations between national and requesting Member State's military transport operations on its territory, in coordination with the National Coordinators for Military Transport of the requesting Member States;**
 - (db) **facilitates the coordination between infrastructure managers in case of transit through several Member States by train, as referred to in Article 7;**
 - (dc) **informs other potentially affected Member States of any incidents in relation to SDI, as referred to in Article 34;**

(dd) registers the dual-use capabilities in the Solidarity Pool and coordinates with the Commission and other Member States in accordance with Article 35.

(de) coordinates the Military Transport Readiness Check referred to in Article 42;

(df) collaborates with the Commission for the conduct of the stress tests referred to in Article 43.

2a. The National Coordinator for Military Transport shall ensure that its staff has a personnel security clearance at the appropriate security classification level prior to accessing any EUCI at level CONFIDENTIEL UE/EU CONFIDENTIAL or above, or the national equivalent level.

2b. A network of National Coordinators for Military Transport shall be established, in order to communicate, plan and organise scheduled and ongoing cross-border military transport operations, as well as to share best practices. It shall also facilitate and coordinate the determination of pre-planned traffic arrangements and pre-defined routes for military transport.

Article 41

Military Mobility Transport Group

1. The Military Mobility Transport Group is established to assist and provide advice and recommendations to the Commission and to facilitate cooperation and exchange of information among Member States on issues relating to this Regulation **and to ensure exchange and coordination with other relevant organisations and bodies, including EEAS, including EUMS, and EDA.**

2. The specific tasks of the Military Mobility Transport Group shall be the following:

(a) to promote discussions and dialogue— between Member States with a view to facilitating the granting of military transport permissions and traffic arrangements, in particular among Member States situated along the same military mobility corridors;

~~(b) to facilitate the use of pre-planned traffic arrangements and pre-defined routes for the purpose of military transport operations;~~

- (ba) **to provide advice to the Commission prior to the activation of EMMERS, in accordance with Article 19(2);**
- (c) ~~to advise on basic and enhanced~~**the identification of a set of protection measures for owners, operators and managers of SDI, with a view to the preparation of non-binding guidelines by the Commission, as referred to in Article 34(4) and Article 24, respectively**~~34;~~
- (d) ~~to facilitate the identification and pre-positioning of key~~**advise the Commission for the adoption of non-binding guidelines on the key dual-use transport and logistic capabilities required for the Solidarity Pool to address the Union's gaps in this area, where a Solidarity Pool is operationalised in accordance with Article 35;**
- (da) **to identify specific dual-use capabilities registered in the Solidarity Pool that are urgently needed to support certain Member States during the period of activation of EMMERS, as referred to in Article 25;**
- (e) ~~to facilitate~~**exchange views on needs related to joint procurement by Member States of transport and logistic capabilities for military transport;**
- (f) **to review the Military Transport Readiness Checks results and stress tests results carried out in accordance with Articles 42 and 43 and to issue recommendations on their basis, including lessons learned and best practices, where appropriate;**
- (g) ~~to advise on the technical specifications and modules for~~**assess the functioning of the Military Mobility Digital Information System, whereonce it is established in accordance with Article 14, taking due account of applicable Union customs legislation;**
- (h) ~~to be consulted on the list of strategic dual-use infrastructure referred to in Article 33(3).~~

3. The Military Mobility Transport Group shall be composed of representatives of the **Member States, the Commission, the EEAS, including the European Union Military Staff, EUMS, and the European Defence Agency and the Member States.** Each Member State's representatives shall ~~be able to represent their respective governments'~~**positionensure appropriate cross-governmental representation.** Where relevant for

customs formalities, Member States' customs authorities and the European Union Customs Authority shall also be invited to participate. The ~~Commission~~**Military Mobility Transport Group** shall ~~chair~~**be chaired by a representative of the Member State holding the rotating presidency of the Council. The secretariat of the Military Mobility Transport Group and ensure its secretariat shall be ensured by the Commission. Only Member States shall have voting rights.**

