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WORKING DOCUMENT

From:	Presidency
To:	Ad hoc Working Party on Military Mobility
N° Cion doc.:	15794/25 + ADD1
Subject:	Proposal for a Regulation on establishing a framework of measures to facilitate the transport of military equipment, goods and personnel across the Union - Presidency compromise proposal (Chapters I, II and III)

Delegations will find attached, both in clean and track changes format, a Presidency compromise on Chapters I, II and III of the Commission proposal.

This document will be examined at the meetings of the Ad hoc Working Party on Military Mobility on 17 and 24 April.

In the track changes version, changes in comparison to the Commission proposal (doc. 15794/25) are marked in **bold** for additions and in ~~strikethrough~~ for deletions.

The numbering of the Commission proposal remains unchanged until the end of the negotiations.

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LIMITE

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Chapter I

General provisions

Article 1

Subject matter

This Regulation lays down measures to facilitate military transport by any mode of transport, using dual-use transport and logistic capabilities or dual-use infrastructure within the Union and across its external borders, while minimising the impact of such transport on civilian transport.

This Regulation lays down in particular:

- (a) a uniform framework for permission procedures for cross-border military transport and measures that ensure uninterrupted and safe military transport, including measures that simplify customs formalities applicable to such transport at the Union's external borders;
- (b) efficient, coordinated and effective measures that facilitate military transport in response to temporary, extraordinary and urgent situations;
- (c) rules to make dual-use transport infrastructure fit for dual-use purpose and to protect and make strategic dual-use infrastructure resilient against all hazards and threats;
- (d) measures for the pooling and sharing of Union and Member States' dual-use transport and logistic capabilities and to increase visibility of existing dual-use transport capabilities for military transport.

This Regulation shall be without prejudice to the sole responsibility of each Member State over national security and to the specific character of the security and defence policy of certain Member States.

Article 2

Scope

This Regulation applies to the transportation of goods or persons by, or on behalf of, the armed forces of the Member States or, in the cases provided for in Articles 17 and 19, by members of the North Atlantic Treaty Organisation (NATO), and which takes place in part or entirely in the Union and makes use, during that transport, of dual-use capabilities or infrastructure located in the Union.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'military transport' means the transport of goods or persons, undertaken directly by armed forces, as well as the transport carried out on their behalf by civilian operators contracted by those armed forces, including in the context of a military exercise, operation or mission, and including, the manned or unmanned transport of vehicles, vessels or aircraft through their own propulsion;
- (3) 'military transport permission' means an authorisation, including diplomatic clearance or any other required approval, granted by a receiving Member State to a requesting Member State, for cross-border military transport or for transport operations carried

out within the territory of the receiving Member State, including, where applicable, traffic arrangements and receiving-nation-support;

- (4) 'requesting Member State' means the Member State making a request to a receiving Member State to conduct a military transport operation through the territory of that receiving Member State, or the Member State making a request for support under the Solidarity Pool referred to in Article 35;
- (5) 'receiving Member State' means the Member State of destination of a military transport operation or the Member State crossed or overflowed in transit of a military transport operation;
- (6) 'abnormal military cargo' means military-related goods that require special permits, customised transport plans or specialised logistical handling to ensure safe transport, and that, together with the vehicle carrying out the military transport operation, exceed:
 - (a) in the case of transport by road, the maximum authorised dimensions (length, width, height) or weight limits set out in Annex I to Directive 96/53/EC;
 - (b) in the case of transport by rail, the weight limits, loading gauge or other technical characteristics specified in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797 and specified in Commission Implementing Regulation (EU) 2019/777⁽³⁰⁾;
- (7) 'abnormal military transport' means the military transport of abnormal military cargo;
- (8) 'dangerous goods' means the substances and articles falling within the scope of the international agreements and regulations referred to in Article 10(1) of this Regulation;
- (9) 'Receiving-Nation-Support' means any action or assistance provided by a receiving Member State or on its behalf to facilitate the transit through and temporary stationing within the territory of the receiving Member State of military personnel and equipment of the requesting Member State, including access to refuelling, recharging and to parking and rest facilities, as well as medical support, in the context of a military transport operation;
- (10) 'traffic arrangements' means arrangements established by the receiving Member States specifically to facilitate the military transport operations in their relevant territories and to ensure the safety of all users, including traffic control services measures, measures to ensure the safe transport of abnormal military cargo and dangerous goods, escorting and any other security arrangements, and any other transport mode-specific requirements such as the establishment of temporary restricted areas for air movements;
- (10a) 'pre-defined routes' means pathways for road, rail, inland waterways, sea, or air military transport pre-determined by receiving Member States in order to facilitate military transport operations;
- (12) 'cabotage' means either of the following:
 - (a) national transport of goods for hire or reward carried out on a temporary basis in a Member State by an operator established in another Member State;

⁽³⁰⁾ Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312, ELI: http://data.europa.eu/eli/reg_impl/2019/777/oj).

- (b) national road passenger services for hire or reward carried out on a temporary basis in a Member State by a carrier established in another Member State;
- (13) ‘framework agreement’ means an agreement between one or more contracting authorities or entities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged;
- (14) ‘transport capabilities’ means any equipment, transport means or personnel, separately or in combination, that can facilitate, enable and execute military transport operations, as well as mobile assets for the repair of strategic dual-use infrastructure;
- (15) ‘logistic capabilities’ means the personnel, equipment, and services, that can facilitate, enable, and provide logistic support, including the storage and distribution of fuel, supplies, and other essential commodities;
- (16) ‘strategic dual-use infrastructure’ or ‘SDI’ means an infrastructure meeting the criteria set out in Article 33;
- (18) ‘Council Military Requirements’ means the ‘Military Requirements for Military Mobility within and beyond the EU’ approved by the Council and any subsequent amendments thereof as approved by the Council;
- (19) ‘military mobility corridor’ means one among the EU priority military mobility corridors set out in Annex II to the Council Military Requirements;
- (19a) ‘military mobility network’ means the network of transport infrastructure as set out in Annex II to the Council Military Requirements;
- (20) ‘dual-use transport capability’ means a civilian capability that can be used for both civilian and military transport purposes;
- (20a) ‘dual-use transport infrastructure’ means a transport network infrastructure that addresses both civilian and defence needs;
- (21) ‘food’ means food or foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽³¹⁾;
- (22) ‘goods to be moved or used in the context of military activities’ means any goods, including animals, to be moved or used in either of the following contexts:
- (a) of activities arranged by or under the control of the relevant military authorities of one or more Member State(s) or of a third country with which one or more Member State(s) has (have) concluded an agreement to carry out military activities within the customs territory of the Union, including in the context of ad hoc coalitions; or
 - (b) of any military activities undertaken on the basis of either of the following:
 - (i) the Common Security and Defence Policy of the European Union (CSDP);
 - (ii) the North Atlantic Treaty, signed in Washington D. C. on 4 April 1949;

⁽³¹⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1 ELI: <http://data.europa.eu/eli/reg/2002/178/oj>).

- (iii) the Charter of the United Nations, including military activities carried out pursuant to a mandate of the United Nations Security Council or in the context of United Nations peace operations.

Chapter II

Uniform framework for military mobility

SECTION 1

UNIFORM MILITARY TRANSPORT PERMISSION PROCEDURES AND RULES

Article 4

Military transport permissions

1. To facilitate military transport, the receiving Member State may grant to the requesting Member State any of the following:
 - (a) standing military transport permissions as specified in Article 5;
 - (b) ad hoc military transport permissions as specified in Article 6.
2. Any communication between requesting and the receiving Member States under Articles 5 and 6 shall be transmitted through the National Coordinator for Military Transport, appointed in accordance with Article 40(1). Traffic arrangements and receiving-nation-support shall be coordinated by the National Coordinators for Military Transport of the requesting and the receiving Member States.

Article 5

Standing military transport permissions

1. A standing military transport permission shall specify the types of military transport operations that are deemed to be authorised by the receiving Member States during its period of validity.
2. The receiving Member States shall take a decision to grant or deny a standing military transport permission no later than two months after receipt of the request for a standing permission.
3. The receiving Member State shall inasmuch as possible determine, in the standing military transport permission, the conditions under which the military transport operations covered by that standing military transport permission are to be carried out, including applicable traffic arrangements and pre-defined routes. Where applicable, the standing permission shall also specify the receiving-nation-support to be provided.
4. Member States, notably those situated along the same military mobility corridor may align their standing military transport permissions and coordinate in advance, in particular to ensure coherence of traffic arrangements and pre-defined routes.
5. Standing military transport permissions shall be valid until explicitly suspended or revoked by the receiving Member State. The receiving Member State revoking or suspending the permission shall notify the requesting Member State without undue delay and provide justification.

6. The receiving Member State may modify a standing military transport permission, giving the requesting Member State at least five calendar days' notice, and shall provide justification.
7. Before carrying out a military transport operation under a valid standing military transport permission, the requesting Member State shall send a notification to the receiving Member State, including the necessary information for traffic arrangements. Where the requesting Member State seeks receiving-nation-support, such request shall be included in the notification. In case the requesting Member State has specific needs related to receiving-nation-support which are not specified in the standing permission, it shall request them in the notification, without prejudice to the possibility for the receiving Member State to deny them.
8. The notification referred to in paragraph 7 shall be sent at the latest 72 hours before the scheduled time of arrival at the border crossing point of the receiving Member State. The receiving and requesting Member State may, in the standing military transport permission, agree on a shorter deadline for notifications of military transport operations. In the case of transit through several Member States, the requesting Member State shall submit the notification to all receiving Member States at the same time.
9. Upon receipt of a notification as referred to in paragraph 7, the receiving Member State may determine specific traffic arrangements for the military transport operation in question, including the use of specific routes, in particular where that is necessary for the safe transport of abnormal military cargo or dangerous goods in accordance with Articles 10 and 11. In such cases, it shall coordinate the traffic arrangements and receiving-nation-support with the requesting Member State without undue delay, in order to make sure that the military transport operation can take place as scheduled.

Article 6

***Ad hoc* military transport permissions**

1. An *ad hoc* military transport permission may be granted by the receiving Member State to the requesting Member State for one or several military transport operations which are not covered by a valid standing military permission. It shall be valid only for the duration specified in the *ad hoc* military transport permission.
2. The requesting Member State shall make the request for an *ad hoc* military transport permission as early as possible, and in any case in due time to allow the receiving Member State to grant or deny the permission in accordance with paragraph 3. Where the requesting Member State has specific needs related to receiving-nation-support, these shall be included in the request for the *ad hoc* military transport permission, without prejudice to the possibility for the receiving Member State to deny them. The request shall also include all necessary information for traffic arrangements. In the case of transit through several Member States, the requesting Member State shall submit the request to all receiving Member States at the same time.
3. The receiving Member State shall take a decision to grant or deny the *ad hoc* permission no later than five calendar days after the receipt of the *ad hoc* permission request. In its decision to grant an *ad hoc* military transport permission, the receiving Member State shall determine specific traffic arrangements for the military transport operation in question or impose conditions on that military transport operation, including the use of specific routes for the safe transport of abnormal military cargo or dangerous goods in accordance with Articles 10 and 11. In such cases, it shall coordinate the necessary arrangements with the requesting Member State without undue delay, in order to make sure that the military transport

operation can take place as scheduled. Upon denial, the decision shall be communicated, including its justification.

4. The receiving Member State may suspend or revoke an *ad hoc* military transport permission in the case of force majeure or where there is a serious threat to public policy, public order or national security in that Member State or to its sovereignty. The permission may also be suspended or revoked in the event the conditions under which it was granted are not respected. The receiving Member State suspending or revoking the permission shall notify the requesting Member State as early as possible and duly justify it.
5. The receiving Member State may modify the issued *ad hoc* military transport permission. It shall notify the requesting Member State about the modifications as early as possible.
6. The requesting Member State may modify a request for an *ad hoc* military transport permission. It shall do so no later than five calendar days prior to the originally scheduled date of arrival at the border crossing point. The receiving Member State shall respond to modification requests without undue delay. This also applies to permissions already approved.
7. Where the planned modifications concern the transport of dangerous goods or abnormal military cargo, significant modifications to the receiving-nation-support or a modification of dates that cannot be processed in due time, a new request for an *ad hoc* military transport permission shall be submitted by the requesting Member State in coordination with the receiving Member State.

Article 7

Individual train paths for military transport by rail

1. Before carrying out a military transport operation by rail, the requesting Member State, directly or through a railway undertaking carrying out the military transport on behalf of that requesting Member State, shall request an individual train path from the rail infrastructure manager(s) in the receiving Member State pursuant to Article 48 of Directive 2012/34/EU of the European Parliament and of the Council⁽³²⁾. By way of derogation from Article 48(1) of Directive 2012/34/EU, the infrastructure manager shall answer the request within five calendar days. When allocating the individual rail paths, the infrastructure manager shall take into account any requirements of the National Coordinator for Military Transport of the receiving Member State.
2. Where the cooperation of the infrastructure manager is required to ensure that the rail vehicles, in particular when carrying abnormal military cargo, are compatible with the route and are properly integrated in the composition of the train in accordance with Article 23 of Directive (EU) 2016/797, the infrastructure manager shall provide the necessary information and make the relevant infrastructure available, in accordance with Article 23(2) of Directive (EU) 2016/797, so that the railway undertaking can perform any required testing, as soon as possible, to verify that the rail vehicles, in particular when carrying abnormal military cargo, are compatible with the route and are properly integrated in the composition of the train.
3. Where the rail vehicles, in particular when carrying abnormal military cargo, are not compatible with the parameters of the route set out in the common specifications for the register of infrastructure laid down in Implementing Regulation (EU) 2019/777 under

⁽³²⁾ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32, ELI: <http://data.europa.eu/eli/dir/2012/34/oj>).

normal operating conditions, the infrastructure manager shall determine as soon as possible whether those vehicles could operate safely under particular operating conditions.

4. Where the rail transport includes dangerous goods permitted under Article 10, the infrastructure manager and railway undertaking shall put in place all measures necessary to ensure compliance with the provisions referred to in Article 10.
5. In the case of transit through several Member States, the infrastructure managers of those Member States shall coordinate to ensure coherent treatment of the military transport operation. National Coordinators for Military Transport shall facilitate this coordination.

