

(English version)

**Question for written answer E-001153/26
to the Commission
Bart Groothuis (Renew)
(19 March 2026)**

Subject: EU rules on rail competition and the procurement of rolling stock for military mobility

The Dutch Ministry of Defence wishes to purchase 24 decommissioned train cars from Dutch Railways (NS) to convert them into hospital trains for the transport of wounded military personnel in the event of a large-scale conflict on NATO's eastern flank. ⁽¹⁾ However, NS has indicated that the Ministry of Defence cannot be given priority and must participate in an open tender procedure, partly due to EU rules guaranteeing non-discriminatory access to rolling stock and competition in the rail market, such as Regulation (EC) No 1370/2007 (Article 5a) and EU competition law. ⁽²⁾

At the same time, the EU emphasises the importance of military mobility and civil-military cooperation, as set out in the Military Mobility Package, in order to bolster European resilience.

1. What is the Commission's assessment of potential tensions between EU rules on rail competition and Member States' initiatives to procure rolling stock for defence and crisis management purposes?
2. To what extent do current EU rules, including Article 346 TFEU, offer Member States flexibility to procure such equipment directly for defence purposes?
3. Does the Commission intend to amend procurement rules or issue guidelines to facilitate the procurement of civilian railway equipment for defence purposes as well as medical purposes, namely the transport of casualties?

Submitted: 19.3.2026

**Answer given by Mr Kubilius on behalf of the European Commission
(16 June 2026)**

In accordance with the Treaties, EU procurement directives would require a contracting authority, like the Ministry of Defence of the Netherlands, to conduct a procurement procedure under the applicable directives when purchasing goods, such as train cars, of a value equal or higher than the applicable thresholds ⁽¹⁾ ⁽²⁾.

These rules would ensure, *inter alia*, the respect of EU primary law principles applicable to procurement, in particular those of equality of treatment, transparency, non-discrimination and proportionality.

Such a procurement procedure would provide an opportunity to interested undertakings in any Member State to compete for that contract by submitting a bid for the supply of the goods in question, in conformity with the contracting authority's technical specifications.

The Commission does not see any tension that would result from the possible application of those directives to the situation described in the question. Those directives precisely apply to the purchases of, *inter alia*, goods by contracting authorities in Member States, including the ministries of defence.

The Commission does not see any tension between the application of EU competition law and the potential purchase of decommissioned rolling stock directly from the Dutch Railways by the Ministry of Defence for the transport of wounded military personnel.

In particular, the exercise of public power prerogatives such as the provision of military capabilities falls outside of the scope of EU antitrust rules. In addition, purchases by public authorities that do not provide an unfair advantage to the seller would not raise state aid issues.

¹ <https://www.telegraaf.nl/nieuws/nederland-wil-voorbereid-zijn-op-oorlog-defensie-koopt-tientallen-gewondentreinen-voor-een-groot-conflict-met-de-russen/131061135.html>.

² https://www.telegraaf.nl/binnenland/ns-geeft-defensie-geen-voorrang-op-broodnodige-oude-rijtuigen-ze-moeten-gewoon-het-proces-doorlopen/139213625.html?utm_source=headliner.nl&utm_medium=link&utm_term=free&utm_content=textlink&utm_campaign=Headliner.nl.

⁽¹⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC: <https://eur-lex.europa.eu/eli/dir/2014/24/oj>.

⁽²⁾ Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC: <https://eur-lex.europa.eu/eli/dir/2009/81/oj>.

Finally, the Military Mobility Regulation proposal ⁽³⁾ does not provide for the prioritised acquisition of military mobility capabilities.

⁽³⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025PC0847>.