4. The Military Mobility Transport Group may invite, where relevant, in accordance with its rules of procedure and with due respect to the security and defence interests of the Union and its Member States, **other organisations and bodies, including NATO, as well as** Ukraine, Moldova and countries of European Economic Area, to attend meetings as observers.
5. The Commission shall ensure transparency by providing members of the Military Mobility Transport Group equal access to information.
6. The Military Mobility Transport Group shall meet regularly, and whenever the situation so requires, upon request from the Commission or a Member State. It shall adopt its rules of procedure **at its first meeting**, on the basis of a proposal submitted by the Commission.
7. The Military Mobility Transport Group may issue opinions, advice and recommendations upon the request of the Commission or on its own initiative. The Military Mobility Transport Group shall endeavour to find solutions which command the widest possible support.

Article 42

Military Transport Readiness Check

1. **Following the appointment of the National Coordinator for Military Transport,** Member States shall conduct a Military Transport Readiness Check **at least** once a year to assess their preparedness to execute military transports. The Military Transport Readiness Check shall be comprised of information on all of the following:
 - (a) the necessary measures taken at national level to ensure the implementation of ~~EMER~~**EMMERS**;

- (b) the measures taken at national level to ensure the whole-of-government approach when dealing with military transport;
 - (c) whether measures and necessary traffic arrangements for planned ~~cross-border~~ military transport operations have been taken;
 - (d) whether ~~Host-Nation-Support~~**transport host-nation-support** measures to accommodate for planned cross-border military transport on their territory have been taken;
 - (e) whether **procedures for** military transport ~~permission requests have been submitted to and received by other Member States~~**permissions are complied with** in accordance with Articles 5 and 6;
 - (f) where a Solidarity Pool is operationalised in accordance with Article 35, whether support requests from the Solidarity Pool have been submitted.
2. The National Coordinator for ~~Cross-Border~~ Military Transport of each Member State shall ~~share the results of their~~**coordinate the** Military Transport Readiness ~~Check~~**Checks and, where relevant, share their results** with the Military Mobility Transport Group **and the network of National Coordinators for Military Transport.**

Article 43

Stress tests

1. **Upon agreement by the concerned Member States,** the Commission may conduct stress tests, in collaboration with ~~Member States and~~**them, through the National Coordinators for Military Transport, and with** relevant Union bodies **and agencies, including EEAS, including EUMS, and EDA,** to test and evaluate the Union's preparedness to facilitate military transport. **Where appropriate, other relevant organisations and bodies may be invited to participate.** Such tests shall:
- (a) prepare for the activation of ~~EMER~~**EMMERS**;
 - (b) test the effectiveness of the whole-of-government approach in implementing this Regulation's objectives, including the coordination and cooperation among relevant bodies, authorities and stakeholders;

- (c) test the implementation of the provisions of this Regulation in a specific geographical area, such as a specific military mobility corridor, in border regions of a Member State with a third country, or in a specific sectorial area, including customs.
2. Member States may request the Commission to conduct the stress tests referred to in paragraph 1.
3. The Commission shall communicate the results of the stress tests conducted pursuant to this Article to participating Member States and the Military Mobility Transport Group. **Those results shall be classified as EU classified information.**
4. ~~The Commission may also participate in stress tests or exercises, at the request of a Member State or based on any relevant invitation, with the objective to test and evaluate the Union's preparedness to facilitate military transport.~~

Article 44

Exercise of the delegation

1. ~~The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.~~
2. ~~The power to adopt delegated acts referred to in Articles 5 and 8 shall be conferred on the Commission for an indeterminate period of time from [DATE OF ENTRY INTO FORCE].~~
3. ~~The delegation of power referred to in Articles 5 and 8 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.~~
4. ~~Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law Making.~~
5. ~~As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.~~

6. ~~A delegated act adopted pursuant to Articles 5 and 8 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.~~

Article 45

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. The European External Action Service shall be invited to assist in the committee.
3. The European Defence Agency, the European Union Agency for Railways, the European Union Aviation Safety Agency, the European Maritime Safety Agency, the Network Manager (defined in point (49) of Article 2 of Regulation (EU) 2024/2803), **the European Union Customs Authority** and the European Network and Information Security Agency ~~shall~~**may, where appropriate,** be invited to provide their views and expertise to the committee as observers.
4. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
- 4a. **Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.**