Article 8

Forms for military transport permission requests and notifications

1. For requests of military transport permissions and for notifications, Member States shall use the forms to be set out in an implementing act and shall not require any additional information than that contained in those forms, without prejudice to the applicable Union customs rules, including the NATO and EU forms 302 referred in Article 15. These forms shall cover all modes of transport and contain all the necessary information for traffic arrangements, including for the military transport of dangerous goods and abnormal military cargo where necessary, and for receiving-nation-support. These forms shall also contain information on the intended route, timeline of the transport and, where applicable, the need for priority access and the civilian operator carrying out the transport. Different forms shall be established for land, air and sea transport. For military transport by rail, forms shall also be accompanied by a copy of the individual rail path request.
2. The Commission shall adopt the implementing act referred to in paragraph 1, in accordance with the examination procedure referred to in Article 45(4).

Article 8a

Certificate of military transport operations for civilian operators

1. Civilian operators carrying out a military transport operation on behalf of the armed forces shall carry a certificate attesting to the military nature of the transport operation. The certificate shall be issued by the National Coordinator for Military Transport and shall serve as proof that the transport operation is subject to the rules set out in this Section.
2. The Commission shall adopt an implementing act to establish a uniform template for the certificate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).

Article 8b

Receiving-Nation-Support

1. The receiving Member State shall determine conditions for providing receiving-nation-support in response to a request for military transport permission or a notification from the requesting Member State.
2. In the absence of bilateral or multilateral agreements or arrangements, the cost of receiving-nation-support shall be covered by the requesting Member State.

Article 10

Military transport of dangerous goods

1. Military transport of dangerous goods shall be permitted, subject to a valid military transport permission referred to in Article 5 and 6, when the requesting Member State, which shall retain primary responsibility for any incident resulting from its transport of dangerous goods, confirms that it complies with the requirements laid down in any of the following instruments, as appropriate:
 - (a) Agreement concerning the International Carriage of Dangerous Goods by Road, concluded at Geneva on 30 September 1957 (ADR);
 - (b) European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways, concluded at Geneva on 26 May 2000 (ADN);
 - (c) Regulations concerning the International Carriage of Dangerous Goods by Rail, appearing as Appendix C to the Convention concerning International Carriage by Rail (COTIF) concluded at Vilnius on 3 June 1999 (RID);
 - (d) International Maritime Dangerous Goods Code (IMDG Code);
 - (e) International Civil Aviation Organisation – Technical Instructions (ICAO-TI);
 - (f) NATO Allied Movement Publication 6 (AMovP-6).
2. Military transport operations carried out in accordance with Article 17 by the armed forces of a NATO member that is not a contracting party to ADR, ADN, RID, IMDG Code or ICAO-TI shall be permitted if they comply with NATO AMovP-6 or if they comply with the national rules applicable in the country of origin of the requesting NATO member, where there is a bilateral agreement between the requesting NATO member and the receiving Member State.
3. Where necessary, specific measures to ensure compliance with the requirements laid down in the instruments referred to in paragraph 1 and 2 shall be included in the traffic arrangements set under this Regulation.
4. Military transport of dangerous goods carried out under a military transport permission shall not require the submission, before the start of the military transport, of any forms or documents demonstrating compliance with the requirements laid down in ADR, ADN, RID, IMDG Code, ICAO-TI, NATO AMovP-6 or with the national rules applicable in the requesting NATO member, where there is a bilateral agreement between the requesting NATO member and the receiving Member State.

Article 11

Abnormal military transport by road

1. Military transport by road carried out by vehicles or vehicle combinations which exceed the maximum weights or dimensions set out in Annex I to Directive 96/53/EC, where these vehicles or vehicle combinations carry or are intended to carry indivisible loads as defined in Article 2 of Directive 96/53/EC, shall be permitted without prejudice to any necessary traffic arrangements determined in accordance with paragraph 2.
2. For military transport carried out in accordance with paragraph 1, the receiving Member State shall determine traffic arrangements to ensure overall road safety, the safe transport of abnormal military cargo and infrastructure compatibility. Such traffic arrangements shall replace the special permits and similar arrangements referred to in Article 4(3) of Directive 96/53/EC.

Article 12

Exemption of military transport by road from traffic restrictions

1. Military transport carried out by road shall be permitted during weekends, public holidays, national celebrations, nighttime, and any other period that may be subject to traffic restrictions, without prejudice to any necessary traffic arrangements.
2. Member States shall exempt military transport operations by road undertaken directly by the armed forces from traffic restrictions that apply on specific road sections and are based on the environmental performance of vehicles.

Article 13

Exemption of military transport from cabotage rules

Member States may, where necessary to facilitate military transport, exempt military transport carried out by civilian operators from the restrictions on cabotage operations laid down in Article 8 of Regulation (EC) No 1072/2009.

Article 14

Military Mobility Digital Information System

1. The Commission shall adopt implementing acts establishing a secure and cyber-resilient Military Mobility Digital Information System (the System), to support military transport operations for all procedures covered by this Chapter, including for customs formalities related to EU Form 302. The System shall be established taking into account the following requirements:
 - (a) the System shall be developed, tested and operational at the latest by 2030;
 - (b) any digitalisation of EU Form 302 under the System shall comply with applicable Union customs legislation, including the common data requirements constituting the EU Customs Data Model, as defined in Article 36 of Regulation (EU) [customs reform];
 - (c) the System shall be operated and maintained by the Commission;
 - (ca) access to the System shall be restricted on a need-to-know basis and granted only to authorised personnel of competent authorities, including military and customs authorities of the Member States, as well as relevant EU institutions, bodies and agencies;
 - (cb) the development and operation of the System shall ensure full compliance with the security requirements applicable to sensitive and classified information;
 - (cc) the System, including data storage, shall be located within the territory of the European Union;
 - (d) the System shall, with the exception of the relevant customs legislation, take into account military transport in the context of NATO operations, as laid out in Article 17;
 - (e) the System shall ensure interoperability where feasible, including with NATO systems and forms, and shall be developed using Union and international standards, with due regard to EU customs legislation;

- (f) any additional functionalities that support military transport may be developed and added into the System.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).

2. Where the System becomes operational, Member States shall make use of it for all procedures covered by this Chapter, including for customs formalities related to EU form 302, referred to in this Regulation.

Article 15

Simplified customs formalities

1. The military transport of goods to be moved or used in the context of military activities crossing the Union external borders shall be subject to customs supervision and shall be declared for the relevant customs procedure using the NATO form 302 or the EU form 302 as defined in Article 1, points (50) and (51), of Commission Delegated Regulation (EU) 2015/2446⁽³⁴⁾, as applicable, unless the military authorities in charge of the respective military transport operation expressly decide to submit the standard customs declaration.
2. Where consignments declared under EU or NATO forms 302 have been selected for physical or document-based control, those controls shall be carried out as a matter of priority.

Article 16

Digitalisation of EU form 302

1. Where the Military Mobility Digital Information System referred to in Article 14 is established and becomes operational, the relevant authorities of the Member States shall use it for the purpose of the exchange and storage of information related to EU form 302, based on common data requirements defined in accordance with Article 36 of Regulation (EU) [customs reform].
2. In the case of a temporary failure of the Military Mobility Digital Information System, the information shall be submitted in accordance with Article 203 of Regulation [customs reform], including means other than electronic data processing techniques.

Article 17

Military transport in the context of NATO operations

1. As regards military transport in the context of operations, missions and exercises that are commonly agreed within the North Atlantic Treaty Organisation (NATO), as well as in the context of operations, missions and exercises at multilateral and bilateral level among NATO members, Member States that are parties to the North Atlantic Treaty shall treat other parties to the North Atlantic Treaty as equivalent to requesting Member States for the purposes of Articles 4 to 13 in this Section. In this case, they shall apply the rules in Articles 4 to 13 of this Section *mutatis mutandis*. This shall be without prejudice to the security and defence interests of the Union and its Member States.

⁽³⁴⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1, ELI: http://data.europa.eu/eli/reg_del/2015/2446/oj).

2. Member States that are not parties to the North-Atlantic Treaty may equally decide to treat parties to the North Atlantic Treaty that are not Member States as equivalent to requesting Member States for the purposes of Articles 4 to 13 and apply those rules *mutatis mutandis*.

SECTION 2

EUROPEAN MILITARY MOBILITY ENHANCED RESPONSE SYSTEM (EMMERS)

Article 18

EMMERS

1. A European Military Mobility Enhanced Response System ('EMMERS') is established. Upon activation in accordance with the procedures and conditions set out in Article 19, EMMERS shall allow for the implementation of the temporary measures provided for in this Section.
2. During the period of activation of EMMERS, the temporary measures under this Section shall apply for those military transport operations linked to the purpose of the activation on the entire territory of the Union or limited to a geographical area.

Article 19

Activation of EMMERS

1. EMMERS may be activated in accordance with the procedure set out in paragraph 2 where there is an existing or an expected need for significantly higher volumes, frequency or speed of military transport in the Union or any part thereof, and the existing rules on military transport and the capacity of the transport network do not allow or are not sufficient for that need to be met.
2. Upon a reasoned request from at least one Member State defining the military transport need, the Commission, after consulting the Military Mobility Transport Group, shall submit to the Council as soon as possible a proposal for an implementing act to activate EMMERS, if the conditions set out in paragraph 1 are met.

EMMERS may also be activated by a Council implementing act without a proposal from the Commission, upon a reasoned request from at least one Member State defining the military transport need, if the conditions set out in paragraph 1 are met.

In parallel to an activation of EMMERS, the Commission shall conduct an assessment of the impact of that activation on the functioning of the internal market, including on the impact on cross-border transport, and of the possible need for mitigating measures.

3. The Council may adopt the implementing act to activate the EMERS as soon as possible after receiving the activation request. The implementing act of the Council shall specify the purpose for the activation of EMMERS, its geographical scope and duration, which shall not exceed 12 months.

The Council shall specify in the implementing act activating EMMERS which effects of the provisions of this Section are to be extended by Member States that are NATO members to military transports by NATO members that are not Member States, without prejudice to relevant customs formalities. Member States that are not NATO members may decide to apply the same extension of the rules of EMMERS to NATO members that are not Member States. When deciding to extend certain EMMERS provisions to NATO members that are not Member States, the Council shall take into account notably operations, missions and

exercises that are commonly agreed within NATO and that relate to the causes of EMMERS and shall respect security and defence interests of the Union and its Member States.

4. During the the period of activation of EMMERS, the Commission shall, upon request from a Member State or on its own initiative, convene extraordinary meetings of the Military Mobility Transport Group. Member States shall work closely with the Commission, by informing it in a timely manner about and coordinating with it any national measures taken with regard to the activation of EMMERS. In accordance with article 346 TFUE, no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.
5. Upon request of at least one Member State, the Commission shall assess whether the conditions pursuant to paragraph 1 continue to be met and submit to the Council a new proposal, where appropriate. Based on the Commission's assessment, the Council may decide to extend EMMERS or to terminate it before the end of the deadline set out in the Council implementing act referred to in paragraph 3, in accordance with the procedure set out in paragraph 2. Each implementing act extending the application of EMMERS shall remain in force for a period not exceeding 12 months. If further extension is needed after that date, the procedure provided for in paragraph 2 shall apply.

Article 20

Notification of military transport during the period of activation of EMMERS

1. For granting permissions for military transport operations during the period of activation of EMMERS, Member States shall decide between one of the following modalities:
 - a) A general permission for all military transport operations to any other Member State. This permission shall apply from the entry into force of the Council implementing act referred to in Article 19(3). Prior to each military transport operation, the requesting Member State shall send a notification to the receiving Member State at the latest 12 hours before the scheduled time of arrival at the border crossing point. [or]
 - b) Case-by-case permissions for military transport operations based on requests for each military transport operation. The receiving Member State shall take a decision to grant or deny a military transport permission within 24 hours of receiving the request.
2. Each Member State shall notify in writing the Council before it adopts the Council implementing act referred to in Article 19(3) which modality for granting the permissions defined in paragraph 1 it will apply. If a Member State does not notify the Council, before it adopts the Council implementing act, of which of the modalities set out in paragraph 1 it will apply, the modality referred to paragraph 1(b) shall apply to that Member State. The Council implementing act shall include an Annex containing the choice of those modalities for each Member State.
3. A Member State which has decided to apply one of the modalities set out in paragraph 1 may at any time decide to change to the other modality. This decision shall be notified in writing to the Council. The Council shall amend as soon as possible the Annex accordingly, indicating the date of application of the new modality.
4. For notifications of military transport operations referred to in paragraph 1(a) and for the requests for military transport permissions referred to in paragraph 1(b), Member States shall use the forms referred to in Article 8 and include all necessary information for traffic arrangements and receiving-nation-support.

5. Any communication between requesting and the receiving Member States under this Article shall be transmitted through the National Coordinator for Military Transport, appointed in accordance with Article 40(1).

Article 20a

Certificate for military transport operations during the period of activation of EMMERS

1. The armed forces, or the civilian operators acting on their behalf, carrying out a military transport operation linked to the purpose of the activation of EMMERS, as set out in the implementing act activating EMMERS, shall carry a certificate. The certificate shall be delivered by the National Coordinator for Military Transport and shall serve as proof that the transport operation is subject to the rules set out in this Section.
2. The Commission shall adopt an implementing act to establish a uniform template for the certificate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).

Article 21

Priority access during the period of activation of EMMERS

1. During the period of activation of EMMERS, Member States, as well as infrastructure owners, operators and managers or, as the case may be, related services or facilities providers, shall grant military transport priority access to transport networks and infrastructure, including road networks, roadside parking and rest areas, rail networks, stations, and service facilities, maritime and inland waterways infrastructure, including internal waters and territorial seas as defined in the United Nations Convention on the Law of the Sea (UNCLOS), sea lanes, fairways, dredged channels, port approaches, straits used for international navigation, and areas under maritime traffic management or pilotage, winter navigation services, locks, ports and port terminals, sea canals, aerodromes, airspace, multimodal freight terminals, refuelling/recharging infrastructure for all modes of transport, and related services and facilities.
2. In order to ensure priority access for a military transport operation, the armed forces performing or contracting the military transport shall submit a request for priority access to the National Coordinator for Military Transport of the receiving Member State, appointed in accordance with Article 40. The request shall be submitted as soon as possible using the forms referred to in Article 8.
4. The National Coordinator for Military Transport of the receiving Member State shall promptly inform the affected infrastructure owners, operators and managers, as well as related services or facilities providers and any other bodies and entities concerned, of the request for priority access and ensure coordination, so that they can grant priority in accordance with paragraph 6.
5. With the assistance of the National Coordinator for Military Transport, the requesting Member State shall request:
 - (a) the individual train paths from the competent infrastructure managers, either directly or via the railway undertaking appointed to carry out the transport operation;
 - (b) the berth allocation and port services from the competent managing bodies of the ports;
 - (c) the required airspace from the receiving Member State and access to aerodrome services from the competent airport managers and coordinators, in coordination with

the European Network Manager and the relevant air navigation service provider, as the case may be.

