

(English version)

**Question for written answer E-004995/25
to the Commission
Michał Dworczyk (ECR)
(17 December 2025)**

Subject: Legal certainty and protection of Member States' competences in the context of the draft Military Mobility Regulation

In accordance with Article 35 of the draft regulation on establishing a framework of measures to facilitate the transport of military equipment, goods and personnel across the Union ⁽¹⁾, transport and logistical capabilities used to ensure, optimise and facilitate the execution of military transport operations, procured or contracted by Member States with financial assistance from European Union funds, must be registered in the Solidarity Pool. However, this provision does not specify whether this obligation applies only to future investments or also to existing ones.

In the light of the above:

1. Does the proposed obligation to register in the Solidarity Pool apply only to capacities procured or contracted after the entry into force of the regulation and the implementing act, or does it cover all capacities that have ever been co-financed from EU funds, regardless of the date of their procurement, the validity of the financial instrument or the scale of support?
2. If this obligation is also to cover capabilities procured before the entry into force of the regulation, could the Commission please indicate the legal basis for imposing such a retroactive requirement on Member States?
3. How does the Commission intend to ensure that the obligation to register capabilities in the EU Solidarity Pool will not interfere with national security and defence policies, and that it will not infringe on the competences of Member States in the field of security and defence under the Treaties?

Submitted: 17.12.2025

**Answer given by Mr Kubilius on behalf of the European Commission
(20 February 2026)**

Article 35 of the proposed regulation on establishing a framework of measures to facilitate the transport of military equipment, goods and personnel across the Union ⁽¹⁾ establishes a framework for the registration of transport and logistical capabilities that have been procured or contracted by Member States with EU financial assistance (Solidarity Pool).

Registration of Member States' capabilities in the Solidarity Pool remains voluntary in the Commission's regulation proposal, including capabilities procured or contracted prior to the entry into force of the proposed regulation that continue to be available for military mobility purposes.

The mandatory registration of capabilities in the Solidarity Pool should only apply to those acquired using EU funding after the regulation enters into force.

Member States retain the flexibility to choose whether to use EU funding to procure transport and logistic capabilities, with the understanding that any such capabilities would be subject to registration in the Solidarity Pool.

The Commission's proposal of a Solidarity Pool fully respects national security and defence competences in accordance with Article 4(2) of the Treaty on the EU ⁽²⁾.

¹ [https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2025/0847/COM_COM\(2025\)0847_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2025/0847/COM_COM(2025)0847_EN.pdf)

⁽¹⁾ https://transport.ec.europa.eu/document/download/4557a31a-0444-4489-a26f-2ef156f10d9f_en?filename=COM_2025_847.pdf

⁽²⁾ https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF