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Open Letter to the European Commission

Brussels, 23 September 2026

European robotics is being shut out of the United States market on the basis of where it is built, not on whether it is secure

Dear President von der Leyen, Executive Vice-Presidents, and Commissioners,

On 28 July 2026, the United States closed its market to new models of European advanced robotics, reaching autonomous mobile robots, humanoids, and quadruped platforms. Market access now depends on where a machine is assembled, not on whether it is secure. We ask the Commission to treat this as an urgent barrier to market access and act on the five points below.

Following a National Security Determination, the FCC added foreign-produced advanced robotic devices to its Covered List. Equipment on that list can no longer directly obtain the authorisation required to be imported, marketed or sold in the United States. The measure took effect immediately, with no transition period. Models authorised before that date may still be sold, but not modified.

The measure draws its line at assembly location, not security. It applies the US Buy American domestic end product test (48 C.F.R. § 25.101(a)) rather than assessing hardware integrity, software security, data governance or vendor trustworthiness. A system built in an EU or NATO Member State is restricted; the identical system assembled in the United States is not, regardless of manufacturers' compliance with frameworks such as the Cyber Resilience Act.

We do not dispute the US right to protect its security. We question an instrument that cannot distinguish an ally from an adversary, because it never asks the question. The United States applied a different approach to comparable equipment: its Covered List entry for uncrewed aircraft systems provides a transition period and a cleared-list mechanism for vetted suppliers, while the robotics entry provides neither. This existing mitigation has not been extended to European robotics companies.

The consequence is industrial, not merely commercial. Because access depends solely on assembly location, European companies that need the US market face a single remedy: relocation. The pull reaches further than final assembly. Under the US domestic content standard, a system must be 75 per cent American from 2029, which means it cannot contain more than 25 per cent European components. Relocating assembly therefore forces the replacement of European AI, software, sensors and microprocessors with US-sourced alternatives, and builds pressure for data and cloud infrastructure to

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follow, taking governance over operational data. Manufacturing capability, once moved, does not return. It is precisely the capacity the Draghi report and the Competitiveness Compass commit the Union to rebuilding

We further note that this measure was adopted just days before the European Commission extended the suspension of its own rebalancing measures — maintaining tariff relief on the expectation that the United States would honour the EU-US Joint Statement of 21 August 2025, even as this non-tariff barrier was being erected against a key European high-technology sector.

We therefore ask the European Commission to:

1. **Engage US decision-making authorities directly** — mandate the EU Delegation in Washington to seek reconsideration of the Determination for EU Member States and negotiate class-based approval for European-manufactured systems, with published criteria and binding timelines, engaging the Department of War, where relief authority rests, and not only the FCC.
2. **Secure parity with the treatment of uncrewed aircraft systems** — a defined transition period and a cleared-list mechanism for European manufacturers.
3. **Treat this as an urgent market access barrier** — register it in the Market Access Barriers database and table it at the Trade Policy Committee to establish a coordinated Member State position.
4. **Address the instrument, not only this application** — seek clarity on the criteria governing origin-based, category-wide Covered List additions and their future application to EU-produced equipment.
5. **Neutralise the relocation impact, especially on SMEs** — recognise advanced robotics as a strategic capability within EU industrial and investment instruments.

European robotics is a strategic asset of the Union and a trusted partner in transatlantic supply chains. We ask that it be treated as one.

A technical annex accompanies this letter, and we are available to meet with your services at your convenience.

Yours sincerely,

Francesco Ferro, President of euRobotics on behalf of
the Board of Directors, euRobotics AISBL

Technical Annex

Accompanying the open letter to the European Commission 23 September 2026

Related to:

FCC Public Notice DA 26-786 - Which European robots are shut out of the United States, and why no engineering change can fix it

Notice and disclaimer

This technical annex is prepared by euRobotics AISBL and the co-signatory associations for informational and policy advocacy purposes. It reflects the operational, engineering and commercial assessment of the European robotics sector in relation to US FCC Public Notice DA 26-786, based on information available as of 23 September 2026.

This document does not constitute legal advice and is not a compliance determination for any individual product. The product classifications in section 3 are indicative and are offered to illustrate the overall breadth of the measure, not to establish the definitive regulatory status of any particular system. Companies should obtain their own United States regulatory counsel before making export, marketing or authorisation decisions.