Chapter VI

Amendments to other Union acts

Article 46

Amendment to Regulation (EU) 2016/796

Regulation (EU) 2016/796 is amended as follows:

1. In paragraph 3 of Article 1, the following point is added: ‘(d) preparedness of the Union rail system, **including to facilitate military transport, as provided for in Regulation (EU) 202X/XXX**’.
2. In Article 2, the last sentence is replaced by ‘In pursuing those objectives, the Agency shall take full account of the process of enlargement of the Union and of the specific constraints relating to rail links with third countries and assist in ensuring the resilience and ~~security~~ **responsiveness** preparedness of the Union rail system, **including its rapid repair response capacity**.’
3. In paragraph 1 of Article 19, the following point is added: ‘(m) **Upon consultation of the national safety authorities and, where necessary, relevant stakeholders, including manufacturers and keepers of vehicles,** ~~The agency shall~~ assist the Commission in establishing military mobility technical specifications for the identification of **railway** vehicles **most** suitable for use as part of a military transport pursuant to Article 37 of Regulation (EU) 202X/XXX’.
- 3a. **In Article 20, the following subparagraph is added: ‘In case of a vehicle authorised by the Agency, it shall register the vehicle in the European vehicle register in accordance with Article 22 of Directive (EU) 2016/797’.**
4. In Article 20, the following subparagraph is added: ‘**In case of a vehicle authorised by the Agency, it** shall assign a European vehicle number (EVN) in accordance with Article 46(1) of Directive (EU) 2016/797’.
5. In paragraph 2 of Article 80, the following point is added: ‘(e) the registration of vehicles in the European vehicle register pursuant to Article 22 of Directive (EU) 2016/797’.

Amendments to Directive (EU) 2016/797

Directive (EU) 2016/797 is amended as follows:

1. in Article 21, the following paragraph is added:

~~188a.~~ In cases where the area of use is limited to one or more networks within a Member State, ~~Member States~~**national safety authorities** may agree with the Agency to delegate their ~~power~~**tasks** to authorise railway vehicles that **potentially** can be used for military ~~transports as defined in~~**transport in accordance with** Article 37 of Regulation (EU) 202X/XXXX to the Agency. The details of such delegation shall be agreed in cooperation agreements pursuant to Article 76 of Regulation (EU) 2016/796, and the Agency shall share the ~~delegations~~**delegation** it has received from ~~Member States~~**national safety authorities** via the one-stop-shop established under Article 12 of Regulation (EU) 2016/796.;

2. in Article 22, paragraph 3 is replaced by the following:

‘3. When the area of use of the vehicle covers the territory of more than one Member State, it shall be registered either **by a competent authority** in one of the Member States concerned or by the Agency.;

3. in Article 46, paragraph 1 is replaced by the following:

‘1. Upon registration in accordance with Article 22, each vehicle shall be assigned a European vehicle number (EVN) by the competent authority **or the Agency**. Each vehicle shall be marked with an assigned EVN..’

(3a) in Article 47, the following paragraph is added:

‘8. **The Agency shall establish strict security and access control protocols for the technical data of military vehicles identified in accordance with Article 37 of Regulation (EU) 202X/XXX, in accordance with Article 78 of Regulation (EU) 2016/796.**’

Article 48

Amendments to Regulation (EU) 2024/2803

Regulation (EU) 2024/2803 is amended as follows:

1. in Article 9(1), the following subparagraph is inserted after the first subparagraph:

‘By way of derogation [from the first subparagraph], air navigation service providers may, until 31 December 2030, avail themselves of the ~~communication~~ services of other service providers that are not certified or that did not declare their capability in accordance with Article 41 of Regulation (EU) 2018/1139, on the condition that those providers provided ~~communication~~ services in the Union prior to the entry into force of this Regulation.’

