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COMMISSION IMPLEMENTING DECISION (EU) 2026/1793

of 16 July 2026

approving derogations from Regulation (EU) 2026/467 of the European Parliament and of the Council, as regards the eligibility conditions of defence products for financial assistance to Ukraine

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Regulation (EU) 2026/467 of the European Parliament and of the Council of 24 February 2026 implementing enhanced cooperation on the establishment of the Ukraine Support Loan for 2026 and 2027 ([1]) and in particular Article 13(5) thereof,

Whereas:

(1) In accordance with Article 14 of Regulation (EU) 2026/467 Ukraine is to draw up a schedule for each activity, expenditure or measure related to a defence product or other product for defence purposes for which it intends to receive assistance, to support its defence industrial capacities, pursuant to Article 8(2), point (a)(iii) of Regulation (EU) 2026/467.

(2) Such schedule is to set out a description of the defence product or other product for defence purposes and information on compliance with the eligibility conditions set out in Article 13 of Regulation (EU) 2026/467.

(3) Article 13(5) of Regulation (EU) 2026/467 establishes derogations from the eligibility conditions of defence products for financial assistance to Ukraine. The Commission is to approve such derogations by means of implementing acts, taking into account the advice, expertise and support of the Ukraine's Defence Industrial Capacities Expert Group, and pending a positive opinion of the Committee referred in Article 27 of that Regulation.

(4) On 25 June 2026, Ukraine submitted to the Commission a schedule, classified at a level equivalent to RESTREINT UE/EU RESTRICTED in accordance with Commission Decision (EU, Euratom) 2015/444 ([2]), for activities, expenditures or measures related to defence products or other products for defence purposes for which Ukraine intends to request assistance, in accordance with Article 14 of Regulation (EU) 2026/467 ('the second product schedule').

(5) For the defence products included in the second product schedule, Ukraine requested to benefit from the derogation laid down in Article 13 (5), point (a) of Regulation (EU) 2026/467, in respect of the cost of components of products urgently needed by Ukraine to respond to Russia's war of aggression, originating outside the Union, EEA EFTA States and Ukraine, set out in Article 13(4), point (g) of that Regulation.

(6) In support to its request, Ukraine provided information to demonstrate that there is no equivalent product responding to its urgent need which complies with the conditions set out in Article 13(4), point (g), of Regulation (EU) 2026/467, or which would be available at the required scale and which delivery lead time would be commensurate with the urgency of the situation and Ukraine's immediate operational needs.

(7) On 2 July 2026, the Commission consulted the Ukraine's Defence Industrial Capacities Expert Group, established on the basis of Article 15 of Regulation (EU) 2026/467, on Ukraine's derogation request and received its advice on the same date.

(8) Given that the analysis of the request and the advice of the Expert Group have shown that the conditions for the derogation laid down in Article 13(5) of Regulation (EU) 2026/467 are met, the derogation requested by Ukraine on 25 June 2026 should be approved.

([1]) OJ L, 2026/467, 26.2.2026, ELI: http://data.europa.eu/eli/reg/2026/467/oj.
([2]) Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53, ELI: http://data.europa.eu/eli/dec/2015/444/oj).

(9) The measures provided for in this Decision are in accordance with the opinion of the committee established by Article 27(1) of Regulation (EU) 2026/467.

(10) In view of the urgency for Ukraine to procure the requested products and to allow a swift implementation of the derogationthis Decision should enter into force on the day following that of its publication in the Official Journal.

HAS ADOPTED THIS DECISION:

Article 1

The Commission approves the use of the derogations in accordance with Article 13(5), point (a), of Regulation (EU) 2026/467 as requested by Ukraine in the second product schedule received by the Commission on 25 June 2026.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 16 July 2026.

For the Commission
The President
Ursula VON DER LEYEN