6. The priority access shall be granted as early as possible following the requests referred to in paragraphs 2 and 5, taking into account pre-defined routes. The requesting Member State shall be immediately informed thereof, in accordance with the provisions of this paragraph. Priority access shall be implemented primarily through traffic management and coordination measures, while cancellations of civilian services shall remain measures of last resort. To the extent necessary, and with due regard to safety measures, ongoing or planned transport services and operations shall be interrupted, postponed or cancelled to allow for priority access of the military transport, without prejudice to any necessary traffic arrangements.

Where multiple simultaneous military movements make it impossible to ensure timely priority access for all operations, Member States may give priority to rescue, police or other operations necessary for the protection of life, critical infrastructure or public security. In such situations, they shall promptly inform the relevant National Coordinators for Military Transport and the Military Mobility Transport Group, providing the reasons for the priority decision and, where possible, proposing alternative routes or timing arrangements for the affected military transports. Where possible, the Military Mobility Transport Group may issue guidance to ensure a harmonised deconfliction procedure.

As regards military transport by road, the road infrastructure owners, operators and managers concerned shall inform the armed forces performing or contracting the military transport that they have taken the necessary measures ensuring priority access at the tolling sections, roadside parking and rest areas, bridges, viaducts and tunnels on their road networks. The receiving Member State, acting through the National Coordinator for Military Transport, shall determine the route and the road infrastructure ensuring best priority access to the requesting armed forces through the implementation of traffic arrangements.

As regards military transport by rail the infrastructure manager shall grant individual train paths as soon as possible. If the request path is part of a pre-defined route, the paths shall be granted within six hours after receiving the notification from the requesting Member State.

As regards ports, the competent managing bodies of the ports shall inform the armed forces performing or contracting the military transport of the berth allocated and port services offered.

As regards military transport by inland waterways, where necessary, the National Coordinator for Military Transport shall inform the armed forces performing or contracting the military transport of the route and inland waterway infrastructure ensuring best priority access.

As regards military transport by air, the competent airport managers and coordinators, the European Network Manager and the relevant air traffic service provider, or the national airspace management cell, as applicable, shall inform the armed forces performing, contracting or ordering the military transport of available airspace and access to aerodrome services offered at the airports concerned.

7. In derogation of Regulation (EU) 2021/782 and Regulation (EC) 261/2004, when priority access is granted to military transport under paragraph 1, no compensation shall be due to the following persons affected:
- (a) any natural or legal person to whom a transport service is provided or is meant to be provided, including passengers and undertakings hiring transport operators for the carriage of goods;
 - (b) any natural or legal person providing or intending to provide a transport service.

Member States and infrastructure owners, operators and managers or, as the case may be, related services or facilities providers shall make all reasonable efforts to limit the impact of such priority access by, for example, offering alternative routes, slots, transport services or facilities as appropriate and depending on availabilities and inform the transport users as soon as possible.

8. Where measures related to priority access have a significant impact on cross-border traffic, Member States, infrastructure owners, operators and managers or, as the case may be, related services or facilities providers, shall be coordinated through the National Coordinators in order to limit impacts on traffic flow as much as possible.

Article 22

Military transport of dangerous goods during the period of activation of EMMERS

1. During the period of activation of EMMERS, where the requirements laid down in international agreements referred to in Article 10(1), points (a) to (e), are applicable to the military transport of dangerous goods under this Regulation, Member States may exempt such transport from those requirements, insofar as those requirements do not mandatorily apply in accordance with those agreements. No additional national requirements shall be imposed where an exemption is granted.
2. Member States concerned by the military transport shall coordinate with each other any exemptions granted in accordance with this Article and subsequently inform the Military Mobility Transport Group.

Article 23

Abnormal military transport by road during the period of activation of EMMERS

During the period of activation of EMMERS, military transport by road carried out by vehicles or vehicle combinations which exceed the maximum weights or dimensions set out in Annex I to Directive 96/53/EC shall be permitted irrespective of whether the load is indivisible or not, without prejudice to any necessary traffic arrangements determined by the receiving Member State, including the use of specific pre-defined routes.

Article 24

Enhanced protection of strategic dual-use infrastructure during the period of activation of EMMERS

During the period of activation of EMMERS, Member States shall activate enhanced protection measures, in addition to basic protection measures set out in Article 34, for the relevant strategic dual-use infrastructure located on their territories and identified as the most critical in view of the most anticipated hazards and threats, among the ones identified in accordance with Article 33.

Article 25 [To be addressed in the Presidency compromise on Chapters IV-VII]

Enhanced access to transport and logistic capabilities during the period of activation of EMERS

1. During the period of activation of EMERS, and if the Solidarity Pool referred to in Article 35 is operational, the Commission, taking into account the advice of the Military Mobility Transport Group, may identify specific capabilities registered in the Solidarity Pool that are urgently needed to support certain Member States. In such cases, requests for those

capabilities from the affected Member States and Member States that support military transport operations for the affected Member States shall be given priority consideration.

The sharing and coordination efforts under the Solidarity Pool referred to in Article 35 shall focus on supporting those priority requests, ensuring that the required capabilities are made available in a timely and efficient manner.

Where Member States' capabilities have been acquired, contracted or purchased, after the entry into force of this Regulation, with the financing support of any Union funding and could support priority requests in accordance with the first subparagraph of this paragraph, the Member States shall not invoke the exceptional situation requiring the use of their capabilities, referred to in Article 35(10) and (11).

2. The Commission may assist the Member States in contracting any relevant transport and logistic capabilities.
3. The Commission may contract any relevant transport and logistic capabilities, following the advice of the Military Mobility Transport Group.

Article 26

Exemption of military transport operations by road from cabotage rules during the period of activation of EMMERS

During the period of activation of EMMERS, military transport carried out by civilian operators shall be exempted from the restrictions on cabotage operations laid down in Article 8 of Regulation (EC) No 1072/2009, and from restrictions on the duration and frequency of cabotage operations carried out in the context of road passenger transport services.

Article 27

Derogations from rules on driving time and rest periods for military transport operations during the period of activation of EMMERS

1. During the period of activation of EMMERS, the following derogations from driving times, breaks and rest periods laid down in Regulation (EC) No 561/2006 of the European Parliament and of the Council shall apply to military transport operations carried out by civilian operators:
 - (a) by way of derogation from Article 6(1) of Regulation (EC) No 561/2006, the daily driving time of 9 hours shall be extended to 11 hours twice during the week;
 - (b) by way of derogation from Article 6(2) of Regulation (EC) No 561/2006, the weekly driving time of 56 hours shall be extended to 60 hours;
 - (c) by way of derogation from Article 6(3) of Regulation (EC) No 561/2006, the total accumulated driving time during any two consecutive weeks shall be extended from 90 hours to 96 hours;
 - (d) by way of derogation from Article 7, first paragraph, of Regulation (EC) No 561/2006, the driving period of four and a half hours after which the driver is required to take an uninterrupted break of not less than 45 minutes shall be increased up to five and a half hours. The break may be replaced by three breaks of 15 minutes each distributed in such a way as to comply with the provision of Article 7, first paragraph, of that Regulation;

- (e) by way of derogation from Article 8(2), second subparagraph, of Regulation (EC) No 561/2006, the daily rest period of 9 hours shall be regarded as a reduced daily rest period;
 - (f) by way of derogation from Article 8(6), first subparagraph, of Regulation (EC) No 561/2006, in any two consecutive weeks a driver may take two reduced weekly rest periods of at least of 24 hours. When use is made of this derogation, the start of the weekly rest period referred to in Article 8(6), second subparagraph, of that Regulation may be postponed beyond the end of six 24-hour periods from the end of the previous weekly rest period, without however exceeding 12 periods of 24 hours;
 - (g) by way of derogation from Article 8(6b) of Regulation (EC) No 561/2006, any reduction in the weekly rest period shall be compensated by an equivalent period of rest taken before the end of the twelfth week following the week in question, either *en bloc* or as two rest periods, one of them being of at least 45 hours;
 - (h) by way of derogation from Article 8(8) of Regulation (EC) No 561/2006, the regular weekly rest periods and any weekly rest period of more than 45 hours taken in compensation for previous reduced weekly rest periods may be taken in a vehicle, provided that the vehicle is safely parked and has adequate conditions for the rest;
 - (i) by way of derogation from Article 9(1) of Regulation (EC) No 561/2006, the permitted period of interruption where a driver accompanies a vehicle which is transported by ferry or train and takes a regular daily rest period or a reduced weekly rest period in a sleeper cabin, bunk or couchette shall be increased from one to two hours.
2. The use of the derogations laid down in paragraph 1 of this Article shall be without prejudice to the maximum working times under Directive 2002/15/EC of the European Parliament and of the Council⁽³⁶⁾.
 3. For the purpose of roadside checks, the driver shall be able to produce, whenever an authorised control officer so requests, the certificate referred to in Article 20a, and the record sheets and any manual records and printouts for the current day and the previous days that justify the use of the derogations.

Article 28

Use of rail vehicles outside their specified area of use during the period of activation of EMMERS

1. During the period of activation of EMMERS, rail vehicles may be used outside the area of use specified in their authorisation for placing on the market under Article 21 of Directive (EU) 2016/797 or outside the area of use for which they were put in operation under the Union or national legal framework previously applicable before the authorisation framework set out by that Directive, provided that the following conditions are met:
 - (a) the vehicle has been subject to checks in accordance with Article 23(1), points (b) and (c), of Directive (EU) 2016/797;
 - (b) the vehicle is to be used as part of a military transport;
 - (c) the vehicle is in operation on one network prior to its use on a further network;

⁽³⁶⁾ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35, ELI: <http://data.europa.eu/eli/dir/2002/15/oj>).

- (d) the vehicle has been identified for potential use as part of a military transport in accordance with Article 37 of this Regulation.
- 2. Operations of the vehicles referred to in paragraph 1 shall be carried out in agreement between the concerned infrastructure managers and railway undertakings, in compliance with each of their safety management system as set out under Article 9 of Directive (EU) 2016/798 of the European Parliament and of the Council⁽³⁷⁾ and, where relevant, in accordance with Article 10(9) of that Directive.
- 3. The railway undertaking shall contact the infrastructure manager that is not in the area of use of the vehicle to verify the compatibility of the vehicle with the infrastructure and to rule out potential safety concerns.

Article 29

Exemption of military transport operations from traffic restrictions during the period of activation of EMMERS

- 1. During the period of activation of EMMERS, military transport operations shall be permitted during weekends, public holidays, national celebrations, nighttime, and any other period that may be subject to traffic restrictions. For safety reasons, the receiving Member State may deviate from this provision in the corresponding traffic arrangements.
- 2. During the period of activation of EMMERS, Member States shall exempt military transport operations from traffic restrictions applied on specific road sections and based on the environmental performance of vehicles and from restrictions based on air quality and noise control put in place at ports and airports.
- 3. During the period of activation of EMMERS, rail vehicles used as part of a military transport operation shall be exempted from railway traffic restrictions applied based on Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise'.

Article 30

Exemption of official controls on food, feed and dogs at entry into the Union during the period of activation of EMMERS

- 1. During the period of activation of EMMERS, Articles 43 to 57 and Articles 65 to 72 of Regulation (EU) 2017/625 shall not apply to food, feed and dogs entering the Union that constitute goods to be moved or used in the context of military activities, provided that they:
 - (a) are declared under the EU or NATO forms 302, as referred to in Article 15;
 - (b) are identified by means of marking or labelling as being for military use only, in accordance with the internal procedures implemented by the military authorities in charge of the respective military transport operation, such marking or labelling shall be clearly visible;
 - (c) enter the Union under the supervision of military authorities in charge of the respective military transport operation.

⁽³⁷⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102, ELI: <http://data.europa.eu/eli/dir/2016/798/oj>).

2. Following the entry into the Union of food, feed and dogs referred to in paragraph 1, military authorities in charge of the respective military transport operation shall ensure that those goods move under their supervision and are intended for military use only.
3. Military authorities in charge of the respective military transport operation shall ensure that food and feed referred to in paragraph 1 do not pose a risk to animal, public or plant health in the Union and are not placed on the market of the Union and are either consumed, safely disposed of or reexported from the Union.
4. Military authorities in charge of the respective military transport operation shall ensure that dogs referred to in paragraph 1 do not pose a risk to animal or public health in the Union and are not subjected to any transfer of ownership in the Union.

Article 31

Customs procedures during the period of activation of EMMERS

1. During the period of activation of EMMERS, the Council implementing act referred to in Article 19(3) of this Regulation shall have the effect of activating the procedures and protocols in accordance with the procedures set out in Article 203(1) of Regulation [customs reform] and the customs crisis management mechanism as defined in Article 204 of Regulation [customs reform].
2. The European Union Customs Authority, as set out in Title XII of Regulation [customs reform], in consultation with the Commission shall prepare procedures and protocols referred to in paragraph 1 of this Article for the implementation of action in the event of the activation of EMMERS as defined under Article 19.
- 2a. When EMMERS is activated, goods used for military activities shall be declared using the EU or NATO Forms 302.