We offer no legal characterisation of the measure. That is a matter for the competent authorities.

1. What this means for European Robotics

A European robot can no longer be sold in the United States unless it was already authorised before 28 July 2026, or unless the company commits to manufacturing in the United States. Existing authorisations are not revoked. They are, however, frozen: the model they cover cannot be modified.

The restriction does not depend on what the robot does, how it is built, how secure it is, or who owns the company. It depends on where the robot was assembled.

This annex sets out which of our sector's products are affected, why no design change removes a product from scope, and what the measure costs European industry. We are a robotics association and not a legal one, and we present the measure as it applies to our products rather than offering a view on its legal treatment.

2. The measure in brief

27 July 2026. A White House-convened Executive Branch interagency body issued a National Security Determination on the threat posed by foreign-produced advanced robotic devices, and transmitted it to the Federal Communications Commission.

28 July 2026. The FCC issued Public Notice DA 26-786 (WC Docket No. 18-89; ET Docket No. 21-232; EA Docket No. 21-233), adding the following entry to the Covered List maintained under Section 2 of the Secure and Trusted Communications Networks Act of 2019 (Pub. L. 116-124; 47 U.S.C. §§ 1601-1609):

Foreign-produced advanced robotic devices, except advanced robotic devices which have been granted a Conditional Approval by the Department of War.

The FCC did not take this decision. The Public Notice records that the Commission considered itself required to add the equipment once the Determination was received. The decision rests with the interagency body, and relief rests with the Department of War.

Operative effect

Provision	Effect
Scope	Applies to equipment authorisations sought on or after 28 July 2026. Authorisations granted before that date remain valid.
47 CFR § 2.903(a)	Equipment on the Covered List is prohibited from receiving FCC equipment authorisation.
47 CFR § 2.911(d)(5)(i)	Every applicant must certify affirmatively that its equipment is not covered equipment.

47 CFR §§ 2.932(b), 2.1043(b)	Covered equipment is excluded from permissive change procedures, so an authorised model cannot be modified. Software and firmware updates are permitted under a temporary FCC waiver (DA 26-789) stated to run at least until 1 January 2029. Hardware changes are not covered.

Equipment authorisation is a precondition for importation, marketing and sale of RF devices in the United States. Under US rules "marketing" is broad, extending to advertising, offering for sale and soliciting orders.

The second provision is the more significant burden. The practical position for a European manufacturer is that there is no application to submit. The required certification cannot truthfully be made.

What a prior authorisation does and does not preserve. A model authorised before 28 July 2026 may continue to be imported, marketed and sold. It cannot be developed. Hardware revisions are excluded outright, and the ability to issue software and firmware updates rests on a temporary waiver with no assurance beyond 1 January 2029. The commercial life of such a model therefore ends when it ceases to be technically viable, not when its authorisation lapses.

"Foreign-produced" is defined by reference to 48 C.F.R. § 25.101(a), the Buy American domestic end product standard, which requires **manufacture in the United States** together with a threshold proportion of domestic component cost. This is the provision from which everything in sections 3 and 4 follows.

3. Scope - Which European products are captured

A device is captured where **all** of the following apply:

A. It is a mechanical mobile device capable of locomotion, obstacle avoidance, navigation or movement on the ground.

B. It operates at a distance from a human operator on the basis of commands or sensor data.

C. Combined weight of the device and any ground or docking station exceeds 4.4 lbs (2.0 kg).

D. It contains **all three** of:

- a sensor capable of perceiving its environment
- a component providing network connectivity of at least 200 kbps
- software controlling autonomous navigation, perception, data collection or remote command-and-control

Criterion A is satisfied by any one of the functions listed within it, so a device need not have obstacle avoidance if it has locomotion. Criterion D works differently: all three components must be present, but the software component is itself satisfied by any one of autonomous navigation, perception, data

collection or remote command-and-control. This is why products that are not autonomous in ordinary usage are nonetheless captured.