2. in Article 11(6), the following subparagraphs are added:

‘By way of derogation from this paragraph, a provider of communication **navigation and surveillance services (CNS), aeronautical information services (AIS), air traffic data services (ADS), meteorological services (MET) or air traffic services for aerodrome control for approach control** that has been providing such services in the Union prior to the entry into force of this Regulation may, until 31 December 2030, be selected to provide the same services in the Union even if it does not comply with the condition set out in point (a).

By way of derogation from this paragraph, a provider of communication **navigation and surveillance services (CNS), aeronautical information services (AIS), air traffic data services (ADS), meteorological services (MET) or air traffic services for aerodrome control for approach control** that has been providing such services in the Union prior to the entry into force of this Regulation may, until 31 December 2033, be selected to provide the same services in the Union even if it does not comply with the conditions set out in points (b) and (c)..’

Article 49

Amendments to Regulation (EU) 2018/1139

Regulation (EU) 2018/1139 is amended as follows:

1. in Article 3, the following point is added:

‘(35) ‘regulatory sandbox’ means a temporary and controlled framework, established by a Member State or the Agency, to enable the design, development, testing, and demonstration of innovative, ~~including dual-use~~, products and services, **which may include dual-use solutions**, in a real-world environment, subject to predefined conditions and timelines, with the aim of fostering innovation ~~and~~ **or** military ~~mobility~~**transport**, and under the supervision of a **national** competent authority **or the Agency.**’

2. in Article 71, paragraph 1 is replaced by the following:

- ‘1. Member States may grant exemptions to any natural or legal person subject to this Regulation from the requirements applicable to that person pursuant to Chapter III, other than the essential requirements laid down in that Chapter, or to the delegated or implementing acts adopted on basis of that Chapter, in the following circumstances:
- (a) in the event of urgent unforeseeable circumstances affecting those persons or urgent operational needs of those persons;
 - (b) when those requirements prevent the certification, use or operation of innovative technologies, products, equipment, systems, components, operational concepts, **services** or business models, **including, where appropriate, their testing within a temporary and controlled framework.**’.

The exemptions referred to in the first subparagraph may be granted where all of the following conditions have been met:

- (a) it is not possible to adequately address those circumstances or needs in compliance with the applicable requirements;
- (b) safety, environmental protection and compliance with the applicable essential requirements are ensured, where necessary through the application of mitigation measures;
- (c) the Member State has mitigated any possible distortion of market conditions as a consequence of the granting of the exemption as far as possible; and
- (d) the exemption is limited in scope and duration to the extent strictly necessary and it is applied in a non-discriminatory manner.

In such a case, the Member State concerned shall immediately notify the Commission, the Agency and the other Member States, through the repository established under Article 74, of the exemption granted, its duration, the reason for granting it and, where applicable, the necessary mitigation measures applied.;

3. in Article 74(1), second subparagraph, the following point is added:

‘(s) notifications of decisions by Members States or by the Agency regarding the establishment, the suspension, and the termination of regulatory sandboxes pursuant to Article 86a, and the corresponding joint report.;

4. in Article 75(2) the following point is added:

‘(k) cooperate with national **competent authorities and** military authorities, relevant Union and international bodies to enable dual-use air transport solutions as well as their safe integration into civil air-traffic.;

(4a) in Article 76(4), second subparagraph, is replaced by the following:

‘The Agency may grant exemptions to any legal or natural person for which it has been allocated responsibilities for the tasks related to certification, oversight and enforcement in accordance with Article 62(4) in the situations and subject to the conditions set out in Article 71(1).’

5. the following new Article 86a is inserted:

‘Article 86a

Regulatory sandboxes

1. Regulatory sandboxes may be established by a Member State or the Agency, where relevant with the agreement of the affected Member States, at their own initiative or upon request from an organisation or a legal or natural person, to contribute to the following objectives:

(a) promoting innovation and competitiveness in the aviation sector;

(aa) facilitating military transport;

- (b) enabling the timely and safe introduction of innovations into the Union aviation market;
- (c) improving legal certainty and facilitating compliance with this Regulation and with the delegated and implementing acts adopted on the basis thereof and, where relevant, other applicable Union and national law; supporting evidence-based regulatory learning and the development of performance-based requirements.

