

## POSITION PAPER

### **European Commission Proposal for a Regulation facilitating the transport of military equipment, goods and personnel across the Union**

The European Union's security environment has changed fundamentally in recent years. The war in Ukraine and the increasing instability on Europe's borders have highlighted the critical importance of being able to move military personnel and equipment rapidly, reliably, and seamlessly across the EU. In this context, the Commission's Military Mobility Regulation presents an ambitious and much-needed initiative to harmonise procedures, reinforce infrastructure and strengthen Europe's strategic readiness.

CLECAT represents the freight forwarders and logistics service providers who underpin the functioning of Europe's supply chains in both peacetime and crisis. Our members coordinate international multimodal flows, interface daily with customs and border authorities, and ensure that essential goods circulate across Europe without disruption. The EU's aspirations for strengthened military mobility will, in practice, rest on the capacity and resilience of this civilian logistics ecosystem.

Freight forwarders are system integrators, connecting modes, managing risk and ensuring continuity of supply. This experience gives the sector unique insight into the practical feasibility of the measures proposed. CLECAT supports the overarching objectives of the Regulation and recognises the need for a harmonised framework capable of supporting military movements at scale. At the same time, we emphasise that military mobility must be embedded within a wider "whole-of-society" approach: one that strengthens defence preparedness while safeguarding the continuity and competitiveness of Europe's civilian economy.

In this context, CLECAT considers it essential that Europe's approach to military mobility is built on preparedness, coordination and mutual trust between public authorities and the civilian logistics sector. While the proposal foresees the possibility for Member States to take temporary control over certain civilian assets in extreme situations, such measures should remain a genuine last resort.

In practice, Europe's readiness will depend far more on structured, permanent cooperation between civil administrations, defence authorities and logistics operators at national and EU level than on emergency intervention powers. Clear frameworks, advance planning and predictable arrangements are the most effective way to ensure that civilian logistics capabilities can be mobilised rapidly when needed, while preserving the continuity and integrity of Europe's supply chains.

#### **Overall Assessment of the Proposal**

CLECAT welcomes the Commission's proposal as a decisive step toward creating a genuine "Military Schengen." The Regulation introduces common procedures, ambitious deadlines and a digitalised permission system. This reflects long-standing calls from the logistics industry for harmonisation and simplification for military transport. The proposal rightly recognises that civilian transport networks

and logistics capabilities are inherently dual-use, making them indispensable for Europe's defence readiness.

CLECAT would like to highlight the following positive aspects of the proposal:

- **Procedures:** The proposal contains several improvements that respond directly to operational barriers faced today. The harmonised cross-border permission procedure, standardised templates and facilitation measures for transport will help overcome the fragmentation identified in numerous assessments, including the Commission's own Staff Working Document. Today national rules and restrictions can diverge among Member States making cross-border operations challenges.

CLECAT welcomes the creation of a legal framework addressing emergency situations, the so-called Military Mobility Enhanced Response System (EMERS). EMERS is designed to enable coordinated and rapid decision-making in exceptional circumstances, helping to avoid delays caused by divergent national rules and procedures across Member States. CLECAT also supports the targeted derogations foreseen under EMERS, notably exemptions from driving and rest time rules for military road operations, as well as other necessary flexibilities such as exemptions from traffic restrictions and cabotage-related limitations.

- **Infrastructure:** CLECAT supports the proposal requiring Member States to identify, upgrade and protect strategic dual-use infrastructure. Years of underinvestment have left many key nodes and corridors ill-prepared for heavy or abnormal loads. The identification of strategic dual-use infrastructure, coupled with increased funding under the Connecting Europe Facility and other programmes, is a critical step towards building a transport network capable of supporting both civilian and military requirements. This aligns with CLECAT's call for sustained, corridor-based investment both between European ports and the linking road and rail network, and the corresponding terminals, also in the hinterland.
- **Governance:** CLECAT welcomes the creation of a Military Mobility Transport Group and the appointment of National Coordinators for Cross-Border Military Transport as important steps towards better coordination between civilian and military authorities. To be effective in practice, these structures should be supported by a structured and continuous involvement of the transport and logistics sector, whose operational expertise and assets are essential to ensuring military mobility across borders (see also below).

### Areas Requiring Clarification

Despite these positive elements, important uncertainties remain. The proposal assigns priority to military movements under certain conditions, yet it should be clarified that the transport of military goods (EU Common Military List as well as US munitions list) when carried out by civil companies falls within the scope of this regulation. The proposal focuses primarily on military movement, not export control policy, while related cumbersome cross border processes continue to hinder swift and harmonised movement permissions across Member States.

Besides, the implications for civilian supply chains are not fully addressed. Logistics operators face operational, legal and social obligations that cannot simply be suspended at short notice. Companies may encounter problems when confronted with unclear escalation levels, undefined liability and the absence of a framework governing the deployment of civilian assets during crises.

This regulatory gap could generate confusion at precisely the moment when clarity is most needed. Similarly, the proposed Solidarity Pool raises practical questions regarding its operation, and compensation. While CLECAT recognises the strategic value of pooling and sharing, the involvement of private-sector capabilities requires transparent rules and predictable processes.