Applying those criteria to the product families represented:

European product family	A	B	C	D	Status
Warehouse and logistics AMR	Yes	Yes	Yes	Yes	**Captured**
Hospital and hotel delivery robot	Yes	Yes	Yes	Yes	**Captured**
Retail inventory and shelf-scanning robot	Yes	Yes	Yes	Yes	**Captured**
Infrastructure inspection platform	Yes	Yes	Yes	Yes	**Captured**
Agricultural field robot	Yes	Yes	Yes	Yes	**Captured**
Research mobile manipulator (university use)	Yes	Yes	Yes	Yes	**Captured**
Humanoid and biped platform	Yes	Yes	Yes	Yes	**Captured**
Quadruped platform	Yes	Yes	Yes	Yes	**Captured**
Teleoperated mobile platform (no autonomy)	Yes	Yes	Yes	Yes	**Captured**
Robot arm mounted on a mobile base	Yes	Yes	Yes	Yes	**Captured**
Educational mobile robot above 2 kg	Yes	Yes	Yes	Yes	**Captured**
Line-guided AGV, remotely dispatched	Yes	Yes	Yes	Yes	**Captured**
Educational or hobby robot below 2 kg	Yes	Yes	No	Yes	**Outside**
Fixed industrial arm or collaborative cobot	No	–	–	–	**Outside**
Wearable exoskeleton	No	No	–	–	**Outside**
Surgical and medical robot	–	–	–	–	**Outside**
Uncrewed aircraft	–	–	–	–	**Outside**
Fixed torque-controlled arm for research use	No	–	–	–	**Outside**

Mobile base and sensor kit shipped separately	Yes	?	Yes	?	**Unclear**
Subsystems: arms, sensors, compute, software	–	–	–	–	**Unclear**

The measure is not about humanoids. Public reporting has presented it as directed at humanoid and quadruped robots. Those are two rows in the table above. The great majority of captured products are ordinary commercial machines that move goods around warehouses, hospitals and fields.

The 2 kg threshold captures everything commercial. It excludes hobby and classroom kits. Every serious commercial or research mobile platform exceeds it, typically by two orders of magnitude.

The unclear rows are where we need answers. The two categories marked unclear both concern component and subsystem supply to US integrators, where it is not stated whether the measure looks at the article as shipped or at the system once assembled. We do not resolve this ourselves, because a manufacturer that guesses wrongly bears the consequence. These are the scope questions on which we ask the Commission to seek clarification.

The criterion tracks the chassis, not the capability. A fixed torque-controlled arm falls outside the measure because it cannot move on the ground, irrespective of the express exclusion for industrial and medical arms. Mounted on a mobile base, the same arm forms part of a captured device. The arm is the technically demanding, high-value part of that assembly and remains freely exportable. The base is the simpler part and is what triggers the restriction. Identical hardware receives opposite treatment according to what it is bolted to, which indicates that the criterion is not calibrated to the capability or the sensitivity of the technology.

Exclusions

The determination excludes, among others: fixed, stationary, non-mobile robots including articulating robot arms intended for industrial or medical use; connected vehicles as defined at 15 CFR § 791.301; uncrewed aircraft under 47 CFR § 88.5; medical devices under section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 360c).

The status of research and educational systems, of non-mobile arms not intended for industrial or medical use, and of component and subsystem supply is not addressed and requires clarification.

4. The "foreign-produced" criterion

The determination defines "foreign-produced" by reference to **48 C.F.R. § 25.101(a)**, the Buy American domestic end product standard. That standard requires both manufacture in the United States and a threshold proportion of domestic component cost, which is currently set at 65% for items delivered through 2028 and increases to 75% for items delivered starting in calendar year 2029.

Three consequences follow:

The test is applied to the article, not to the manufacturer. Nationality, ownership structure, security certification and supply chain provenance are not examined.

Treatment is symmetrical in the wrong direction. A US company manufacturing in Europe is captured. A European company manufacturing in the United States is not. Identical systems from the same producer receive opposite treatment according to the location of final assembly.

No compliance pathway exists other than relocation. Because the criterion is origin, a manufacturer cannot come into compliance by improving security, submitting to audit, or demonstrating supply chain integrity. The only available remedy is to move manufacturing to US territory.

A criterion constructed in this way cannot be calibrated to the security risk it is stated to address.

Data governance and strategic sovereignty are equally compromised. These systems operate across critical infrastructure, including warehouses, hospitals, agricultural facilities, and advanced research labs. The systems are regularly capturing sensitive operational and environmental data. Forcing manufacturers to relocate assembly to the United States creates strong structural pressure for cloud, telemetry, and data governance architectures to follow, transferring control over critical data infrastructure out of the European Union.

