

## **EUROPEAN COMMISSION PROPOSAL FOR A REGULATION TO FACILITATE MILITARY TRANSPORT OPERATIONS**

**IRU Position on the European Commission proposal for a regulation to facilitate military mobility operations.**

### **I. IRU POSITION**

IRU welcomes the Commission's proposal for a regulation to facilitate military transport operations. It is pivotal to introduce a series of measures which improve the free movement of military transport in the European Union and enhance alignment between the different national rules which until now have been the responsibility of Member States. To improve the readiness of the civilian transport and logistics industry, it is essential to establish closer dialogue and cooperation between the military and the industry on a permanent basis. Drastic measures such as taking direct control of assets must be avoided. It is considered that the proposal does not go far enough in terms of the commitment of the Member States and the Commission to deploy some facilitation measures and could be clarified in some respects to further facilitate the deployment of civilian capabilities for military transport operations.

Therefore, IRU recommends that the proposal be improved as follows:

- A framework of permissions for military transport operations has been established between Member States, but the eligibility of civilian road transport operators to participate in military transport operations should be further clarified through a list of minimum EU conditions and requirements to be applied by all Member States.
- The different frameworks for permission and facilitation measures should be linked to threat levels.
- A "social protocol for military deployment" should be set up with the EU, Member State civil authorities, and military authorities, in close consultation with social partners and industry stakeholders to clearly outline the mutual legal responsibilities, liability of civilian contractors, their rights and obligations, compensation for rendered services, operational procedures, confidentiality requirements and guarantees, and employment conditions applicable to commercial operators and their personnel being contracted by the military. Such a protocol should be closely linked with the Solidarity Pool, the framework contracts with dual service providers and the eligibility requirements to participate in military transport operations.
- Facilitation measures are introduced for military transport operations in different permission frameworks, but their definition could be further refined to ease the deployment of a wider range of civilian vehicle combination capabilities and the use of civilian professional drivers in military transport operations. Discrimination and differences in rules between the use of military and civilian vehicles should be removed. For cross-border operations, facilitation measures should be aligned between the different Member States involved.

- The commitment to digitalise is not strong enough. The establishment of the Military Mobility Digital Information System, including for customs purposes, should become mandatory by 2028 to be accompanied by adequate cybersecurity measures.
- A Military Mobility Transport Group is set up to assist the Commission and Member States; representatives of the civilian transport and logistics industry should be invited on an ad hoc basis to participate in its work.
- To further consider additional aspects, including differences in driving licences, the availability of alternative fuels infrastructure on the dual-use infrastructure network, the need for enhanced cybersecurity, vehicle identification, and access to multimodal hubs.

## II. ANALYSIS

The European Commission tabled its Military Mobility Package on 19 November 2025. It includes a new proposal for a regulation regarding the facilitation of military transport operations ([COM\(2025\)847](#)).

IRU welcomes this proposal as a pivotal for measure which should enhance the free movement of military transport operations in the European Union, including by road, and should enhance the alignment between different national rules which until now have been the responsibility of Member States. Road goods transport carries 75% of all intra-EU goods overland and already plays a key role in EU military mobility by providing additional vehicle capacity and professional drivers to the military whenever needed. It should, however, be noted that cooperation between the military and the road goods transport and logistics industry differs among Member States. Military heavy goods vehicles and their drivers are very often subject to different rules and regulations compared to their civilian counterparts, with the situation differing among Member States. Driving licences and driving and rest time rules are concrete examples.

IRU has already raised some issues which should be addressed during European Commission stakeholder consultations, and many have already been tackled in the new proposal. Nevertheless, certain points of the proposal can still be improved.

### 1. Scope, threat levels and access to contracts

The European Commission's proposal introduced permission frameworks; but it does not link them to threat levels. Two different frameworks – the standing and ad hoc permission system on the one hand, and the European Military Mobility Enhanced Response System (EMERS) on the other – can be distinguished. In each case, facilitation measures are deployed whereby more apply when the latter is activated.

For the first framework, the proposal lays down a system which should allow a Member State to request permission for military transport operations in or through another Member State. This is positive because today, civilian road goods transport companies contracted for military transport operations apply for the necessary permits themselves, which is complex, especially when several Member States and/or regions within a Member State are involved.

For the second EMERS-framework, the frequency of military transport operations goes beyond what can be handled with a standing or ad hoc permission. Facilitation measures are also more extensive.

Yet, neither of these frameworks is connected to any threat or conflict scenario, or the level and the conditions of their deployment are not fully clear.

Unfortunately, the proposal does not specify access conditions to contracts for military transport operations, including how civilian road transport operators should be contracted to carry out transport operations covered by a standing or ad hoc permission or in an EMERS framework. It also does not specify to what extent this is limited to road transport operators established in the EU or European Economic Area (EEA) and remains vague about situations in which transport operators established in a NATO

partner country could carry out military transport operations in the EU. No obligations are mentioned, including potential additional costs to meet them, nor rights such as potential compensation. Potential vetting procedures which a candidate road transport company should undergo to carry out military transport operations are also not mentioned. IRU recommends this to be further clarified to improve transparency for civilian service providers regarding potential eligibility. Different approaches between Member States should not lead to distortions based on the nationality or place of establishment of the road transport company.

*IRU calls for:*

- A further clarification of:
  - The link between the standing, ad hoc permission and EMERS frameworks on the one hand and different threat levels whereby differences between military transport and contracted military transport should be removed in extremely serious situations.
  - The eligibility criteria for civilian road transport companies to be able to participate in military transport operations, including differences in eligibility for a standing/ad hoc permission and EMERS.
- The establishment of a list of EU minimum eligibility criteria, including rights and obligations for the companies, to be mutually accepted by all Member States.

## **2. Applicable measures at the different threat levels**

IRU welcomes the introduction of additional facilitation measures for military transport operations by road. This is a considerable improvement compared to the current situation. Today, rules such as traffic restrictions and exceptional load transports are nationally decided and can diverge among Member States, making cross-border operations more challenging. Some rules, especially in respect of road safety and social conditions, can differ for transport carried by the military themselves or by a civilian road transport operators, and these can again diverge among Member States.

The new proposal should reduce the different approaches between Member States to an absolute minimum to improve legal certainty for civilian transport operators providing dual services, avoid barriers for cross-border operations and unnecessary administrative burden.

Some of the facilitation measures could be further clarified. There are also some persisting discriminations which should be removed.

### **a) Weights and dimensions**

The proposal describes the rules and procedures to be followed in the case of abnormal military transport of indivisible loads with vehicles or combinations not complying with the weights and dimensions laid down in Annex 1 of Directive 96/53 on weights and dimensions and requiring special permits. This description could make the deployment of certain vehicles used in civilian transport operations more difficult.

The proposal does not seem to consider the cross-border use of European Modular System (EMS) combinations in Member States that do not allow them nationally or the cross-border use of high-capacity vehicle combinations which do not comply with the characteristics of the mentioned Annex 1 and are used to carry loads other than indivisible ones. Such vehicle combinations could provide benefits over standard combinations in certain circumstances and for certain operations because they have a higher load capacity. These two types of combinations should receive closer attention in the proposal; they cannot be considered as a standard combination and not as a combination only suitable to carry exceptional loads.

*IRU calls for:*

- A fine-tuning of the definitions regarding “abnormal military transport” to allow an easier deployment of EMS combinations and high-capacity combinations not in

compliance with the characteristics of Annex 1 of Directive 96/53 for other transport as those of indivisible loads.

b) Traffic restrictions

The proposal indicates that under a standing or ad hoc transport permission, only military vehicles are exempted from any traffic restrictions based on the environmental performance of vehicles. The definition of “environmental performance” remains unclear, such as whether it includes CO<sub>2</sub> emission standards, air quality norms and or noise. Depending on the scope of the definition, the possibility to deploy civilian vehicles or combinations for military transport in certain areas, regions or countries could be very limited as their environmental traffic restrictions have become very strict.

*IRU calls for:*

- A removal of the discrimination between military transport vehicles and civilian ones in relation to compliance with environmental traffic bans and restrictions.

c) Cabotage

The proposal considers the exemption of military transport operations from the traffic restrictions on cabotage operations. It should be noted that the quantitative restrictions regarding the number of cabotage operations allowed, the time during which they are allowed, and the cooling-off period are not comparable with traffic restrictions during weekends, holidays or at night or based on the environmental performance of the vehicle.

It is also important to consider an exemption from the quantitative restrictions which could apply to first and/or last road legs of a combined and intermodal transport operations.

*IRU calls for:*

- A further clarification of the articles on cabotage by replacing “traffic restrictions” by “quantitative restrictions”.
- To add a reference to the quantitative restrictions which Member States can apply to national first and/or last road legs of international combined or intermodal transport operations.

d) Driving and rest time derogations

IRU welcomes the introduction of derogations from driving and rest time rules for military transport operations carried out by road in an EMERS framework. The derogations are pragmatic and have already proven their worth during other serious crisis situations such as the Covid-19 pandemic. Questions can however be raised about the enforceability of these derogations in very serious emergency or conflict situations.