2. A regulatory sandbox may be established when the following criteria are met:

- (a) the technologies, products, equipment, systems, components, operational concepts, **services** or business models to be tested represent a genuine ~~innovation~~ **innovative solution** and are expected to deliver consumer or wider societal benefits;
- (b) the innovation is sufficiently mature to be tested in a real-world controlled environment, and relevant legislative barriers or gaps have been identified;
- (c) safety and environmental protection are ensured, and compliance with applicable essential requirements is achieved, where necessary through the application of mitigation measures; **where appropriate, the testing may be accompanied by exemptions granted in accordance with Article 71(1)(b).**

3. A regulatory sandbox shall ~~be subject to clearly~~ set out:

- (a) objectives;
- (b) scope and duration, which shall be limited to the extent strictly necessary to achieve the proposed objectives;
- (c) governance structure, including the roles and responsibilities of all participating authorities and entities, which shall:
 - (i) include the designation of a competent authority, **either a national competent authority involved in the sandbox or the Agency**, responsible for the ~~supervisions~~ **supervision** and oversight of the sandbox;

- (ii) ensure that all Member States and authorities affected by the objectives and scope of the sandbox are adequately involved in its establishment and implementation;
- (iii) ensure that the Agency is involved, particularly in the development of the safety case and of the expected regulatory learning;
- (d) monitoring and evaluation criteria;
- (e) eligibility criteria and admission procedures, which are transparent and non-discriminatory;
- (f) reporting obligations, which support an adequate follow-up of activities.

4. An organisation applying for participation in a sandbox shall demonstrate that the technologies, products, equipment, systems, components, operational concepts, **services** or business models to be tested fulfil the criteria in paragraph 2. To ~~do that~~**at this end**, the organisation shall:

- (a) specify the objectives of the innovative project or solution;
- (b) identify the concrete regulatory barriers or gaps to be addressed;
- (c) develop a safety case outlining the mitigation measures to be implemented **so as to provide an assurance for**~~to ensure an adequate level of safety and environmental protection and, as far as possible, compliance with the applicable essential requirements.~~

5. Upon receiving a request or application from an organisation, the Member State or the Agency shall, **within their respective roles and responsibilities**, assess whether the proposed mitigation measures are appropriate and sufficient to ensure an adequate level of safety and propose any additional measures it considers necessary. It shall also specify the expected regulatory learning from the sandbox.

6. A Member State or the Agency establishing a regulatory sandbox shall immediately notify the other Member States and the Agency of the creation of the sandbox. The notification shall include all the elements referred to in paragraph 3.

7. The establishment of a regulatory sandbox shall not affect the oversight or corrective powers of the competent authorities supervising the sandbox. National competent authorities and the Agency shall have the power to suspend or terminate the testing process or the participation in the sandbox if no effective mitigation is possible. They shall inform the Agency and the Member States of such decisions through the repository established under Article 74.

8. Upon conclusion of the regulatory sandbox, a joint report shall be prepared by the organisation and the relevant Member State or the Agency. The report shall detail the activities carried out, the results achieved ~~and~~, the regulatory learning outcomes **and, where appropriate, include recommendations for regulatory adaptation and certification pathways.** Organisations may use that report to support a demonstration of compliance with this Regulation and the delegated and implementing acts adopted on the basis thereof. The Agency shall include that report in the repository established under Article 74.

9. Member States and the Agency shall coordinate their regulatory sandbox activities and exchange best practices.

10. Organisations participating in a regulatory sandbox shall remain liable under applicable Union and national law for any damage inflicted on third parties as a result of the experimentation taking place in the sandbox. However, **except in cases of gross negligence or wilful misconduct**, provided that the organisation complies with the sandbox plan, its terms and conditions, and follows the guidance provided by the Member State or the Agency in good faith, no administrative fines shall be imposed, and no action shall be taken against existing certificates for infringements of this Regulation and the delegated and implementing acts adopted on the basis thereof.