5. There is no engineering route to compliance

The first response to a market restriction is normally to change the product. We examined every plausible modification. None of them works, because origin is not a property of the machine.

Change considered	Removes product from scope?	Reason
Remove Wi-Fi and all wireless interfaces	**No**	A wired Ethernet link meets the 200 kbps threshold
Remove autonomy, ship teleoperated only	**No**	Remote command-and-control is itself a listed function
Remove environmental sensing	**No**	Not viable: the machine cannot perform its task

Reduce mass below 2 kg	**No**	Not viable for any load-bearing or manipulating platform
Certify to the EU Cyber Resilience Act	**No**	Security posture is not assessed by the measure
Submit to independent security audit	**No**	Not assessed
Publish source code or firmware for review	**No**	Not assessed
Source all components from EU or allied suppliers	**No**	Supply chain provenance is not assessed
Change company ownership or governance	**No**	Nationality of the producer is not assessed
Move final assembly to the United States	**Yes**	The only route. Requires US manufacture plus a domestic component cost threshold

This is the central finding of this annex. A restriction that a manufacturer can answer by improving the product is a standard to be met. A restriction that a manufacturer can answer only by relocating its factory is an industrial condition. Our sector has no technical means of complying, and that is a consequence of how the criterion is written rather than of any shortcoming in European engineering.

6. Robotics is treated less favourably than drones

The same Covered List contains an entry for foreign-produced uncrewed aircraft systems, providing:

- a transition period through 1 January 2028 for systems on the Defense Contract Management Agency's Blue UAS Cleared List
- a parallel transition through 1 January 2028 for products qualifying as domestic end products

The advanced robotic devices entry contains neither. It applies immediately, with no transition, no cleared-list mechanism and no accommodation for manufacturers with existing US market presence.

The United States has therefore already built, within this same instrument, the mechanism our sector is asking for. Extending it to robotics changes nothing about the security framework and requires no new policy.

7. Why the Conditional Approval route does not work for our sector

Conditional Approval is granted by the Department of War. The determination and the FCC's published FAQs confirm that an application may cover a class of devices rather than a single model, but no criteria, process or timeline for class approval have been published. In their absence, companies face case-by-case review of unknown duration.

The published guidance requires:

- beneficial ownership disclosure
- complete bills of materials with component country of origin
- intellectual property ownership detail
- a time-bound plan of one to five years to **establish or expand United States manufacturing**, with committed capital expenditure and milestones

The final requirement is decisive. For the SMEs that constitute the majority of the European robotics sector, a commitment to US manufacturing is not a compliance measure but a fundamental restructuring, and for many it is not achievable at any timescale. The Conditional Approval pathway therefore operates in practice as a formalisation of the relocation requirement rather than as relief from it.

8. Impact on the European sector

The measure immediately impacts European robotics exporters across commercial logistics, industrial inspection, precision agriculture, service robotics, and academic research.

Companies holding no prior US equipment authorization are excluded from the market entirely rather than constrained, as they have no authorized models to continue selling; and those FCC authorization can't develop their products further. This group includes a large proportion of European SMEs and research-focused spin-offs.

Furthermore, a significant share of affected exports supports US university and public research laboratories. The measure will therefore severely constrain transatlantic scientific collaboration in addition to its commercial effects. Purchases by federal government entities are unaffected by the Covered List; purchases by universities using federal grant funding are not exempt.

9. Alignment with United States industry

The measure's reach extends beyond advanced robotics narrowly defined. European suppliers of components, control systems and software may fall outside its scope while their customers do not, and are affected in two ways. In the near term, they lose business as their customers lose access to the US market. In the longer term, a customer that relocates production to the United States must meet a domestic component cost threshold, which requires displacing European content with US-sourced

alternatives. The second effect is the more durable: it does not reduce European supply, it replaces it with United States industry.

reaches foreign-produced robots generally rather than only adversary systems presenting verified national security risks, and so sweeps in trusted allies and partners. It urged the FCC and the Department of War to make Conditional Approval swift, transparent and predictable, with clear criteria and firm timelines, and said exemptions for allied systems should be granted promptly and, where appropriate, categorically. We take no position on the wider policy questions in that statement.