Chapter III

Resilience of transport infrastructure

Article 32

Preparedness of the transport network for dual-use

1. With a view to upgrading and completing the dual-use infrastructure identified as part of the military mobility corridors to the transport infrastructure requirements defined in Annex II to the Council Military Requirements as a matter of priority and in a coordinated and synchronised approach, Member States shall prioritise the following projects:
 - (a) ensuring continuity of the transport network, by closing missing links and removing important bottlenecks to military transport;
 - (b) ensuring interoperability of the transport network, particularly of the railway network;
 - (c) adapting the infrastructure to abnormal military transport, including by reinforcing bridges for rail and road transport and by reinforcing and enlarging rail, road, port and aerodrome infrastructure, such as the widening of tunnels;

- (d) upgrading road tunnels to ADR category A where technically feasible, or providing for mitigation measures or alternative routes for vehicles carrying dangerous goods incompatible with the existing tunnel category;
 - (e) increasing throughput capacity for the most relevant transport modes, including by improving rail and road access to ports and airports and improving port, airport and terminal facilities and equipment, in order to ensure multimodal transport and operational military transport continuity;
 - (f) enhancing the resilience of communication, control, navigation, surveillance and energy supply infrastructure, in particular against interferences with radio-frequency communications;
 - (g) ensuring sufficient resilience and redundancy in the network, including by providing adequate diversionary routes.
2. The Member States situated along the same military mobility corridor shall cooperate to identify and address potential risks that may affect the functionality, security, or resilience of that corridor, in particular for cross-border transport. To that end, they shall:
- (a) assess the functionality of the military mobility corridors;
 - (b) analyse the state of compliance of the military mobility corridor infrastructure with the transport infrastructure requirements as set out in the Council Military Requirements;
 - (c) identify and assess potential infrastructure gaps, including for the “last mile”, as well as missing links and bottlenecks hampering the smooth flow of military transport;
 - (d) determine the accurate and precise technical and operational characteristics of their transport infrastructure and the conditions under which abnormal military cargo could be transported;
 - (e) assess the risks for military transport operations along the military mobility corridors, and monitor the resilience of communication, control, navigation, surveillance and energy supply infrastructure, in particular against interferences with radio-frequency communications;
 - (f) identify any operational gaps in the ability of infrastructure managers to ensure a quick repair and recovery of the infrastructure;
 - (g) reinforce resilience by ensuring compatibility with the use of the services offered by the Union Space Systems, such as Positioning, Navigation and Timing (PNT), Earth Observation (EO) and Secure Connectivity. In particular, when using PNT services, they shall avoid full reliance on non-EU GNSS systems and whenever feasible implement interoperable multi-constellation solutions based preferably on Galileo Public Regulated Service (PRS) or on authenticated Galileo Open Service (OS). Furthermore, Member States shall utilise the Union space-based EO services, where they offer monitoring and protection solutions.
3. Based on the analysis conducted in accordance with paragraph 2, Member States, in close cooperation with the Commission, shall identify targeted short-term investments (transport infrastructure ‘hotspots’) that are to be implemented as a matter of priority along the military mobility corridors, taking into account the degree of maturity of projects and the availability of financial resources. The Commission, with the support of the EEAS, shall set up targeted meetings per military mobility corridor in order to agree on the implementation of such hotspots in a synchronised and coordinated manner. The Member States concerned shall be invited to such meetings, and military experts shall be consulted in the assessment. The list of hotspots shall be regularly assessed and updated.

When drafting or amending their national plan for Military Mobility, Member States shall take into account the short-term, targeted investments along the military mobility corridors passing through their territory.

4. Member States, with the support of the Commission and the EEAS, shall coordinate on the following:
- (a) agreeing on designated routes, transport nodes and supporting facilities like military transport support centres and logistic hubs, and making best use of the military mobility corridors, taking into account the most common military transport convoys;
 - (b) fostering coordination and cooperation between rail infrastructure managers and operators in different Member States, in particular to ensure the efficient processing of the traffic arrangements pursuant to Article 7 and rapid and efficient route compatibility checks for abnormal military transport crossing more than one network, while preserving the independence of infrastructure managers;
 - (c) fostering coordination and cooperation between national aviation authorities with the support of the EDA and, where relevant, the Network Manager defined in Article 2, point (49), of Regulation (EU) 2024/2803, in order to define cross-border connectivity points between all Member States, in accordance with the principles laid down in Commission Regulation (EC) No 2150/2005⁽³⁸⁾.

For the purposes of the first subparagraph, point (b), Member States shall instruct infrastructure managers to agree on pre-defined routes for cross-border military transport, in particular for dangerous goods and abnormal military transport. To this end, military transport operations by rail shall be categorised with clearly identified technical and operational characteristics, and a list of predefined train paths on suitable routes shall be established, including alternative routes for use in case of disruptions, in order to facilitate and accelerate the allocation of capacity.

Article 33

Identification of strategic dual-use infrastructure

1. Based on operational needs, Member States shall identify which infrastructure located on the national military mobility network is to be considered as strategic dual-use infrastructure. These may include:
- (a) infrastructure that has a capacity and relevance to support large-scale military transport operations;
 - (b) infrastructure that is strategically important for military transport along one or several military mobility corridors;
 - (c) infrastructure that provides or is expected to provide a significant contribution to planned military transport;
 - (d) infrastructure that poses a potential bottleneck or missing link for military transport operations, such as a strategic river crossing or tunnel, or that, if affected by an incident, would have a significant disruptive impact on the support large-scale military transport operations.

⁽³⁸⁾ Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace (OJ L 342, 24.12.2005, p. 20, ELI: <http://data.europa.eu/eli/reg/2005/2150/oj>).

3. In addition to the strategic dual-use infrastructure referred to in paragraph 1, Member States shall also identify essential supporting infrastructure, amongst which transport-critical energy and communications infrastructure, meeting the following criteria as strategic dual-use infrastructure for the purposes of this Regulation:
 - (a) infrastructure that has the capacity and relevance to support large-scale military transport operations;
 - (b) infrastructure that provides or is expected to provide a strategic contribution to planned military transport;
 - (c) infrastructure that plays a key role in providing services of transport of goods or persons;
 - (d) infrastructure that provides very specialised dual-use services, facilities or equipment that are essential for military transport, and for which there are very few alternatives;
 - (e) infrastructure that plays a strategic role in storing dual-use assets that facilitate military transport along the military mobility corridors.
4. By 2 years after entry into force of this Regulation, each Member State shall draw up a list of the strategic dual-use infrastructure located in its territory and identified in accordance with this Article. To ensure a coherent approach, they shall submit that list to the Commission and the EEAS for possible comments. The Member States shall update that list on a regular basis. The list shall be treated with the appropriate level of classification, set by each Member State.

Article 34

Basic protection measures for SDI

1. Member States shall take the following basic protection measures in relation to SDI located in their territories to protect them against the most anticipated hazards and threats, to enhance their resilience and to ensure their effective operation:
 - (a) inform the owners, operators and managers of the infrastructure of its designation as an SDI and communicate any relevant information, including on relevant risks, necessary for them to comply with their obligations under paragraph 2;
 - (b) prevent, mitigate and address the risks associated with foreign ownership or control of SDI, including through the foreign investment screening in accordance with Regulation (EU) 2019/452;
 - (c) prevent, mitigate and address the risks linked to the management or operation of specific equipment, systems, personnel and transport services that are part of or related to an SDI;
 - (d) where appropriate and proportionate, take basic measures to protect and to equip the SDI against interferences and attacks by State and non-State actors, including terrorist, cyber and hybrid attacks.
2. The owners, operators and managers of SDI shall take appropriate and proportionate technical, security and organisational measures within their area of responsibility and, where relevant, in collaboration with each other, to ensure that the SDI is appropriately protected against the most anticipated hazards and threats, that its resilience is enhanced and that its effective operation is guaranteed. In particular, the owners, operators and managers of SDI shall:

- (b) take measures to carry out risk assessments for natural or human-induced incidents, prevent incidents from occurring, ensure physical protection, respond to the consequences of the incidents, recover from incidents, carry out background checks on personnel, notify incidents that have or might have significant impact on the operation of the SDI;
- (c) implement cybersecurity risk management measures, based on an all-hazards approach, that aim to protect network and information systems and the physical environment of those systems from incidents;
- (d) provide relevant information on the ownership structure of the SDI at the first request of the Member State where the SDI is located.

The Commission shall prepare non-binding guidelines to identify a set of protection measures for owners, operators and managers of SDI. To this end, the Commission shall seek the advice of the Military Mobility Transport Group.

4. Member States shall, without undue delay and through their National Coordinator for Military Transport, inform the Commission, the EEAS and the other potentially affected Member States of any incidents in relation to SDI located on their territory that significantly disrupt or have the potential to significantly disrupt the operations of SDI and that were either notified to them by the owners, operators and managers of SDI or that they became aware of through any other means. Such notifications shall include any available information to enable the national authorities to assess the nature, cause and possible consequences of the incident, including any available information to determine the resulting capacity restrictions and possible cross-border impact of the incident.

Chapter I

General provisions

Article 1

Subject matter

This Regulation lays down measures ~~relating to dual-use equipment, means of transport and infrastructure~~ to facilitate military transport in **any mode of transport, using dual-use transport and logistic capabilities or dual-use infrastructure within** the Union and across its external borders, while minimising and mitigating the impact of such transport on civilian transport.

This Regulation lays down in particular:

- (a) a uniform framework for permission procedures for cross-border military transport and measures that ensure uninterrupted and safe military transport, including measures that simplify customs formalities applicable to such transport at the Union's external borders;
- (b) efficient, coordinated and effective measures that facilitate military transport in response to temporary, extraordinary and urgent situations;
- (c) rules to make dual-use transport infrastructure fit for dual-use purpose and to protect and make strategic dual-use infrastructure resilient against all hazards and threats;
- (d) measures ~~to share~~ **for the pooling and pool sharing of** Union and Member States' **dual-use** transport and logistic capabilities and **to** increase visibility of existing **dual-use** transport capabilities for military transport.

This Regulation shall be without prejudice to the sole responsibility of each Member State over national security and to the specific character of the security and defence policy of certain Member States.

Article 2

Scope

This Regulation applies to the ~~transport~~ **transportation** of ~~equipment, goods and personnel that is operated~~ **for persons** by, or ~~under the responsibility~~ **on behalf** of, the armed forces of the Member States or, in the cases provided for in Articles 17 and 19 ~~of this Regulation, of Allies~~, **by members** of the North Atlantic Treaty Organisation (NATO), **and which** takes place in part or entirely in the Union and makes use, during that transport, of dual-use **capabilities or** infrastructure, ~~assets and capabilities~~ located in the Union.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'military transport' means the transport of ~~equipment, goods or persons~~, undertaken directly by armed forces, as well as the transport carried out on their behalf by ~~civil companies or other contractors engaged~~ **civilian operators contracted** by those armed forces, including in the context of a military exercise, operation or mission, and including, the manned or unmanned transport of vehicles, vessels or aircraft through their own propulsion;

- (2) ~~‘military transport operation’ means a laden or unladen journey of military transport;~~
- (3) ‘military transport permission’ means an authorisation ~~or a~~, **including** diplomatic clearance **or any other required approval**, granted by a receiving Member State to a requesting Member State, for cross-border military transport **or for transport operations carried out within the territory of the receiving Member State, including, where applicable, traffic arrangements and receiving-nation-support;**
- (4) ‘requesting Member State’ means the Member State making a request to a receiving Member State to conduct a military transport operation through the territory of that receiving Member State, or the Member State making a request for support under the Solidarity Pool referred to in Article 35;
- (5) ‘receiving Member State’ means the Member State of destination of a military transport operation or the Member State crossed or overflowed in transit of a military transport operation;
- (6) ‘abnormal military cargo’ means military-related goods ~~or equipment~~ that require special permits, customised transport plans or specialised logistical handling to ensure safe transport, and that, together with the vehicle carrying out the military transport operation, exceed:
- (a) in the case of transport by road, the maximum authorised dimensions (length, width, height) or weight limits set out in Annex I to Directive 96/53/EC;
 - (b) in the case of transport by rail, the weight limits, loading gauge or other technical characteristics specified in the register of infrastructure referred to in Article 49 of Directive (EU) 2016/797 and ~~in the RINF application referred to~~ **specified** in Commission Implementing Regulation (EU) 2019/777⁽³⁰⁾;
- (7) ‘abnormal military transport’ means the military transport of abnormal military cargo;
- (8) ‘dangerous goods’ means the substances and articles falling within the scope of the international agreements and regulations referred to in Article 10(1) of this Regulation;
- (9) ~~‘Host~~**Receiving**-Nation-Support’ means any action or assistance provided by a receiving Member State or on its behalf to facilitate the transit through and temporary stationing within the territory of the receiving Member State of military personnel and equipment of the requesting Member State, including access to refuelling, recharging and to parking and rest facilities, **as well as medical support,** in the context of a military transport operation;
- (10) ‘traffic arrangements’ means ~~operational~~ arrangements established by the receiving Member States’ competent authorities **States** specifically to ~~enable~~**facilitate the** military transport operations in their relevant territories **and to ensure the safety of all users,** including traffic control services measures, measures to ensure the safe transport of abnormal military cargo and dangerous goods, escorting and any other security arrangements, ~~Host Nation Support,~~ and any other transport mode-specific requirements such as the establishment of temporary restricted areas for air movements;

⁽³⁰⁾ Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312, ELI: http://data.europa.eu/eli/reg_impl/2019/777/oj).

(10a) ‘pre-defined routes’ means pathways for road, rail, inland waterways, sea, or air military transport pre-determined by receiving Member States in order to facilitate military transport operations;

~~(11) ‘escort’ means a guard or police force accompanying a military transport operation;~~

(12) ‘cabotage’ means either of the following:

- (a) national transport of goods for hire or reward carried out on a temporary basis in a Member State by an operator established in another Member State;
- (b) national road passenger services for hire ~~and/or~~ reward carried out on a temporary basis in a Member State by a carrier established in another Member State;

(13) ‘framework ~~contract~~ **agreement**’ means an agreement between one or more contracting authorities or entities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged;

(14) ‘transport capabilities’ means any equipment, transport means or personnel, separately or in combination, that can facilitate, enable and execute military transport operations, as well as mobile assets for the repair of strategic dual-use infrastructure;

(15) ‘logistic capabilities’ means the personnel, equipment, and services, that can facilitate, enable, and ~~execute Host Nation Support activities~~ **provide logistic support**, including the storage and distribution of fuel, supplies, and other essential commodities;

(16) ‘strategic dual-use infrastructure’ or ‘SDI’ means an infrastructure meeting the criteria set out in Article 33;

~~(17) ‘owners, operators and managers of an infrastructure’ means entities responsible for investments in, or day-to-day operation of that infrastructure;~~

(18) ‘Council Military Requirements’ means the ‘Military Requirements for Military Mobility within and beyond the EU’ approved by the Council ~~on 26 June 2023 and 23 October 2023~~ and any subsequent amendments thereof as approved by the Council;

(19) ‘military mobility corridor’ means one among the EU priority military mobility corridors set out in Annex II to the Council Military Requirements;

(19a) ‘military mobility network’ means the network of transport infrastructure as set out in Annex II to the Council Military Requirements;

(20) ~~‘dual-use’ means the capacity to~~ **use transport capability’ means a civilian capability that can** be used for both civilian and military transport purposes;

(20a) ‘dual-use transport infrastructure’ means a transport network infrastructure that addresses both civilian and defence needs;

(21) ‘food’ means food or foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽³¹⁾;

⁽³¹⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1 ELI: <http://data.europa.eu/eli/reg/2002/178/oj>).