Military vehicles are not equipped with tachographs, and when civilian drivers are contracted in peacetime to drive military vehicles, the monitoring and reporting of their driving and rest times in a military vehicle are often burdensome and the procedures often differ between Member States which can complicate proof of compliance for cross-border transports. IRU recommends that the differences between the rules for transports with military and for civilian vehicles contracted by the military are removed, especially in very serious emergency or conflict situations as well as any administrative burden that civilian drivers have to comply with. Enforcement and other competent authorities should also be able to easily identify vehicles involved in a military transport operation to avoid any unnecessary roadside inspections in well-defined situations.

*IRU calls for:*

- Differences in driving and rest time rules between transports involving military staff and/or vehicles and civilian staff and or/vehicles should be removed, especially in very serious emergency or conflict situations.
- A fine-tuning of Article 27 with the aim of removing administrative burdens for civilian drivers driving military vehicles and to avoid unnecessary roadside inspections. An aligned procedure could be established at EU level for proof of

compliance with driving and rest time rules for civilian drivers having undertaken military transports.

- The creation of a mechanism for enforcement authorities to allow them to easily identify civilian vehicles involved in military transport operations.

### **3. Digitalisation**

The proposal gives the possibility to Commission to adopt implementing acts, establishing a secure and restricted Military Mobility Digital Information System. Whereas the digitalisation of civilian freight transport and logistics is one of the EU's key priorities, especially when it comes to replacing official paper documents by datasets, it is surprising that this is not equally important for Military Mobility and that there is no strong commitment from the Commission and the Member States to establish this. It should be noted that this can only work efficiently if the system is interoperable and used by all Member States. Such a system can also become vulnerable to cybercrime, and its establishment should be accompanied by befitting initiatives to improve cybersecurity on the civil government, military as well as the civilian transport and logistics service provider side. This system will also be important for the digital customs clearance of incoming military goods. It should be established as soon as possible; waiting until 2030 is potentially too long.

- **Cybersecurity**

The European Commission's proposal insufficiently covers research into efficient and affordable cybersecurity solutions for the EU transport system and network to make it more resilient against cyberattacks. Increasing awareness of existing EU rules aimed at improving the cybersecurity of the EU transport network, including the Cyber Resilience Act<sup>1</sup> and the NIS 2 Directive,<sup>2</sup> especially in terms of road goods transport companies which could potentially be added to the Solidarity Pool or be deployed for military mobility purposes. These companies should be further encouraged to deploy measures against cyberattacks.

*IRU calls for:*

- A mandatory commitment by the Commission and Member States to establish the Military Digital Information System by 2028 with accompanying, befitting cybersecurity measures which should also facilitate the digitalisation of customs clearance of incoming military goods.
- Due consideration of the need to further research into efficient and affordable cybersecurity for the EU transport system and network.
- Link the deployment of cybersecurity with the establishment of the Military Mobility Digital Information System.

### **4. Infrastructure for dual use and of strategic importance**

IRU welcomes the chapter on the resilience of transport infrastructure, including the preparation of the transport network for dual use and the identification of strategic dual use infrastructure and its protection. This will contribute to an accelerated upgrading of important parts of the road network and will also benefit civilian usage.

Unfortunately, insufficient consideration is given to the deployment of alternative fuels infrastructure on the dual use road network, notwithstanding the fact that under certain conditions, civilian vehicles working for the military are not excluded from traffic restrictions related to environmental concerns.

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<sup>1</sup> Regulation (EU) 2024/2847 introduces mandatory cybersecurity requirements for manufacturers and retailers, governing the planning, design, development, and maintenance of such products. These obligations must be met at every stage of the value chain.

<sup>2</sup> Directive (EU) 2022/2555 is designed to enhance cybersecurity across the European Union by establishing a high common level of security for network and information systems.

The proposal does not fully recognise the fact that the civilian vehicle fleet will increasingly switch to cleaner fuels over time.

The upgrading of infrastructure will also have implications for the private sector involved in infrastructure projects, such as the establishment of fuelling facilities or safe and secure truck parking areas. The upgrading of infrastructure for dual use or strategic importance may require additional obligations from private stakeholders for which they should also be duly compensated.

*IRU calls for:*

- The inclusion of deployment requirements for alternative fuels infrastructure for heavy-duty vehicles along the road transport network and strategic infrastructure identified for dual use.
- Appropriate compensation for any additional obligations emanating from the identification of their assets as significant for dual use and/or strategically important.

## **5. Solidarity Pool**

The proposal establishes the Solidarity Pool to have a better overview of the capabilities of individual Member States and the EU in terms of military mobility. To have a reliable and complete overview, the Solidarity Pool can only be efficient if Member States are obliged to add their national capabilities. Discrepancies among Member States should also be avoided regarding their selection criteria for admission into the Solidarity Pool. A lack of aligned EU criteria could lead to distortions among Member States. An obligation to use the Solidarity Pool could also make it usable as a database for enforcement authorities to identify vehicles active in military transport operations and enjoying certain exemptions or derogations, provided that this information is treated with appropriate levels of confidentiality.