- *Clear crisis definitions and escalation levels*

While CLECAT supports the introduction of differentiated permission frameworks, including standing and ad-hoc permissions under the European Military Mobility Enhanced Response System (EMERS), the proposal does not yet sufficiently clarify how these frameworks are activated in practice and how operators are informed in real time. The distinction between peacetime, heightened tension and armed conflict determines when certain exemptions, priority rules or emergency mechanisms, defined in the Commission's proposal as the EMERS may be activated.

Without clear thresholds during heightened tensions, companies may struggle to understand their obligations, and decision-making may become inconsistent across borders. CLECAT believes that an escalation framework, agreed at EU level and linked to proportionate measures, is essential for predictability and trust. Such a framework must make clear how extraordinary measures interact with normal transport rules, and under what conditions civilian supply must be protected.

- Civilian supply chains must be safeguarded

The EMERS framework grants military transport priority access to infrastructure and allows exemptions from driving bans, cabotage limits and dangerous goods rules. These measures may be necessary in extreme scenarios, but the Regulation must also recognise the essential nature of certain civilian transport flows. For this reason, operators should receive clear guidance on how to manage conflicting obligations in real time.

- Liability, insurance and social protections for civilian operators

The proposal foresees the temporary use of civilian transport assets, through the so-called Solidarity Pool, yet important operational and legal uncertainties remain. These relate not only to the availability of war-risk insurance but also to questions of liability, driver protection, the right of companies to decline deployments, and the basis for compensation. At present, it is unclear who would be liable if an incident occurred during a defence-mandated movement, how the rights and working conditions of drivers would be safeguarded when operating under military orders, whether companies could refuse deployments to high-risk areas without adverse consequences, and how compensation would be defined and allocated. These uncertainties become even more pressing in situations where war-risk insurance is limited, prohibitively expensive or excluded altogether, making certain movements legally or financially impossible for operators.

For these reasons, CLECAT considers it essential that the Regulation also includes a clear and comprehensive framework on liability, insurance and social protections. Such a framework should ensure that operators are duly covered when asked to support defence-related movements and that personnel and assets are not exposed to uninsurable or disproportionate risks. Voluntary participation must remain the foundation for any mobilisation of commercial logistics capabilities, supported by transparent rules that provide certainty to companies and workers alike.

- Digitalisation

The ongoing work on digitalising EU Form 302, supported by guidance from DG TAXUD, should be accelerated and fully aligned with this Regulation. For operators, fragmented digital reporting systems would represent a new administrative burden rather than a simplification. In this context, we welcome the development of the Military Mobility Digital Information System by 2030, to exchange and store information related to EU Form 302.

- Infrastructure readiness and protection

The proposal includes an ambitious approach to identifying and securing strategic infrastructure. CLECAT supports the integration of dual-use parameters in TEN-T implementation, the upgrade of critical bridges, tunnels and terminals, and the strengthening of cyber-resilience. Military mobility also relies heavily on access to ports, inland terminals, logistics platforms and rail-road interfaces, many of which operate under strict access, security and slot-allocation regimes.

The Regulation should recognise that temporary priority access for military movements may require derogations or fast-track procedures at terminal level, coordinated with port authorities, terminal operators and customs. These operational realities are not sufficiently reflected in the current text, despite their critical importance for multimodal deployments.

To ensure the best outcomes, private-sector logistics operators should be closely involved in planning, stress-testing and evaluating infrastructure needs. They possess first-hand operational knowledge of bottlenecks and vulnerabilities that cannot be identified through mapping exercises alone.

- Governance and civil–military coordination

The creation of National Coordinators and a Military Mobility Transport Group is a positive step. However, the proposal does not yet fully reflect the need for structured civil-military cooperation. The logistics industry will be at the centre of any major military movement, and therefore must be part of scenario planning, training exercises and corridor-level coordination.

CLECAT recommends the establishment of national and EU-level platforms in which civilian industry representatives including logistics operators and carriers, together with infrastructure managers, customs authorities and defence representatives jointly address readiness, exercise planning and emergency protocols.

- Funding constraints and fragmented investment approaches

Although the proposal underlines the need to strengthen dual-use transport infrastructure, the current level of funding remains insufficient when measured against the scale of investment required. The oversubscription of recent CEF calls demonstrates that demand far exceeds available resources, while national investment patterns continue to follow fragmented and uncoordinated approaches. To ensure that military mobility objectives can be realised in practice, the EU will need a more coherent and strategically guided investment framework, supported by predictable long-term financing and closer alignment between national and EU funding instruments. Without this framework, we risk perpetuating uneven levels of readiness across corridors and Member States, particularly at cross-border nodes where interoperability gaps are most acute.

**Conclusion**

The Commission's proposal represents an important and timely effort to strengthen Europe's defence posture. It advances harmonisation where fragmentation persists, accelerates digitalisation in areas urgently requiring it, and reinforces the case for sustained investment in strategic infrastructure.

From the perspective of Europe's freight forwarders and logistics providers, the success of this Regulation will depend on whether its implementation is operationally realistic, predictable and proportionate. Military mobility cannot be achieved without a resilient and functioning civilian logistics sector. This requires clarity on the legal framework when crises trigger, strong safeguards for essential supply chains, transparent rules governing the use of civilian assets, and meaningful involvement of industry in planning and governance.

CLECAT remains committed to supporting the EU institutions and Member States in creating a military mobility framework that strengthens both Europe's defence readiness and the resilience of its logistics system. We stand ready to contribute expertise, engage in scenario planning and participate in the design of practical solutions to ensure that the final Regulation achieves its intended objectives.