- (22) 'goods to be moved or used in the context of military activities' means any goods, including animals, to be moved or used in either of the following contexts:
- (a) of activities arranged by or under the control of the relevant military authorities of one or more Member State(s) or of a third country with which one or more Member State(s) has (have) concluded an agreement to carry out military activities within the customs territory of the Union; or, including in the context of ad hoc coalitions; or
 - (b) of any military activities undertaken on the basis of either of the following:
 - (i) the Common Security and Defence Policy of the European Union (CSDP);
 - (ii) the North Atlantic Treaty, signed in Washington D. C. on 4 April 1949;
 - (iii) the Charter of the United Nations, including military activities carried out pursuant to a mandate of the United Nations Security Council or in the context of United Nations peace operations.

Chapter II

Uniform framework for military mobility

SECTION 1

UNIFORM MILITARY TRANSPORT PERMISSION PROCEDURES AND RULES

Article 4

Military transport permissions

1. ~~To facilitate cross-border military transport, the receiving Member State may grant to the requesting Member State any of the following:~~
 - (a) standing military transport permissions as specified in Article 5;
 - (b) ad hoc military transport permissions as specified in Article 6.
2. **Any communication between requesting and the receiving Member States under Articles 5 and 6 shall be transmitted through the National Coordinator for Military Transport, appointed in accordance with Article 40(1). Traffic arrangements and receiving-nation-support shall be coordinated by the National Coordinators for Military Transport of the requesting and the receiving Member States.**

Article 5

Standing military transport permissions

1. A standing military transport permission shall specify the types of military transport operations that are deemed to be authorised by the receiving Member States during its period of validity. ~~Standing military transport permissions shall cover at least the types of military transport operations set out in Annex I.~~
2. The receiving Member States shall take a decision to grant or deny a standing military transport permission no later than two months after receipt of the request for a standing permission.

3. The receiving ~~and requesting~~ Member States shall inasmuch as possible agree determine, in the standing military transport permission, ~~on the conditions under which the military transport operations covered by that standing military transport permission are to be carried out, if any,~~ including applicable traffic arrangements and pre-defined routes. **Where applicable, the standing permission shall also specify the receiving-nation-support to be provided.**
4. Member States, notably those situated along the same military mobility corridor, may align their standing military transport permissions and coordinate in advance, in particular to ensure coherence of traffic arrangements and pre-defined routes.
5. Standing military transport permissions shall be valid until explicitly suspended or revoked by the receiving Member State. ~~The Member State shall only suspend or revoke a standing military transport permission in the case of force majeure or where there is a serious threat to public policy, public order or national security in that Member State and it shall provide justification.~~ The receiving Member State revoking or suspending the permission shall notify the requesting Member State as early as possible **without undue delay and provide justification.**
6. The receiving Member State may, ~~in duly justified cases,~~ modify a standing military transport permission, giving the requesting Member State at least ~~three working~~ **five calendar** days' notice, **and shall provide justification.**
7. Before carrying out a military transport operation under a valid standing military transport permission, the requesting Member State shall send a notification to the receiving Member State, **including the necessary information for traffic arrangements.** Where the requesting Member State seeks ~~Host-Nation-Support or other traffic arrangements~~ **receiving-nation-support**, such request shall be included in the notification. **In case the requesting Member State has specific needs related to receiving-nation-support which are not specified in the standing permission, it shall request them in the notification, without prejudice to the possibility for the receiving Member State to deny them.**
8. The notification referred to in paragraph 7 shall be sent at the latest 72 hours before the scheduled time of arrival at the border crossing point of the receiving Member State. ~~When the notification includes one or more requests for traffic arrangements, the receiving Member States shall coordinate and process these requests simultaneously to ensure coherent traffic arrangements for the military transport.~~ The receiving and requesting Member State may, in the standing military transport permission, agree on a shorter deadline for notifications of military transport operations. **In the case of transit through several Member States, the requesting Member State shall submit the notification to all receiving Member States at the same time.**
9. Upon receipt of a notification as referred to in paragraph 7, the receiving Member State may determine specific traffic arrangements for the military transport operation in question ~~or impose conditions on that military transport operation,~~ including the use of specific routes, in particular where that is necessary for the safe transport of abnormal military cargo or dangerous goods in accordance with Articles 10 and 11. In such cases, it shall coordinate the ~~necessary~~ **traffic** arrangements **and receiving-nation-support** with the requesting Member State without undue delay, in order to make sure that the military transport operation can take place as scheduled.
10. ~~The Commission is empowered to adopt delegated acts in accordance with Article 44 to amend Annex I in order to update the list of types of military transport operations covered by standing military transport permissions.~~

Article 6

Ad hoc military transport permissions

1. An *ad hoc* military transport permission may be granted by the receiving Member State to the requesting Member State for one or several military transport operations which are not covered by a valid standing military permission. It shall be valid only for the duration specified in the *ad hoc* military transport permission.
2. The requesting Member State shall make the request for an *ad hoc* military transport permission as early as possible, and in any case in due time to allow the receiving Member State to grant or deny the permission in accordance with paragraph 3. Where the requesting Member State ~~seeks Host Nation Support or other traffic arrangements, such request for traffic arrangements~~ **has specific needs related to receiving-nation-support, these** shall be included in the request for the *ad hoc* military transport permission, **without prejudice to the possibility for the receiving Member State to deny them. The request shall also include all necessary information for traffic arrangements.** In the case of transit through several Member States, the requesting Member State shall submit the request to all receiving Member States at the same time. ~~The receiving Member States shall then coordinate and process the requests simultaneously to ensure coherent traffic arrangements for the military transport.~~
3. The receiving Member State shall take a decision to grant or deny the *ad hoc* permission no later than ~~three working~~ **five calendar** days after the receipt of the *ad hoc* permission request. In its decision to grant an *ad hoc* military transport permission, the receiving Member State ~~may~~ **shall** determine specific traffic arrangements for the military transport operation in question or impose conditions on that military transport operation, including the use of specific routes, ~~in particular where that is necessary~~ for the safe transport of abnormal military cargo or dangerous goods in accordance with Articles 10 and 11. In such cases, it shall coordinate the necessary arrangements with the requesting Member State without undue delay, in order to make sure that the military transport operation can take place as scheduled. **Upon denial, the decision shall be communicated, including its justification.**
4. The receiving Member State may **suspend or** revoke an *ad hoc* military transport permission ~~only~~ in the case of force majeure or where there is a serious threat to public policy, public order or national security in that Member State ~~or to its sovereignty. The permission may also be suspended or revoked in the event the conditions under which it was granted are not respected.~~ The receiving Member State **suspending or** revoking the permission shall notify the requesting Member State as early as possible and duly justify it.
5. The receiving Member State may modify the issued *ad hoc* military transport permission ~~only in duly justified cases.~~ It shall notify the requesting Member State about the modifications as early as possible.
6. The requesting Member State may modify a ~~previously submitted~~ request for an *ad hoc* military transport permission. It shall do so no later than ~~three working~~ **five calendar** days prior to the originally scheduled date of arrival at the border crossing point. The receiving Member State shall ~~reply~~ **respond** to modification requests without undue delay. **This also applies to permissions already approved.**
7. **Where the planned modifications concern the transport of dangerous goods or abnormal military cargo, significant modifications to the receiving-nation-support or a modification of dates that cannot be processed in due time, a** A new request for an *ad hoc* military transport permission shall be submitted by the requesting Member State ~~if the planned modifications concern transport of dangerous goods or abnormal military cargo,~~

~~significant modifications to the Host Nation Support or a modification of dates~~in coordination with the receiving Member State.

Article 7

Individual train paths for military transport by rail

1. Before carrying out a military transport operation by rail, the requesting Member State, directly or through a railway undertaking carrying out the military transport on behalf of that requesting Member State, shall request an individual train path from the rail infrastructure manager(s) in the receiving Member State pursuant to Article 48 of Directive 2012/34/EU of the European Parliament and of the Council⁽³²⁾. **By way of derogation from Article 48(1) of Directive 2012/34/EU, the infrastructure manager shall answer the request within five calendar days. When allocating the individual rail paths, the infrastructure manager shall take into account any requirements of the National Coordinator for Military Transport of the receiving Member State.**
2. Where the cooperation of the infrastructure manager is required to ensure that the rail vehicles, in particular when carrying abnormal military cargo, are compatible with the route and are properly integrated in the composition of the train in accordance with Article 23 of Directive (EU) 2016/797, the infrastructure manager shall provide the necessary information ~~to the rail undertaking and facilitate any required testing, as soon as possible~~ **and make the relevant infrastructure available, in accordance with Article 23(2) of Directive (EU) 2016/797, so that the railway undertaking can perform any required testing, as soon as possible, to verify that the rail vehicles, in particular when carrying abnormal military cargo, are compatible with the route and are properly integrated in the composition of the train.**
3. Where the rail vehicles, in particular when carrying abnormal military cargo, are not compatible with the parameters of the route set out in the common specifications for the register of infrastructure laid down in Implementing Regulation (EU) 2019/777 under normal operating conditions, the infrastructure manager shall determine as soon as possible whether those vehicles could operate safely under particular operating conditions.
4. Where the rail transport includes dangerous goods permitted under Article 10, the infrastructure manager and railway undertaking shall put in place all measures necessary to ensure compliance with the provisions referred to in Article 10.
5. In the case of transit through several Member States, the infrastructure managers of those Member States shall coordinate to ensure coherent treatment of the military transport operation. **National Coordinators for Military Transport shall facilitate this coordination.**

Article 8

~~Practical arrangements~~Forms for military transport permission procedures requests and notifications

1. ~~Requests for military transport permissions, notifications under such permissions, and requests for traffic arrangements provided for in this Chapter, including for the military transport of dangerous goods and abnormal military cargo, shall be made using the template~~

⁽³²⁾ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32, ELI: <http://data.europa.eu/eli/dir/2012/34/oj>).

~~set out in Annex II. Requests and notifications shall be combined into a single permission request, a single notification or a single request for traffic arrangements for the same military transport. Without prejudice to the applicable Union customs rules, including the NATO and EU forms 302 referred in Article 15, no additional forms shall be required by any Member State.~~

- ~~2. The Commission is empowered to adopt delegated acts in accordance with Article 44 to amend Annex II, by updating the content of the template, in order to take account of technical or operational developments.~~
- ~~3. Any communication between requesting and the receiving Member States under Articles 5 and 6 shall be transmitted through the National Coordinator for Cross Border Military Transport, appointed in accordance with Article 40(1).~~

- 1. For requests of military transport permissions and for notifications, Member States shall use the forms to be set out in an implementing act and shall not require any additional information than that contained in those forms, without prejudice to the applicable Union customs rules, including the NATO and EU forms 302 referred in Article 15. These forms shall cover all modes of transport and contain all the necessary information for traffic arrangements, including for the military transport of dangerous goods and abnormal military cargo where necessary, and for receiving-nation-support. These forms shall also contain information on the intended route, timeline of the transport and, where applicable, the need for priority access and the civilian operator carrying out the transport. Different forms shall be established for land, air and sea transport. For military transport by rail, forms shall also be accompanied by a copy of the individual rail path request.**
- 2. The Commission shall adopt the implementing act referred to in paragraph 1, in accordance with the examination procedure referred to in Article 45(4).**

Article 9

Uninterrupted military transport

~~Any necessary control measures in relation to the escort of military transport operations, flagging of vehicles of a military transport and weapons and ammunition, for military transport operations within the Union, shall only be carried out at the military transport operation's first planned stop after the internal border of a Member State to ensure uninterrupted military transport.~~

Article 8a

Certificate of military transport operations for civilian operators

- 1. Civilian operators carrying out a military transport operation on behalf of the armed forces shall carry a certificate attesting to the military nature of the transport operation. The certificate shall be issued by the National Coordinator for Military Transport and shall serve as proof that the transport operation is subject to the rules set out in this Section.**
- 2. The Commission shall adopt an implementing act to establish a uniform template for the certificate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).**

Article 8b

Receiving-Nation-Support

1. **The receiving Member State shall determine conditions for providing receiving-nation-support in response to a request for military transport permission or a notification from the requesting Member State.**
2. **In the absence of bilateral or multilateral agreements or arrangements, the cost of receiving-nation-support shall be covered by the requesting Member State.**

Article 10

Military transport of dangerous goods

1. Military transport of dangerous goods shall be permitted, subject to a valid military transport permission referred to in Article 5 and 6, when **the requesting Member State, which shall retain primary responsibility for any incident resulting from its transport of dangerous goods, confirms that** it complies with the requirements laid down in any of the following instruments, as appropriate:
 - (a) Agreement concerning the International Carriage of Dangerous Goods by Road, concluded at Geneva on 30 September 1957 (ADR);
 - (b) European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways, concluded at Geneva on 26 May 2000 (ADN);
 - (c) Regulations concerning the International Carriage of Dangerous Goods by Rail, appearing as Appendix C to the Convention concerning International Carriage by Rail (COTIF) concluded at Vilnius on 3 June 1999 (RID);
 - (d) International Maritime Dangerous Goods Code (IMDG Code);
 - (e) International Civil Aviation ~~Organization~~**Organisation** – Technical Instructions (ICAO-TI);
 - (f) NATO Allied Movement Publication 6 (AMovP-6).
2. Military transport operations carried out in accordance with Article 17 by the armed forces of a NATO Ally~~member~~**member** that is not a contracting party to ADR, ADN, RID, IMDG Code or ICAO-TI shall be permitted if they comply with NATO AMovP-6 or, if ~~these do not apply,~~**they comply** with the national rules applicable in the country of origin, ~~as appropriate~~**of the requesting NATO member, where there is a bilateral agreement between the requesting NATO member and the receiving Member State.**
3. Where necessary, specific measures to ensure compliance with the requirements laid down in the instruments referred to in paragraph 1 and 2 shall be included in the traffic arrangements set under this Regulation.
4. Military transport of dangerous goods carried out under a military transport permission shall not require the submission, before the start of the military transport, of any forms or documents demonstrating compliance with the requirements laid down in ADR, ADN, RID, IMDG Code, ICAO-TI, NATO AMovP-6 or with the national rules applicable in the ~~country of origin, as appropriate~~**requesting NATO member, where there is a bilateral agreement between the requesting NATO member and the receiving Member State.**

Article 11

Abnormal military transport by road

1. Military transport by road carried out by vehicles or vehicle combinations which exceed the maximum weights or dimensions set out in Annex I to Directive 96/53/EC, where these

vehicles or vehicle combinations carry or are intended to carry indivisible loads as defined in Article 2 of Directive 96/53/EC, shall be permitted ~~where it is subject to a valid military transport permission referred to in Articles 5 and 6 of this Regulation~~ **without prejudice to any necessary traffic arrangements determined in accordance with paragraph 2.**

2. For military transport carried out in accordance with paragraph 1, the receiving Member State shall determine traffic arrangements to ensure **overall road safety**, the safe transport of abnormal military cargo and infrastructure compatibility. Such traffic arrangements shall replace the special permits and similar arrangements referred to in Article 4(3) of Directive 96/53/EC.

