

EN

E-001143/2026

Answer given by Mr Kubilius
on behalf of the European Commission
(26.5.2026)

Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE)¹ is based on Article 122 of the Treaty on the Functioning of the European Union² which provides a legal basis for the EU to act swiftly in emergency situations. The SAFE Regulation and in particular Article 10, explicitly empowers the Commission to enter into loan agreements and operational arrangements with Member States, following the adoption of a Council implementing decision. This Regulation does not condition disbursement on the prior adoption of a specific national implementing legislation by the Member State since the instrument is directly applicable.

Council Implementing Decision (EU) 2026/412 on making the financial assistance under Regulation (EU) 2025/1106 available to Poland³ fulfils the procedural requirement under Article 10(1) of the Regulation⁴, and the Commission's role is to ensure compliance with the eligibility criteria set out in Article 16 of the Regulation⁵.

To date, Polish authorities have not raised any objections regarding the availability or disbursement of SAFE funds. The Commission will act in accordance with the Treaty and the SAFE Regulation, ensuring that all procedural safeguards are respected.

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

² https://eur-lex.europa.eu/eli/treaty/tfeu_2016/art_122/oj/eng.

³ https://eur-lex.europa.eu/eli/dec_impl/2026/412/oj/eng.

⁴ Please see footnote 1.

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