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Answer given by Mr Kubilius
on behalf of the European Commission
(3.3.2025)

The Regulations on the European Defence Fund (EDF)¹, in support of ammunition production (ASAP)² and on establishing an instrument for the reinforcement of the European defence industry through common procurement (EDIRPA)³ explicitly provide that actions related to the development, production or procurement of lethal autonomous weapons, without the possibility of meaningful human control over selection and engagement decisions when carrying out strikes against humans, shall not be eligible for EU financial support.

EU military assistance for Ukraine falls under the responsibility of the Council of the European Union. Under the programmes implemented by the Commission to strengthen the EU's defence technological and industrial base (EDTIB), the eligibility conditions as established in the EDF, ASAP and EDIRPA imply the exclusion of Ukrainian entities from the possibility of receiving EU funding. The Commission proposal for the European Defence Industry Programme (EDIP) Regulation⁴ envisages that entities established in Ukraine may be recipients of EU funding, but actions related to lethal autonomous weapons without the possibility of meaningful human control would not be eligible for funding.

Within the limits of the powers conferred on it by the Treaties, the Commission is to oversee the application of EU law. The application of and compliance with international human rights law and international humanitarian law arises from the respective treaties under international law to which Ukraine is a contracting party, e.g. the European Convention on Human Rights and the Geneva Conventions of 1949 and their additional protocols.

¹ <https://eur-lex.europa.eu/eli/reg/2021/697/oj/eng>

² <https://eur-lex.europa.eu/eli/reg/2023/1525/oj/eng>

³ <https://eur-lex.europa.eu/eli/reg/2023/2418/oj/eng>

⁴ https://defence-industry-space.ec.europa.eu/edip-proposal-regulation_en