Article 12

Exemption of military transport by road from traffic restrictions

1. Military transport carried out ~~under a valid military transport permission referred to in Articles 5 and 6~~ **by road** shall be permitted during weekends, public holidays, national celebrations, nighttime, and any other period that may be subject to traffic restrictions, **without prejudice to any necessary traffic arrangements.**
2. Member States shall exempt military transport operations **by road** undertaken directly by the armed forces from traffic restrictions that apply on specific road sections and are based on the environmental performance of vehicles.

Article 13

Exemption of military transport from cabotage rules

1. Member States may, where necessary to facilitate military transport, exempt military transport carried out by civilian operators from the restrictions on cabotage operations laid down in Article 8 of Regulation (EC) No 1072/2009.
2. ~~Member States shall inform the Commission and other Member States of such exemptions.~~

Article 14

Military Mobility Digital Information System

1. The Commission ~~may~~**shall** adopt implementing acts establishing a secure and ~~restricted~~**cyber-resilient** Military Mobility Digital Information System (the System), **to support military transport operations for all procedures covered by this Chapter, including for customs formalities related to EU Form 302. The System shall be established** taking into account the following requirements:
 - (a) the System shall be ~~deployed~~**developed, tested and operational at the latest** by 2030;
 - (b) any digitalisation of EU Form 302 under the System shall comply with applicable Union customs legislation, including the common data requirements constituting the EU Customs Data Model, as defined in Article 36 of Regulation (EU) [customs reform];
 - (c) the System shall be operated and maintained by the Commission;
 - (ca) access to the System shall be restricted on a need-to-know basis and granted only to authorised personnel of competent authorities, including military**

and customs authorities of the Member States, as well as relevant EU institutions, bodies and agencies;

(cb) the development and operation of the System shall ensure full compliance with the security requirements applicable to sensitive and classified information;

(cc) the System, including data storage, shall be located within the territory of the European Union;

(d) the System shall, with the exception of the relevant customs legislation, take into account military transport in the context of NATO operations, as laid out in Article 17;

(e) the System shall ensure interoperability where ~~required~~ feasible, including with NATO systems and forms, and shall be developed using Union and international standards, with due regard to EU customs legislation-;

(f) any additional functionalities that support military transport may be developed and added into the System.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).

2. Where the System ~~is established and~~ becomes operational, Member States shall make use of it for all procedures covered by this Chapter, including for customs formalities related to EU form 302, referred to in this Regulation.

Article 15

Simplified customs formalities

1. The military transport of goods to be moved or used in the context of military activities crossing the Union external borders shall be subject to customs supervision and shall be declared for the relevant customs procedure using the NATO form 302 or the EU form 302 as defined in Article 1, points (50) and (51), of Commission Delegated Regulation (EU) 2015/2446⁽³⁴⁾, as applicable, unless the military authorities in charge of the respective military transport operation expressly decide to submit the standard customs declaration.
2. Where consignments declared under EU or NATO forms 302 have been selected for physical or document-based control, those controls shall be carried out as a matter of priority.

Article 16

Digitalisation of EU form 302

1. Where the Military Mobility Digital Information System referred to in Article 14 is established and becomes operational, ~~customs~~ the relevant authorities of the Member States shall use it for the purpose of the exchange and storage of information related to EU form 302, based on common data requirements defined in accordance with Article 36 of Regulation (EU) [customs reform]. ~~Customs authorities of the Member States and the~~

⁽³⁴⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1, ELI: http://data.europa.eu/eli/reg_del/2015/2446/oj).

~~European Union Customs Authority shall have access to that system to perform their customs obligations in the context of military mobility.~~

2. In the case of a temporary failure of the Military Mobility Digital Information System, ~~economic operators and other persons, including military authorities, shall submit the information to fulfil the formalities concerned by the means determined~~ **shall be submitted** in accordance with Article 203 of Regulation [customs reform], including means other than electronic data processing techniques.

Article 17

Military transport in the context of NATO operations

1. As regards military transport in the context of operations, missions and exercises that are commonly agreed within the North Atlantic Treaty Organisation (NATO), as well as in the context of operations, missions and exercises at multilateral and bilateral level among NATO members, Member States that are parties to the North Atlantic Treaty shall treat other parties to the North Atlantic Treaty as equivalent to requesting Member States for the purposes of Articles 4 to 13 in this Section. In this case, they shall apply the rules in Articles 4 to 13 of this Section *mutatis mutandis* ~~and~~. **This shall be** without prejudice to the security and defence interests of the Union and its Member States.
2. Member States that are not parties to the North-Atlantic Treaty may equally decide to treat parties to the North Atlantic Treaty that are not Member States as equivalent to requesting Member States for the purposes of Articles 4 to 13 and apply those rules *mutatis mutandis*.

SECTION 2

EUROPEAN MILITARY MOBILITY ENHANCED RESPONSE SYSTEM (~~EMERS~~EMMERS**)**

Article 18

~~EMERS~~

EMMERS

1. A European Military Mobility Enhanced Response System (~~'EMERS'~~**'EMMERS'**) is established. Upon activation in accordance with the procedures and conditions set out in Article 19, ~~EMERS~~**EMMERS** shall allow for the implementation of the temporary measures provided for in this Section.
2. During the period of activation of ~~EMERS~~**EMMERS**, the temporary measures under this Section shall apply **for those military transport operations linked to the purpose of the activation on the** entire territory of the Union **or limited to a geographical area.**

Article 19

Activation of ~~EMERS~~EMMERS****

1. ~~EMERS~~**EMMERS** may be activated in accordance with the procedure set out in paragraph 2 where there is an existing or an expected need for significantly higher volumes, frequency or speed of military transport in the Union or any part thereof, and the existing rules on military transport and the capacity of the transport network do not allow or are not sufficient for that need to be met.

- ~~2. Where the Commission considers that the conditions set out in paragraph 1 are met, or upon a reasoned request of at least one Member State, the Commission shall submit to the Council a proposal for an implementing act to activate EMERS as soon as possible.~~

~~Prior to requesting activation of EMERS and where it is possible in view of the urgency, the Commission shall consult the Military Mobility Transport Group.~~

~~Prior to requesting activation or in parallel the Commission shall conduct an assessment of the impact of the activation of EMERS on the functioning of the internal market and of the possible need for mitigating measures.~~

- 2. Upon a reasoned request from at least one Member State defining the military transport need, the Commission, after consulting the Military Mobility Transport Group, shall submit to the Council as soon as possible a proposal for an implementing act to activate EMMERS, if the conditions set out in paragraph 1 are met.**

EMMERS may also be activated by a Council implementing act without a proposal from the Commission, upon a reasoned request from at least one Member State defining the military transport need, if the conditions set out in paragraph 1 are met.

In parallel to an activation of EMMERS, the Commission shall conduct an assessment of the impact of that activation on the functioning of the internal market, including on the impact on cross-border transport, and of the possible need for mitigating measures.

- ~~3. The Council, acting on the proposal of the Commission referred to in paragraph 2, may adopt the implementing act to activate the EMERS no later than 48 hours as soon as possible after receiving the activation request. The implementing act of the Council shall specify the purpose for the activation of EMMERS, its geographical scope and duration of the application of EMERS, which shall not exceed 12 months.~~

The Council shall specify in the implementing act activating ~~EMERSE~~**EMMERS** which effects of the provisions of this Section are to be extended by Member States that are parties to the North Atlantic Treaty ~~NATO members~~ to military transports by parties to the North Atlantic Treaty ~~NATO members~~ that are not Member States, without prejudice to relevant customs formalities. Member States that are not parties to the North Atlantic Treaty ~~NATO members~~ may decide to apply the same extension of the rules of EMERS to parties to the North Atlantic Treaty ~~EMMERS to NATO members~~ that are not Member States. When deciding to extend certain ~~EMERSE~~**EMMERS** provisions to parties to the North Atlantic Treaty ~~NATO members~~ that are not Member States, the Council shall take into account notably operations, missions and exercises that are commonly agreed within NATO and that relate to the causes of ~~EMERSE~~**EMMERS** and shall respect security and defence interests of the Union and its Member States.

- ~~4. During the application of EMERS~~**the period of activation of EMMERS**, the Commission shall, upon request from a Member State or on its own initiative, convene extraordinary meetings of the Military Mobility Transport Group ~~where necessary~~. Member States shall work closely with the Commission, by informing it in a timely manner about and coordinating with it any national measures taken with regard to the activation of ~~EMERSE~~**EMMERS**. **In accordance with article 346 TFUE, no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.**

- ~~5. Upon reasoned request of at least one Member State, or on its own initiative, the Commission shall assess whether the conditions pursuant to paragraph 1 continue to be met and submit to the Council a new proposal, where appropriate. Based on the Commission's assessment, the Council may decide to extend EMERSE~~**EMMERS** or to terminate it before the end of the

deadline set out in the Council implementing act referred to in paragraph 3, in accordance with the procedure set out in paragraph 2. Each implementing act extending the application of EMERSEMMERS shall remain in force for a period not exceeding 12 months. If further extension is needed after that date, the same procedure provided for in this Article paragraph 2 shall apply.

Article 20

Notification of military transport during the period of activation of EMERSEMMERS

- ~~1. By way of derogation from Article 5 and 6, during the period of activation of EMERS, requests for military transport permissions shall be deemed accepted by the receiving Member States. This shall be without prejudice to the specific character of the security and defence policies of certain Member States.~~
- ~~2. The requesting Member State shall notify the receiving Member States of its intended military transport as early as possible, and at the latest six hours before the scheduled time of arrival at the border crossing point of the receiving Member State. The notification shall include all relevant details, including the scope, intended route, and timeline of the transport, and, where applicable, the request for Host Nation Support or other traffic arrangements.~~
- ~~3. Where the receiving Member State requires traffic arrangements in accordance with Articles 5(9) and 6(3), it shall determine these without undue delay, in order to make sure that the transport operation can take place as scheduled.~~

1. For granting permissions for military transport operations during the period of activation of EMMERS, Member States shall decide between one of the following modalities:

- a) A general permission for all military transport operations to any other Member State. This permission shall apply from the entry into force of the Council implementing act referred to in Article 19(3). Prior to each military transport operation, the requesting Member State shall send a notification to the receiving Member State at the latest 12 hours before the scheduled time of arrival at the border crossing point. [or]**
- b) Case-by-case permissions for military transport operations based on requests for each military transport operation. The receiving Member State shall take a decision to grant or deny a military transport permission within 24 hours of receiving the request.**

2. Each Member State shall notify in writing the Council before it adopts the Council implementing act referred to in Article 19(3) which modality for granting the permissions defined in paragraph 1 it will apply. If a Member State does not notify the Council, before it adopts the Council implementing act, of which of the modalities set out in paragraph 1 it will apply, the modality referred to paragraph 1(b) shall apply to that Member State. The Council implementing act shall include an Annex containing the choice of those modalities for each Member State.

3. A Member State which has decided to apply one of the modalities set out in paragraph 1 may at any time decide to change to the other modality. This decision shall be notified in writing to the Council. The Council shall amend as soon as possible the Annex accordingly, indicating the date of application of the new modality.

4. For notifications of military transport operations referred to in paragraph 1(a) and for the requests for military transport permissions referred to in paragraph 1(b), Member

States shall use the forms referred to in Article 8 and include all necessary information for traffic arrangements and receiving-nation-support.

5. **Any communication between requesting and the receiving Member States under this Article shall be transmitted through the National Coordinator for Military Transport, appointed in accordance with Article 40(1).**

Article 20a

Certificate for military transport operations during the period of activation of EMMERS

1. **The armed forces, or the civilian operators acting on their behalf, carrying out a military transport operation linked to the purpose of the activation of EMMERS, as set out in the implementing act activating EMMERS, shall carry a certificate. The certificate shall be delivered by the National Coordinator for Military Transport and shall serve as proof that the transport operation is subject to the rules set out in this Section.**
2. **The Commission shall adopt an implementing act to establish a uniform template for the certificate. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4).**

Article 21

Priority access during the period of activation of ~~EMERSE~~EMMERS

1. During the period of activation of ~~EMERSE~~EMMERS, Member States, as well as infrastructure owners, operators and managers or, as the case may be, related services or facilities providers, shall grant military transports, ~~including abnormal military transports or transports of dangerous goods,~~ priority access to transport networks and infrastructure, including road networks, roadside parking and rest areas, rail networks, stations, and service facilities, maritime and inland waterways infrastructure, including internal waters and territorial seas as defined in the United Nations Convention on the Law of the Sea (UNCLOS), sea lanes, fairways, dredged channels, port approaches, straits used for international navigation, and areas under maritime traffic management or pilotage, **winter navigation services,** locks, ports and port terminals, sea canals, aerodromes, airspace, multimodal freight terminals, refuelling/recharging infrastructure for all modes of transport, and related services and facilities.
2. In order to ensure priority access for a military transport operation, the armed forces performing or contracting the military transport shall submit a request for priority access to the National Coordinator for ~~Cross-Border~~ Military Transport of the receiving Member State, appointed in accordance with Article 40. **The request shall be submitted as soon as possible using the forms referred to in Article 8.**
3. ~~The request referred to in paragraph 2 shall be submitted as soon as possible and shall include the information necessary to appropriately prepare the priority access of the military transport. It shall in particular specify the expected arrival time and duration of the priority access and the number of vehicles, a description of the cargo, their respective dimensions and weights. It shall also specify whether the military transport includes dangerous goods and their nature. It may include an application for the traffic arrangements referred to in Article 20(2).~~
4. The National Coordinator for ~~Cross-Border~~ Military Transport of the receiving Member State shall promptly inform the affected infrastructure owners, operators and managers ~~or,~~ as the case may be, **well as** related services or facilities providers **and any other bodies and**

entities concerned, of the request for priority access, ~~that they are likely to be concerned by the military transport operation~~ **and ensure coordination**, so that they can grant priority in accordance with paragraph 6.