11. To support the implementation of this Article, the Agency shall, in accordance with Article 115, adopt guidance on the establishment and operation of regulatory sandboxes. The guidance shall **ensure that requirements and procedures applicable to regulatory sandboxes are proportionate to the size, risks and complexity of the innovation concerned, and** include, at a minimum, common principles and procedures, **to ensure consistency and harmonisation across Member States**, on the following issues:

(a) the eligibility and selection criteria for participation in regulatory sandboxes;

- (b) the application, participation, monitoring, exiting from, and termination of regulatory sandboxes, including the sandbox plan and the joint report;
- (c) the terms and conditions applicable to the participants.;

6. in Article 126(1), first subparagraph, the following point is added:

- ‘(d) the establishment, operation, and oversight of regulatory sandboxes referred to in Article 86a..’

Chapter VII

Final provisions

Article 49a

Protection of classified information

1. **The Commission shall protect EU classified information in accordance with the security rules set out in the Commission Decision (EU, Euratom) 2015/444. Each Member State shall ensure that it offers a degree of protection of EU classified information equivalent to security rules set out in Council Decision 2013/488/EU or, where applicable, the Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union.**
2. **Any EU institution, agency or body that will have access to EU classified information under this Regulation shall protect it in accordance with its security rules, as well as basic principles and minimum standards that are equivalent to the Council Decision 2013/488/EU or Commission Decision (EU, Euratom) 2015/444.**
3. **Communication and information modules handling EU classified information used for the implementation of this Regulation shall be security accredited at the required security classification level by the Commission or a Security Accreditation Board in accordance with the Commission Decision (EU, Euratom) 2015/444.**

4. **Exchange of classified information under this Regulation with third States or NATO is subject to the relevant security of information agreements that are in force and applicable.**
5. **Contracts that contain EUCI or require access to it under this Regulation by civilian operators shall be in accordance with the provisions on industrial security in the Commission Decision (EU, Euratom) 2015/444.**
6. **National classified information provided by a Member State under this Regulation shall be protected by the Commission in accordance with the Commission Decision (EU, Euratom) 2015/444, by the Council in accordance with the Council Decision 2013/488/EU and by other Member States in accordance with the provisions of the 2011/C 202/05 Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union.**
7. **Classified information provided under this Regulation shall not be downgraded or declassified without the prior written consent of the originator of that information.**

Article 50

Confidentiality and security rules on the protection of the information received

- ~~1. Information received as a result of the application of this Regulation shall be used only for the purpose for which it was requested.~~
2. **Member States and, the Commission and other Union institutions, bodies and agencies** shall ensure the appropriate protection of trade and business secrets and other sensitive ~~and confidential~~ information acquired and generated in application of this Regulation in accordance with Union and national law.
3. **The Commission and other Union institutions, bodies and agencies** shall not share any information that it has received under this Regulation in a way that can lead to the identification of an individual economic operator where the sharing of the information would result in potential commercial or reputational damage to that economic operator or in the divulgence of trade secrets.

4. ~~Member States and the Commission shall ensure that classified information provided or exchanged under this Regulation is not downgraded or declassified without the prior written consent of the originator of that information.~~

Article 51

Personal data protection

1. This Regulation shall be without prejudice to ~~the obligations of Member States relating to their processing of personal data, in particular under Regulation (EU) 2016/679 and Directive 2002/58/EC,~~ **or the obligations of the European Parliament and of the Commission and, where appropriate, other Union institutions, bodies, offices and agencies relating to their processing of personal data, in particular under Regulation Council and Regulations (EU) 2016/679 and (EU) 2018/1725, when fulfilling their responsibilities of the European Parliament and of the Council.**
2. ~~The Member States, the Commission and, where appropriate, other Union institutions, bodies, offices and agencies may process personal data where necessary to comply with obligations in this Regulation or where necessary for the exercise of official authority or for tasks in the public interest entrusted to them in this Regulation.~~

Article 52

Evaluation

The Commission shall evaluate and present to the European Parliament and the Council a report on the application of this Regulation by ~~{three years after the entry into force of this Regulation}, and every five years thereafter.~~ The evaluation report shall build on consultations of the Member States and key stakeholders.

Article 53

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

Annex I

List of types of military transport operations covered by standing military transport permissions

1. Military transport operations by road, rail or inland waterways which have the following characteristics:
 - (a) they consist of up to 10 vehicles, 10 inland waterway vessels or one train
 - (b) they include personnel carrying governmental provided individual armament, as well as required ammunition for such armaments;
 - (c) they cover transport of dangerous goods in accordance with Article 12;
 - (d) they cover road transport of abnormal cargo in accordance with Article 13;
 - (e) they include Host Nation Support;
 - (f) they include personnel tasked with security mission;
 - (g) they include transport of non-nominative allocated armament that is not assigned to personnel;
 - (h) they include transport of weapon systems.
2. Military transport operations by sea which cover:
 - (a) military transport to/through the territorial sea using navigational sensors only without the launch of subunits, including navigational training;
 - (b) exercises or operational missions when pre-approved by the receiving Member State;
 - (c) military transport of dangerous goods in accordance with Article 12.
3. Military transport operations by air which cover:
 - (a) military transport of unarmed, manned platform (for example transport, air to air refuelling, training range activity, and aerial combat training), under the following conditions:

- (i) ~~captive and training ammunition may be installed on the platform, if no propulsion and/or warhead is installed (e.g. captive air-to-air training missile);~~
 - (ii) ~~chaff/flare cartridges may be installed on the platform (usage is subject to regulations of affected state);~~
- (b) ~~military transport of dangerous goods in accordance with Article 12.~~

Annex II

Form A: Form to request/grant a standing military transport permission

	Standing Diplomatic Clearance requested by (Member State)		
	Requesting authority		
	National Coordinator of requesting Member State:	Name	
		Phone	
		Mobile	
		E-mail	
	Mode of transport (Road / Rail / Inland Waterways / Air / Sea / several modes — please specify):		
	General remarks		
	A. Size limitations		
	Maximum amount of vehicles allowed for any individual military transport operation by road under this standing permission	Vehicles:	
	Maximum amount of trains allowed for any individual military transport operation under this standing permission	Trains:	
	Maximum amount of inland waterways vessels allowed for any individual military transport operation by inland waterways or sea under this standing permission	Vessels:	
	Maximum amount of seagoing ships allowed for any individual military transport operation by	Ships:	

	inland waterways or sea under this standing permission		
	Maximum amount of aircraft allowed for any individual military transport operation by inland waterways or sea under this standing permission		Aircraft:
B. Specific rules for military transport operations by Sea			
	Situation	YES / NO	Remarks
	Sea military transport operation conducted by government ships of the requesting Member State		
	Sea military transport operation conducted by civil registered ships when used exclusively for military purposes for the requesting Member State		
	Sea military transport operation conducted by ships exclusively crewed by: — nationals from flagstate of the ships — nationals of the requesting Member State — EU nationals		
	Sea military transport operations including nuclear powered vessels		
	Sea military transport operations conducted with unmanned vessels		
Receiving Member State Approval			
	Approval status		
	Reference s / Sub-approvals		
		Name	

	National Coordinat or of Receiving Member State	Phone	
		Mobile	
		E-mail	
	Remarks		

~~Form B—Form to notify a military transport permission under a standing military transport permission or to request/grant/modify an ad hoc military transport permission~~

Requesting Member State			
Requesting authority			
National Coordinator of Requesting Member State	Name		
	Phone		
	Mobile		
	E-mail		
Operator of Transport (armed forces / civil contractor on behalf of armed forces—specify company name if applicable)			
Receiving Member State(s) (in order of route sequence from point of departure to destination)			
Type of request	☐ Notification (add ref. of standing permission) ☐ Ad hoc movement request ☐ Modification request		
Mode of transport (multiple possible)	☐ Road ☐ Rail ☐ Inland Waterways ☐ Air ☐ Sea		
General remarks			
General information			
Movement Identification Number (MIN)			

