

(English version)

**Question for written answer E-000701/26
to the Commission
Waldemar Buda (ECR)
(18 February 2026)**

Subject: Questions arising following the discussions on Security Action for Europe

Following the discussions on Security Action for Europe (SAFE), a number of questions have arisen and are the subject of public debate.

1. What criteria determine whether a company is considered 'Polish' — place of registration, ownership structure, control, or location of production?
2. What is the Commission's role in approving and supervising projects and how much discretion remains with the Member States?
3. Will SAFE funds be subject to the EU's rule of law conditionality mechanism and under what circumstances could funding be suspended?

Submitted: 18.2.2026

**Answer given by Mr Kubilius on behalf of the European Commission
(15 April 2026)**

According to the eligibility criteria under the Security Action for Europe (SAFE) Regulation ⁽¹⁾, contractors and certain subcontractors must be established and have their executive management structures in a Member State, a European Economic Area (EEA) and European Free Trade Association (EFTA) State, or Ukraine.

These entities must not be subject to control by a third country other than EEA EFTA States or Ukraine or by one of their entity or, where they are subject to such a control, they must present security guarantees verified by Member States.

All infrastructure, facilities, assets, and resources used for the purposes of the common procurement must in principle be located within the territory of a Member State, an EEA EFTA State, or Ukraine.

Accordingly, the eligibility criteria under Article 16 of the SAFE Regulation are defined from an EU (including EEA EFTA States and Ukraine) wide perspective, rather than from the standpoint of any individual Member State.

The Commission is responsible for assessing European defence industry investment plans to ensure compliance with the regulation's conditions in particular those of Article 4, 7(2) and 16.

During the implementation, Member States will provide information and evidence of progress in fulfilling the plan. The Commission will assess that conditions under the regulation are fulfilled before disbursement of the loan instalments.

The regulation on a general regime of conditionality for the protection of the EU budget ⁽²⁾ applies to all EU funds, including SAFE funds. Furthermore, the SAFE Regulation requires that the loan agreement will contain provisions on the protection of the financial interests of the EU, and on audit and control.

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

⁽²⁾ <https://eur-lex.europa.eu/eli/reg/2020/2092/oj/eng>.