5. With the assistance of the National Coordinator for ~~Cross Border Military Transport~~, the ~~armed forces performing or contracting the military transport~~ **requesting Member State** shall request:

- (a) the individual train paths from the competent infrastructure managers, **either directly or via the railway undertaking appointed to carry out the transport operation**;
- (b) the berth allocation and port services from the competent ~~port authorities~~ **managing bodies of the ports**;
- (c) the required airspace **from the receiving Member State** and access to aerodrome services from the competent airport managers and coordinators, ~~from~~ **in coordination with** the European Network Manager and ~~from the~~ **relevant** air navigation service provider, as the case may be.

6. The priority access shall be granted as early as possible following the requests referred to in paragraphs 2 and 5, **taking into account pre-defined routes** ~~and the armed forces performing or contracting the military transport~~. **The requesting Member State** shall be immediately informed thereof, in accordance with the provisions of this paragraph. **Priority access shall be implemented primarily through traffic management and coordination measures, while cancellations of civilian services shall remain measures of last resort.** To the extent necessary, and with due regard to safety measures, ongoing or planned transport services and operations shall be interrupted, postponed or cancelled to allow for priority access of the military transport, **without prejudice to any necessary traffic arrangements**.

Where multiple simultaneous military movements make it impossible to ensure timely priority access for all operations, Member States may give priority to rescue, police or other operations necessary for the protection of life, critical infrastructure or public security. In such situations, they shall promptly inform the relevant National Coordinators for Military Transport and the Military Mobility Transport Group, providing the reasons for the priority decision and, where possible, proposing alternative routes or timing arrangements for the affected military transports. Where possible, the Military Mobility Transport Group may issue guidance to ensure a harmonised deconfliction procedure.

As regards military transport by road, the road infrastructure owners, operators and managers concerned shall inform the armed forces performing or contracting the military transport that they have taken the necessary measures ensuring priority access at the tolling sections, roadside parking and rest areas, bridges, **viaducts** and tunnels on their road networks. The **receiving Member State, acting through the** National Coordinator for ~~Cross Border Military Transport~~ ~~may recommend~~, **shall determine** the route and the road infrastructure ensuring best priority access to the requesting armed forces **through the implementation of traffic arrangements**.

As regards military transport by rail, ~~by way of derogation from Article 7(1), the infrastructure manager shall grant individual train paths within six hours. However, in the case of transport of dangerous goods or abnormal military transport, the rail infrastructure manager shall grant the individual train paths as soon as possible.~~ **If the request path is part of a pre-defined route, the paths shall be granted within six hours after receiving the notification from the requesting Member State.**

As regards ports, the competent port authorities managing bodies of the ports shall inform the armed forces performing or contracting the military transport of the berth allocated and port services offered.

As regards military transport by inland waterways, where necessary, the National Coordinator for ~~Cross-Border~~ Military Transport shall inform the armed forces performing or contracting the military transport of the route and inland waterway infrastructure ensuring best priority access.

As regards military transport by air, the competent airport managers and coordinators, the European Network Manager and the relevant air navigation traffic service provider, or the national airspace management cell, as applicable, shall inform the armed forces performing, contracting or ordering the military transport of available airspace and access to aerodrome services offered at the airports concerned.

7. **In derogation of Regulation (EU) 2021/782 and Regulation (EC) 261/2004, when** ~~When~~ priority access is granted to military transport under paragraph 1, no compensation shall be due to ~~other transport users.~~ **the following persons** affected:

(a) any natural or legal person to whom a transport service is provided or is meant to be provided, including passengers and undertakings hiring transport operators for the carriage of goods;

(b) any natural or legal person providing or intending to provide a transport service.

Member States and infrastructure owners, operators and managers or, as the case may be, related services or facilities providers shall make all reasonable efforts to limit the impact of such priority access by, for example, offering alternative routes, slots, transport services or facilities as appropriate and depending on availabilities and inform the transport users as soon as possible.

8. Where ~~emergency~~ measures related to priority access have a significant impact on cross-border traffic, Member States, infrastructure owners, operators and managers or, as the case may be, related services or facilities providers, shall ~~coordinate~~ **be coordinated through the National Coordinators** in order to limit impacts on traffic flow as much as possible.

Article 22

Military transport of dangerous goods during the period of activation of EMERSEMMERS

1. During the period of activation of EMERSEMMERS, where the requirements laid down in international agreements ~~or national rules~~ referred to in Article 10(1)), **points (a) to (e)**, are applicable to the military transport of dangerous goods under this Regulation, Member States may exempt such transport from those requirements ~~or national rules~~, insofar as those requirements do not mandatorily apply in accordance with those agreements. ~~When a Member State grants such an exemption, it shall not impose new requirements under national law.~~ **No additional national requirements shall be imposed where an exemption is granted.**
2. Member States concerned by the military transport shall coordinate **with each other** any exemptions granted in accordance with this Article and ~~promptly~~ **subsequently** inform ~~other Member States thereof through the Military Mobility Transport Group.~~

Article 23

Abnormal military transport by road during the period of activation of EMERSEMMERS

During the period of activation of ~~EMERS~~**EMMERS**, military transport by road carried out by vehicles or vehicle combinations which exceed the maximum weights or dimensions set out in Annex I to Directive 96/53/EC shall be permitted irrespective of whether the load is indivisible or not, without prejudice to any necessary traffic arrangements determined by the receiving Member State, including the use of specific pre-defined routes.

Article 24

Enhanced protection of strategic dual-use infrastructure during the period of activation of ~~EMERS~~EMMERS****

~~During the period of activation of EMERS, Member States shall activate enhanced protection measures in relation to the strategic dual-use infrastructure located on their territories, identified in accordance with Article 33, to protect them, to make them resilient against all hazards and threats and to ensure their effective operation at all times~~

During the period of activation of EMMERS, Member States shall activate enhanced protection measures, in addition to basic protection measures set out in Article 34, for the relevant strategic dual-use infrastructure located on their territories and identified as the most critical in view of the most anticipated hazards and threats, among the ones identified in accordance with Article 33.

Article 25 **[To be addressed in the Presidency compromise on Chapters IV-VII]**

Enhanced access to transport and logistic capabilities during the period of activation of EMERS

1. During the period of activation of EMERS, and if the Solidarity Pool referred to in Article 35 is operational, the Commission, taking into account the advice of the Military Mobility Transport Group, may identify specific capabilities registered in the Solidarity Pool that are urgently needed to support certain Member States. In such cases, requests for those capabilities from the affected Member States and Member States that support military transport operations for the affected Member States shall be given priority consideration.

The sharing and coordination efforts under the Solidarity Pool referred to in Article 35 shall focus on supporting those priority requests, ensuring that the required capabilities are made available in a timely and efficient manner.

Where Member States' capabilities have been acquired, contracted or purchased, after the entry into force of this Regulation, with the financing support of any Union funding and could support priority requests in accordance with the first subparagraph of this paragraph, the Member States shall not invoke the exceptional situation requiring the use of their capabilities, referred to in Article 35(10) and (11).

2. The Commission may assist the Member States in contracting any relevant transport and logistic capabilities.
3. The Commission may contract any relevant transport and logistic capabilities, following the advice of the Military Mobility Transport Group.

Article 26

Exemption of military transport operations by road from cabotage rules during the period of activation of ~~EMERS~~EMMERS****

During the period of activation of EMERSEMMERS, military transport carried out by civilian operators shall be exempted from the restrictions on cabotage operations laid down in Article 8 of Regulation (EC) No 1072/2009, and from restrictions on the duration and frequency of cabotage operations carried out in the context of road passenger transport services.

Article 27

Derogations from rules on driving time and rest periods for military transport operations during the period of activation of EMERSEMMERS

1. During the period of activation of EMERSEMMERS, the following derogations from driving times, breaks and rest periods laid down in Regulation (EC) No 561/2006 of the European Parliament and of the Council shall apply to military transport operations carried out by civilian operators:
 - (a) by way of derogation from Article 6(1) of Regulation (EC) No 561/2006, the daily driving time of 9 hours shall be extended to 11 hours twice during the week;
 - (b) by way of derogation from Article 6(2) of Regulation (EC) No 561/2006, the weekly driving time of 56 hours shall be extended to 60 hours;
 - (c) by way of derogation from Article 6(3) of Regulation (EC) No 561/2006, the total accumulated driving time during any two consecutive weeks shall be extended from 90 hours to 96 hours;
 - (d) by way of derogation from Article 7, first paragraph, of Regulation (EC) No 561/2006, the driving period of four and a half hours after which the driver is required to take an uninterrupted break of not less than 45 minutes shall be increased up to five and a half hours. The break may be replaced by three breaks of 15 minutes each distributed in such a way as to comply with the provision of Article 7, first paragraph, of that Regulation;
 - (e) by way of derogation from Article 8(2), second subparagraph, of Regulation (EC) No 561/2006, the daily rest period of 9 hours shall be regarded as a reduced daily rest period;
 - (f) by way of derogation from Article 8(6), first subparagraph, of Regulation (EC) No 561/2006, in any two consecutive weeks a driver may take two reduced weekly rest periods of at least of 24 hours. When use is made of this derogation, the start of the weekly rest period referred to in Article 8(6), second subparagraph, of that Regulation may be postponed beyond the end of six 24-hour periods from the end of the previous weekly rest period, without however exceeding 12 periods of 24 hours;
 - (g) by way of derogation from Article 8(6b) of Regulation (EC) No 561/2006, any reduction in the weekly rest period shall be compensated by an equivalent period of rest taken before the end of the twelfth week following the week in question, either *en bloc* or as two rest periods, one of them being of at least 45 hours;
 - (h) by way of derogation from Article 8(8) of Regulation (EC) No 561/2006, the regular weekly rest periods and any weekly rest period of more than 45 hours taken in compensation for previous reduced weekly rest periods may be taken in a vehicle, provided that the vehicle is safely parked and has adequate conditions for the rest;
 - (i) by way of derogation from Article 9(1) of Regulation (EC) No 561/2006, the permitted period of interruption where a driver accompanies a vehicle which is transported by ferry or train and takes a regular daily rest period or a reduced weekly rest period in a sleeper cabin, bunk or couchette shall be increased from one to two hours.

2. The use of the derogations laid down in paragraph 1 of this Article shall be without prejudice to the maximum working times under Directive 2002/15/EC of the European Parliament and of the Council⁽³⁶⁾.
3. For the purpose of roadside checks, the driver shall be able to produce, whenever an authorised control officer so requests, the **certificate referred to in Article 20a, and the record sheets and any manual records and printouts for the current day and the previous days that justify the use of the derogations.**

Article 28

Use of rail vehicles outside their specified area of use during the period of activation of EMERSEMMERS

1. During the period of activation of EMERSEMMERS, rail vehicles may be used outside the area of use specified in their authorisation for placing on the market under Article 21 of Directive (EU) 2016/797 or outside the area of use for which they were put in operation under the Union or national legal framework previously applicable before the authorisation framework set out by that Directive, provided that the following conditions are met:
 - (a) the vehicle has been subject to checks in accordance with Article 23(1), points (b) and (c), of Directive (EU) 2016/797;
 - (b) the vehicle is to be used as part of a military transport;
 - (c) the vehicle is in operation on one network prior to its use on a further network;
 - (d) the vehicle has been identified for potential use as part of a military transport in accordance with Article 37 of this Regulation.
2. Operations of the vehicles referred to in paragraph 1 shall be carried out in agreement between the concerned infrastructure managers and railway undertakings, in compliance with each of their safety management system as set out under Article 9 of Directive (EU) 2016/798 of the European Parliament and of the Council⁽³⁷⁾ and, where relevant, in accordance with Article 10(9) of that Directive.
3. **The railway undertaking shall contact the infrastructure manager that is not in the area of use of the vehicle to verify the compatibility of the vehicle with the infrastructure and to rule out potential safety concerns.**

Article 29

Exemption of military transport operations from traffic restrictions during the period of activation of EMERSEMMERS

1. During the period of activation of EMERSEMMERS, military transport operations ~~carried out by road~~ shall be permitted during weekends, public holidays, national celebrations, nighttime, and any other period that may be subject to traffic restrictions. **For safety reasons, the receiving Member State may deviate from this provision in the corresponding traffic arrangements.**

⁽³⁶⁾ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35, ELI: <http://data.europa.eu/eli/dir/2002/15/oj>).

⁽³⁷⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102, ELI: <http://data.europa.eu/eli/dir/2016/798/oj>).

2. During the period of activation of ~~EMERSE~~**EMMERS**, Member States shall exempt military transport operations from traffic restrictions applied on specific road sections and based on the environmental performance of vehicles and from restrictions based on air quality and noise control put in place at ports and airports.
3. **During the period of activation of EMMERS, rail vehicles used as part of a military transport operation shall be exempted from railway traffic restrictions applied based on Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock — noise’.**

Article 30

Exemption of official controls on food, feed and dogs at entry into the Union during the period of activation of ~~EMERSE~~EMMERS****

1. During the period of activation of ~~EMERSE~~**EMMERS**, Articles 43 to 57 and Articles 65 to 72 of Regulation (EU) 2017/625 shall not apply to food, feed and dogs entering the Union that constitute goods to be moved or used in the context of military activities, provided that they:
 - (a) are declared under the EU or NATO forms 302, as referred to in Article 15;
 - (b) are identified by means of marking or labelling as being for military use only, in accordance with the internal procedures implemented by the military authorities in charge of the respective military transport operation, **such marking or labelling shall be clearly visible;**
 - (c) enter the Union under the supervision of military authorities in charge of the respective military transport operation.
2. Following the entry into the Union of food, feed and dogs referred to in paragraph 1, military authorities in charge of the respective military transport operation shall ensure that those goods move under their supervision and are intended for military use only.
3. Military authorities in charge of the respective military transport operation shall ensure that food and feed referred to in paragraph 1 **do not pose a risk to animal, public or plant health in the Union and** are not placed on the market of the Union and are either consumed, safely disposed of or reexported from the Union.
4. Military authorities in charge of the respective military transport operation shall ensure that dogs referred to in paragraph 1 do not pose a risk to animal or public health in the Union and are not subjected to any transfer of ownership in the Union.