On the treatment of allied manufacturers, and on category-level clearance in place of model-by-model review, the European and United States robotics industries are asking for the same thing.

10. A template rather than an isolated measure

DA 26-786 should not be read as a robotics decision. It is the fourth application in eight months of a single mechanism: a National Security Determination issued by a White House-convened Executive Branch interagency body, transmitted to the FCC, and implemented by the Commission on the basis that it has no discretion to decline.

Date	Category added	Basis
22 December 2025	Uncrewed aircraft systems and UAS critical components	Place of production
23 March 2026	Routers	Place of production
28 July 2026	Power inverters	Place of production
28 July 2026	Advanced robotic devices	Place of production

Before December 2025 the Covered List named individual entities, predominantly Chinese. Since December 2025 it has been used to designate entire product categories by where they are manufactured, without reference to the producer's nationality, ownership or security posture. Each successive entry has refined the instrument: the robotics entry is the first to define "foreign-produced" by reference to a trade-law standard, the Buy American domestic end product test at 48 C.F.R. § 25.101(a).

Two consequences follow for the Union.

The measure our sector faces is reproducible. There is no feature of robotics that limits the mechanism to robotics. Any category of connected industrial equipment can be designated on the same basis, on one day's notice, with immediate effect.[1]

The same instrument already reaches a second European sector. Power inverters were added by the same Public Notice on the same date, on the same origin-based criterion, with Conditional Approval available from the Department of Homeland Security or the Department of War. We do not speak for that sector and offer no assessment of its position. We record the fact because it bears on the character of the instrument rather than on the treatment of robotics alone.

We therefore ask that the Commission's engagement seek not only relief for advanced robotics, but clarity on the criteria governing this instrument and its intended future application to categories of equipment produced in the Union.

11. Chronology and further requests

We offer no view on the applicable legal framework, which is a matter for the Commission’s services. We record the chronology for their assessment.

28 July 2026. FCC Public Notice DA 26-786 takes effect, closing the US market to foreign-produced advanced robotic devices without transition.

30 July 2026. The Commission extends the suspension of its rebalancing measures without an end date, stating that the Union expects the United States to fully honour its commitments under the EU-US Joint Statement of 21 August 2025.

Beyond the asks in the accompanying letter, we invite the Commission to:

- Register the measure in the Market Access Barriers database and process it through the Single Entry Point
- Table DA 26-786 at the Trade Policy Committee to establish a coordinated Member State position
- Seek authoritative clarification on the scope questions identified in section 3
- Assess whether the measure constitutes a technical barrier to trade

[1] The German Engineering Federation (VDMA) has reached the same assessment, advising EU and German policymakers to treat this development as a broader strategic trend rather than an isolated regulatory action. VDMA, Urgent Policy Action Needed: U.S. Restrictions on Advanced Robotics Threaten European Industrial Competitiveness, position paper, August 2026.

Sources

Document	Reference
FCC Public Notice DA 26-786, 28 July 2026	https://docs.fcc.gov/public/attachments/DA-26-786A1.pdf
Advanced Robotic Devices National Security Determination	https://www.fcc.gov/sites/default/files/robots-nsd.pdf
FCC Covered List	https://www.fcc.gov/supplychain/coveredlist
FCC FAQs on the Covered List updates	https://www.fcc.gov/covered-list-faqs-robots-inverters
Secure and Trusted Communications Networks Act of 2019	Pub. L. 116-124; 47 U.S.C. §§ 1601-1609
Equipment authorisation prohibition	47 CFR § 2.903(a)
Applicant certification requirement	47 CFR § 2.911(d)(5)(i)
Domestic end product standard	48 C.F.R. § 25.101(a)
FCC Public Notice DA 26-789, 28 July 2026	https://docs.fcc.gov/public/attachments/DA-26-789A1.pdf
AUVSI statement by Michael Robbins	https://www.auvsi.org/news/auvsi-president-ceo-michael-robbins-on-the-fccs-covered-list-action-on-foreign-produced-robots/
VDMA position paper, August 2026	https://www.vdma.eu/documents/d/group-34568/2026-08-vdma-position-fcc-covered-list-decision