Callsign(s)		
ROUTE INFORMATION (for each receiving Member State)		
Transited receiving Member State (1)	Point of Departure and Final destination	
	Planned Date and Time of Entry	
	Point of Entry	
	Planned Date and Time of Exit	
	Point of Exit	
	Route description	
Transited receiving Member State (2)	Point of Departure and Final destination	
	Planned Date and Time of Entry	
	Point of Entry	
	Planned Date and Time of Exit	
	Point of Exit	
	Route description	
PERSONNEL AND MILITARY TRANSPORT OPERATION INFORMATION		
Total number of Personnel		
Deployed unit/convoy/fleet contact information (name, mobile phone)		
Escort requested		
Host Nation Support requested (please specify)		
Traffic Arrangements Requested (including safety measures) (Yes/No — please specify)		

For road transport	
Total number of vehicles	
Largest dimensions of biggest vehicle in convoy (weight (kg), width (cm), height (cm), length (cm))	
For rail transport	
[Total train length]	
For inland waterways transport	
Total number of vessels	
For maritime transport	
Number of ships (including name and pennant number)	
Type of ship	
Draught/displacement	
Length/breadth in meters and propulsion	
Subunits	
Frequencies	
Commanding Officer (rank, name, seniority)	
Senior Officer embarked (rank, name)	
ISTAR and EW equipment (type, intent to use, location and timeframe of use)	
For air transport	
Number and type of aircraft	

Armament (type, number, total mass)												
ISTAR and EW equipment (type, intent to use, location and timeframe of use)												
VIP (title/rank, name)												
DANGEROUS GOODS LIST (IF APPLICABLE)												
Compliant with	☐ ADR ☐ AND ☐ RID ☐ IMDG Code ☐ ICAO TI / IATA DGR ☐ NATO AMovP 6 SRDs 2, 3, 5 (including applicable National Deviations) ☐ National legislation of [requesting Member State]											
Total net quantity of Class 1 (if applicable)												
Combat loaded tactical vehicles (if yes, number and brief description)												
Explosives (Class 1) other than 1.4S, which needs security measures e.g. during a rest overnight (provided by the receiving Member State)												
Specifying for every category of items												
Category of items	UN Number											
	Proper shipping name											
	Class or classification code (as appropriate)											
	Packing Group (if applicable)											
	Total quantity (volume, gross mass or net mass (kg), as appropriate)											
	Quantity and type of packages (if applicable)											
	Net quantity per package											
	NEQ (Class 1) (per package (kg))											

	Total NEQ (Class 1) (kg)	
	Packing instructions	
	Tunnel restriction code (for road transport)	
	Remarks	
ABNORMAL CARGO (IF APPLICABLE)		
FOR ROAD AND RAIL TRANSPORT		
For each vehicle/transport unit transporting abnormal cargo		
Vehicle Class/Type	Registration Number(s)	
	Description (including name and type of load)	
	Vehicle Dimensions (length (cm), width (cm), height (cm), overlap (cm), weight (kg)): unloaded	
	Load Weight and Dimensions (t; cm)	
	Vehicle Dimensions (length (cm), width (cm), height (cm), overlap (cm), weight (kg)): loaded	
	Axle Load (t per axle)	
	Axle Spacing (cm)	
	Turning Radius (cm)	
Critical infrastructure assessment		
Bridges (yes/no — specify)		
Tunnels (yes/no — specify)		
Overhead lines (yes/no — specify)		
Other obstacles (yes/no — specify)		

Engineering support required (yes/no — specify)			
FOR RAIL TRANSPORT ONLY			
Date of ad hoc request pursuant to Article 48 of Directive (EU) 2012/34/EU			
Reference number of ad hoc train path request			
Information to be provided by the infrastructure manager(s) pursuant to Article 23 of Directive (EU) 2016/797 (Yes/No)			
Tests on the technical compatibility of the vehicle with the network as referred to in Article 23 of Directive (EU) 2016/797 (Yes/No)			
Are all vehicles in this transport authorised for the full area of use?			
Receiving Member State Approval			
	Approval status		
	References / Sub-approvals		
	National Coordinator of Receiving Member State	Name	
		Phone	
		Mobile	
		E-mail	
	Remarks		