Article 31

~~Expedited customs~~Customs** procedures during the period of activation of ~~EMERSE~~**EMMERS****

1. During the period of activation of ~~EMERSE~~**EMMERS**, the Council implementing act referred to in Article 19(3) of this Regulation shall have the effect of activating the procedures and protocols in accordance with the procedures set out in Article 203(1) of Regulation [customs reform] and the customs crisis management mechanism as defined in Article 204 of Regulation [customs reform].
2. The European Union Customs Authority, as set out in Title XII of Regulation [customs reform], in consultation with the Commission shall prepare procedures and protocols referred to in paragraph 1 of this Article for the implementation of action in the event of the activation of ~~EMERSE~~**EMMERS** as defined under Article 19.

- 2a. When EMMERS is activated, goods used for military activities shall be declared using the EU or NATO Forms 302.**

Chapter III

Resilience of transport infrastructure

Article 32

Preparedness of the transport network for dual-use

1. ~~Member States shall upgrade~~ **With a view to upgrading and completing** the dual-use infrastructure identified as part of the military mobility corridors to the transport infrastructure requirements defined in Annex II to the Council Military Requirements as a matter of priority; and in a coordinated and synchronised approach. ~~When upgrading those dual-use sections of the military mobility corridors,~~ Member States shall prioritise the following projects:
 - (a) ensuring continuity of the transport network, by closing missing links and removing important bottlenecks to military transport;
 - (b) ensuring interoperability of the transport network, ~~including by migrating to European nominal standard railway gauge~~ **particularly of the railway network;**
 - (c) adapting the infrastructure to abnormal military transport, including by reinforcing bridges for rail and road transport and by reinforcing and enlarging rail, road, port and aerodrome infrastructure, **such as the widening of tunnels;**
 - (d) upgrading road tunnels to ADR category A **where technically feasible**, or providing for **mitigation measures or** alternative routes for vehicles carrying dangerous goods incompatible with the existing tunnel category;
 - (e) increasing throughput capacity for ~~all~~ **the most relevant** transport modes, including by improving rail and road access to ports and airports and improving port, airport and terminal facilities and equipment, **in order to ensure multimodal transport and operational military transport continuity;**
 - (f) enhancing the resilience of communication, control, navigation, surveillance and energy supply infrastructure, in particular against interferences with radio-frequency communications;
 - (g) ensuring sufficient resilience and redundancy in the network, **including by providing adequate diversionary routes.**
2. The Member States situated along the same military mobility corridor shall cooperate to identify and address potential risks that may affect the functionality, security, or resilience of that corridor, in particular for cross-border transport. To that end, they shall:
 - (a) assess the functionality of the military mobility corridors;
 - (b) analyse the state of compliance of the military mobility corridor infrastructure with the transport infrastructure requirements as set out in the Council Military Requirements;
 - (c) **identify and** assess potential infrastructure gaps, **including for the “last mile”, as well as** missing links and bottlenecks hampering the smooth flow of military transport;

- (d) determine the accurate and precise technical **and operational** characteristics of their transport infrastructure and the conditions under which abnormal military cargo could be transported;
- ~~(e) monitor the resilience of communication, control, navigation, surveillance and fuel supply infrastructure, in particular against interferences with radio-frequency communications, and assess enforcement measures;~~
- ~~(f) assess any other potential risks for military transport operations along the military mobility corridors, with a view to appropriately protecting the related transport infrastructure;~~
- (e) assess the risks for military transport operations along the military mobility corridors, and monitor the resilience of communication, control, navigation, surveillance and energy supply infrastructure, in particular against interferences with radio-frequency communications;**
- (f) identify any operational gaps in the ability of infrastructure managers to ensure a quick repair and recovery of the infrastructure;**
- (g) reinforce resilience by ensuring compatibility with the use of the services offered by the Union Space Systems, such as Positioning, Navigation and Timing (PNT), Earth Observation (EO) and Secure Connectivity. In particular, when using PNT services, they shall ~~use the authentication services offered by the Union Space Programme, or alternatively the~~ **avoid full reliance on non-EU GNSS systems and whenever feasible implement interoperable multi-constellation solutions based preferably on Galileo Public Regulated Service (PRS) or on authenticated Galileo Open Service (OS)** ~~whenever feasible and without prejudice to Member States prerogatives concerning the use of PRS in their territory.~~ Furthermore, Member States shall utilise the Union space-based EO services, where they offer monitoring and protection solutions.

3. Based on the analysis conducted in accordance with paragraph 2, ~~the Commission~~ **Member States**, in close cooperation with the ~~Member States~~ **Commission**, shall identify targeted short-term investments (transport infrastructure ‘hotspots’) that are to be implemented ~~by Member States~~ as a matter of priority along the military mobility corridors, **taking into account the degree of maturity of projects and the availability of financial resources.** ~~To that end, the~~ **The Commission, with the support of the EEAS,** shall set up targeted meetings per military mobility corridor in order to agree on the implementation of such hotspots in a synchronised and coordinated manner. The Member States concerned shall be invited to such meetings, and military experts shall be consulted in the assessment. **The list of hotspots shall be regularly assessed and updated.**

When drafting or amending their national plan for Military Mobility, Member States shall take into account the short-term, targeted investments along the military mobility corridors passing through their territory.

4. Member States, with the support of the Commission and the EEAS, shall coordinate on the following:
- (a) agreeing on designated routes, transport nodes and supporting facilities like military transport support centres **and logistic hubs**, and making best use of the military mobility corridors, **taking into account the most common military transport convoys;**
 - (b) fostering coordination and cooperation between rail infrastructure managers **and operators** in different Member States, in particular to ensure the efficient processing

of the traffic arrangements pursuant to Article 7 and rapid and efficient route compatibility checks for abnormal military transport crossing more than one network, **while preserving the independence of infrastructure managers**;

- (c) fostering coordination and cooperation between national aviation authorities with the support of the EDA and, where relevant, the Network Manager defined in Article 2, point (49), of Regulation (EU) 2024/2803, in order to define cross-border connectivity points between all Member States, in accordance with the principles laid down in Commission Regulation (EC) No 2150/2005⁽³⁸⁾.

For the purposes of the first subparagraph, point (b), Member States shall instruct infrastructure managers to agree on pre-arranged **defined** routes for cross-border military transport, in particular for dangerous goods and abnormal military transport. **To this end, military transport operations by rail shall be categorised with clearly identified technical and operational characteristics, and a list of predefined train paths on suitable routes shall be established, including alternative routes for use in case of disruptions, in order to facilitate and accelerate the allocation of capacity.**

- ~~5. In the implementation of this Article, the Commission shall be assisted by the Committee established in accordance with Article 61 of Regulation (EU) 2024/1679⁺. Where relevant, the Military Mobility Transport Group may be consulted.~~

Article 33

Identification of strategic dual-use infrastructure

1. ~~Without prejudice to Directive (EU) 2022/2557 and in complementarity with it~~ **Based on operational needs**, Member States shall identify the following **which** infrastructure located ~~in their territories~~ **on the national military mobility network is to be considered** as strategic dual-use infrastructure ~~for the purposes of this Regulation~~. **These may include:**
- ~~(a) key transport infrastructure serving the capital city of each Member State, including, if applicable, the biggest maritime and inland waterway ports as well as the biggest airport and multimodal freight terminal, based on highest traffic volumes or throughput capacity, or both;~~
 - ~~(b) key transport infrastructure serving the urban nodes on the trans-European transport network with a population of at least 1 million inhabitants;~~
 - ~~(c) for each NUTS 2 region along the military mobility corridors, the biggest maritime and inland waterway port as well as the biggest airport and multimodal freight terminal, based on highest traffic volumes or throughput capacity, or both.~~
- ~~2. In addition to the strategic dual-use infrastructure referred to in paragraph 1, Member States shall identify transport infrastructure meeting the following criteria as strategic dual-use infrastructure for the purposes of this Regulation:~~
- ~~(a) infrastructure that has a strategic capacity **and relevance** to support large-scale military transport operations;~~

⁽³⁸⁾ Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace (OJ L 342, 24.12.2005, p. 20, ELI: <http://data.europa.eu/eli/reg/2005/2150/oj>).

⁺ ~~Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (OJ L, 2024/1679, 28.6.2024, ELI: <http://data.europa.eu/eli/reg/2024/1679/oj>)~~

- (b) infrastructure that is strategically important for military transport along one or several military mobility corridors;
 - (c) infrastructure that provides or ~~has provided~~ **is expected to provide** a ~~strategic~~ **significant** contribution to planned ~~or past~~ military transport;
 - (d) infrastructure that poses a ~~known~~ **potential** bottleneck or missing link for military transport operations, such as a strategic river crossing or tunnel, **or that, if affected by an incident, would have a significant disruptive impact on the support large-scale military transport operations.**
3. In addition to the strategic dual-use infrastructure referred to in paragraph 1, Member States shall also identify essential supporting infrastructure, amongst which transport-critical energy and communications infrastructure, meeting the following criteria as strategic dual-use infrastructure for the purposes of this Regulation:
- (a) infrastructure that has ~~a strategic~~ **the capacity and relevance** to support large-scale military transport operations;
 - (b) infrastructure that provides or ~~has provided~~ **is expected to provide** a strategic contribution to planned ~~or past~~ military transport;
 - (c) infrastructure that plays a ~~strategic~~ **key** role in providing services of transport of goods or persons ~~to Member States or regions vulnerable to security threats~~;
 - (d) infrastructure that ~~disposes of~~ **provides** very specialised dual-use services ~~or~~ **facilities or equipment** that are essential for military transport, and for which there are very few alternatives ~~elsewhere in the same Member State or along the same military mobility corridor~~;
 - (e) infrastructure that plays a strategic role in storing dual-use assets that facilitate military transport along the military mobility corridors.
4. By ~~{2 years after entry into force of this Regulation}~~, each Member State shall draw up a list of the strategic dual-use infrastructure located in its territory and identified in accordance with this Article. **To ensure a coherent approach, Theythey** shall submit that list to the Commission **and the EEAS** for possible comments ~~and review it accordingly~~. The Member States shall update that list on a regular basis ~~according to the same procedure~~. The list shall be treated as ~~“Sensitive/Limité”~~ **with the appropriate level of classification, set by each Member State.**
- ~~5. In the implementation of paragraphs 1 and 2, the Commission shall be assisted by the Committee established in accordance with Article 61 of Regulation (EU) 2024/1679.~~
- ~~In the implementation of paragraph 3, the Commission shall be assisted by Military Mobility Transport Group.~~

Article 34

Basic protection measures for SDI

1. Member States shall take the following basic protection measures in relation to SDI located in their territories to protect them against ~~all~~ **the most anticipated** hazards **and threats**, to enhance their resilience and to ensure their effective operation ~~at all times~~:
- (a) inform the owners, operators and managers of the infrastructure of its designation as an SDI and communicate any relevant information, **including on relevant risks,** necessary for them to comply with their obligations under ~~this Article~~ **paragraph 2**;

- (b) prevent, mitigate and address the risks associated with foreign ownership or control of SDI, including through the foreign investment screening in accordance with Regulation (EU) 2019/452;
- (c) prevent, mitigate and address the risks linked to the management or operation of specific assets that are part of or related to an SDI such as specific lifting equipment, IT systems, security control and detection equipment, as well as critical personnel and operations, such as rail freight providers, logistics companies, providers of port services as defined in Regulation (EU) 2017/352 of the European Parliament and of the Council⁽³⁹⁾, seafarers and pilot equipment, systems, personnel and transport services that are part of or related to an SDI;
- (d) where appropriate and proportionate, take basic measures to protect and to equip the SDI against interferences and attacks by State and non-State actors, including terrorist attacks, cybersecurity, cyber and other hybrid attacks, and equip the SDI with electronic warfare interference capacity to counter air raids and drone attacks, including jamming and spoofing.

2. The owners, operators and managers of SDI shall take ~~all necessary~~ appropriate and proportionate technical, security and organisational measures within their area of responsibility and, where relevant, in collaboration with each other, to ensure that the SDI is appropriately protected against ~~all~~ the most anticipated hazards and threats, that its resilience is enhanced and that its effective operation ~~at all times~~ is guaranteed. In particular, the owners, operators and managers of SDI shall:

- (a) ~~implement the relevant basic protection and resilience measures for SDI;~~
- (b) ~~comply with the obligations for critical entities stemming from Directive (EU) 2022/2557, in particular those laid down in Articles 12 to 15 thereof, irrespective of whether the owner, operator or manager of SDI falls within the scope of that Directive;~~
- (c) ~~apply the requirements for essential or important entities stemming from Articles 20 and 21 of Directive (EU) 2022/2555, irrespective of whether the owner, operator or manager of SDI falls within the scope of that Directive;~~
- (b) take measures to carry out risk assessments for natural or human-induced incidents, prevent incidents for occurring, ensure physical protection, respond to the consequences of the incidents, recover from incidents, carry out background checks on personnel, notify incidents that have or might have significant impact on the operation of the SDI;
- (c) implement cybersecurity risk management measures, based on a all-hazards approach, that aim to protect network and information systems and the physical environment of those systems from incidents;
- (d) provide ~~detailed~~ relevant information on the ownership structure of the SDI at the first request of the Member State where the SDI is located.

3The Commission shall prepare non-binding guidelines to identify a set of protection measures for owners, operators and managers of SDI. To this end, the Commission shall seek the advice of the Military Mobility Transport Group.

⁽³⁹⁾ ~~Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57, 3.3.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/352/oj>).~~

4. Member States shall, without undue delay **and through their National Coordinator for Military Transport**, inform the Commission, **the EEAS** and the **other potentially affected** Member States ~~situated along the same military mobility corridors~~ of any incidents in relation to SDI located on their territory that significantly disrupt or have the potential to significantly disrupt the ~~provision of essential services, within the meaning of Article 15, paragraph 1 of Directive (EU) 2022/2557,~~ **operations of SDI** and that were either notified to them by the owners, operators and managers of SDI or that they became aware of through any other means. Such notifications shall include any available information to enable the ~~competent authority~~ **national authorities** to assess the nature, cause and possible consequences of the incident, including any available information to determine the resulting capacity restrictions and possible cross-border impact of the incident.
- ~~4. The Commission may adopt implementing acts to identify the basic protection and resilience measures for SDI, as referred to in paragraphs 1 and 2 of this Article, and to identify the enhanced protection measures for SDI referred to in Article 24 of this Regulation. To this end, the Commission shall in particular take account of the Commission guidelines adopted pursuant to Article 13(5) of Directive (EU) 2022/2557 and may also seek the advice of the Military Mobility Transport Group and the Committee established in accordance with Article 61 of Regulation (EU) 2024/1679. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 45(4) of this Regulation. The Commission may propose to include the measures covered in that implementing act in the Council Military Requirements.~~
-