- Framework contracts for dual use

The possibility of Member States to conclude framework contracts with dual use transport service providers, including transport operators, can be indirectly linked with the Solidarity Pool as it will also be important to have aligned conditions and criteria to conclude such framework contracts at the EU level, especially where service providers are established and/or active in several Member States.

- Social protocol for military deployment

IRU recommends developing a "social protocol for military deployment" with the EU, Member State civil authorities, and military authorities, in close consultation with social partners and industry stakeholders. This protocol should clearly outline the mutual legal responsibilities, liability of civilian contractors, their rights and obligations, compensation for rendered services, operational procedures, confidentiality requirements and guarantees, and employment conditions applicable to commercial operators and their personnel being contracted by the military.

Freedom for Member States to decide on how to conclude cooperation, rights and obligations with civilian transport companies should not lead to different approaches across the EU and should not discourage companies to engage in dual use operations.

- Temporary control over civilian assets

The proposal foresees the right for Member States to take temporary control over certain assets as a last resort, provided a compensation mechanism is put in place. IRU stresses that taking direct control should really be a last resort and can be avoided by establishing a more permanent dialogue and cooperation between civil governments, the military and the transport and logistics industry and the national and EU level to avoid the need for drastic measures. Member State frameworks to take temporary control of civilian assets should be aligned to avoid any distortions based on the nationality of the road transport company or its place of establishment.

*IRU calls for:*

- A more aligned and mandatory commitment for Member States and the Commission to establish and manage the Solidarity Pool.
- A list of minimum EU requirements for framework contracts to be concluded with dual use transport service providers to be applied by all Member States.
- The development of a "social protocol for military deployment" with the EU, Member State civil authorities, and military authorities, in close consultation with social partners and industry stakeholders to clearly outline the legal responsibilities, rights, operational procedures, and employment conditions applicable to civilian road transport operators and their personnel.
- Alignment of Member State frameworks allowing them to take direct control of civilian assets.

## **6. The role of the Military Mobility Transport Group**

The proposal foresees the establishment of a Military Mobility Transport Group to assist and provide advice and recommendations to the Commission and facilitate cooperation among Member States. Unfortunately, no participation by representatives of the civilian transport and logistics sector has been foreseen. Given the know-how present in the civilian road transport and logistics industry, they should be involved more closely in the work of this Group, as their expertise could be vital to facilitating military transport operations by road. It should also be considered that today there is an uneasy and often secretive relationship between military authorities and the civilian transport and logistics industry. To improve the readiness of the civilian industry, it is important to establish permanent dialogue and involve transport companies more in the planning of logistics where this is possible.

*IRU calls for:*

- The possibility for civilian industry representatives to be invited to participate in the activities of the Military Mobility Transport Group on an ad hoc basis.

## **7. Further items to be considered in the Regulation**

### **a) Differences between military and civilian mobility – additional aspects**

The proposal includes measures to cover differences between military and civilian transport and logistics which in turn can also differ among Member States. This will facilitate the deployment of civilian capabilities for military transport operations and remove barriers to cross-border transports. Aspects such as driving and rest time rules, traffic bans, dangerous goods and cabotage rules are already covered, which is positive.

In some Member States, the military operates a different driving licence framework than the one applying to civilian professional drivers. This could be a barrier to the fast deployment of civilian professional drivers for military transport operations.

*IRU calls for:*

- The inclusion of a provision enabling the mutual recognition of civilian and military driving licences throughout the EU.

### **b) Vehicle identification**

Military transport operations can take place individually or in convoy. In the latter case, they are likely to be accompanied by a military escort. It is not excluded that individual military transport operations are carried out by civilian vehicle combinations and that those vehicles benefit from certain exemptions and derogations compared to others. It will be important for the enforcement authorities to recognise such vehicles to avoid any unnecessary stops or roadside checks. It should also be considered that any marking of vehicles conducting military transport operations should not be publicly visible, only to enforcement authorities.

*IRU calls for:*

- Consideration of the introduction of some kind of recognition system for vehicles which are carrying out a military transport operation. Such a system could use licence plate identification and should be only accessible to enforcement authorities.

c) Combined and intermodal operations

It should be noted that road goods transport is often called on to pick up or deliver goods that have also been carried by other modes of transport for part of their journey. This requires access credentials to multimodal transport hubs, including ports, inland ports and logistics centres. In certain situations, enhanced access flexibility might be required, allowing trucks to easily move between multimodal transport hubs according to the needs and circumstances, in which case it should be considered to foresee easy access to these facilities without having to pass a lengthy process to obtain access to each individual place.

*IRU calls for:*

- The introduction of facilitation measures to access multimodal hubs and logistics centres when carrying out military transport operations in certain scenarios.

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