

EN
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Answer given by Mr Kubilius
on behalf of the European Commission
(2.2.2026)

The European Parliament has initiated legal proceedings before the Court of Justice of the EU to annul the Security Action for Europe (SAFE) Regulation¹ under Article 263 of the Treaty on the Functioning of the European Union (TFEU). This legal challenge does not trigger the suspension of the SAFE Regulation from being implemented since the European Parliament requests the court to maintain the effects of the contested act until its replacement with an act adopted on co-legislation basis.

The implementation of SAFE is progressing and on 30 November 2025 the Commission received the European defence investment plans from 19 Member States and an assessment is being undertaken before proposing Council implementing decisions.

The SAFE Regulation establishes reporting obligations from the Commission to the European Parliament and the Council on the use of the financial assistance. The reporting will be on an annual basis starting in 2026.

Furthermore, the Commission will perform information and communication activities related to SAFE involving where appropriate the European Parliament.

For exceptional cases, it is necessary to preserve an interpretation of Article 122 of the TFEU which allows the EU to act swiftly in various situations of emergency.

The use of Article 122 does not confer autonomous powers on the Commission; rather, it allows the Commission to propose measures which the Council can adopt under strictly defined and exceptional circumstances. In the case of SAFE, it is a temporary urgency measure with a very specific purpose. The Commission, therefore, considers Article 122 as an emergency Treaty mechanism, anchored in solidarity and necessity, whose activation must remain justified and exceptional.

¹ <https://eur-lex.europa.eu/eli/reg/2025/1106/oj/eng/pdf>.