



# **THE EUROPEAN UNION INTERNAL SECURITY CHALLENGES AFTER THE RUSSIAN INVASION OF UKRAINE**

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## ABSTRACT

The invasion of Ukraine is the most serious challenge that the European Union has faced since its inception and the impact on its security is immense. The first evident consequence of the European Union's internal security was the refugee crisis, but there have been more challenges.

As is customary in crisis situations, the European Union reacted promptly, displaying unity and robustness, as no single Member State has the capacity to face all potential threats alone. Trafficking in human beings, firearms smuggling, organised crime, terrorism, public disorders or hybrid actions are just a few examples of the dangers that the conflict would either bring to or intensify in a space without internal borders, like the European Union, where a threat to one Member State could become a threat to the entire European Union.

Not all the threats were felt simultaneously or with equal intensity. In fact, the impact of some was more limited than initially expected, but a worse scenario cannot be ruled out. The European Union should adjust its response and be prepared to counter and neutralise all potential threats to its internal security, which may persist long after the war has ended.

## INTRODUCTION

In 2020, the COVID-19 pandemic was like an earthquake for the world's geopolitical situation and while the world was still recovering, the invasion of Ukraine came as a shock to most European citizens and decision-makers, adding complexity and insecurity (Deliu, 2022, p.4).

The European Security Strategy (ESS) considered regional conflicts as one of the key threats to the European Union (EU), indicating that these conflicts could have an impact on European interests both directly and indirectly (Council of the European Union, 2003, p.6).

Seven years later, the Council of the EU complemented this strategy by adopting the Internal Security Strategy (ISS). It listed the main challenges to the internal security of the EU and the responses to those challenges, suggesting paying *special attention to 'weak and failed states' so that they do not become hubs of organised crime or terrorism* (Council of the European Union, 2010, p.30).

The European Agenda on Security introduced the concept of the Security Union (European Commission, 2016). The subsequent Security Union Strategy consolidated security requirements, focusing on the most critical areas and acknowledging that security threats did not respect geographical borders (European Commission, 2020). Among these critical areas, notable mentions were made of cybercrimes, terrorism or hybrid threats.

All the strategies concurred on one important aspect: the necessity to act in unity. The ESS stated that *no single country can tackle today's complex problems on its own* (Council of the European Union, 2003, p.3). The ISS requested *solidarity between Member States (MS) in the face of challenges that cannot be met by MS acting alone or where concerted action is to the benefit of the EU as a whole* (Council of the European Union, 2010, p.20). The Security Union Strategy underlined that *recent years have brought an increasing understanding that the security of one MS is the security of all* (European Commission, 2020, p.1).

Although these strategic documents included most of the challenges that the EU's internal security currently faces, the EU did not fully foresee the

possibility of an armed conflict between two states close to its border. The invasion, despite all the warnings, took the EU by surprise.

In a globalised world, to believe that armed conflicts are confined to a specific territory appears to be idealistic. Besides the belligerent parties, it can have various degrees of impact on neighbouring countries, allied countries and the rest of the world. The war in Ukraine has had a great economic impact on the entire world, but the negative effects of any armed conflict are firstly perceived and suffered by neighbouring countries. This is well known, but in the case of the EU, the consequences are not limited to those MS close to the conflict area. Ukraine shares its borders with several EU MS (Poland, Slovakia, Hungary and Romania), but in a space without borders and with the right to move freely within the territory of MS, a threat to national security in one of its members can and probably does constitute a threat to the national security of the other partners. This means that the challenges to be met by those neighbouring countries will be expanded to the 27 MS.

Therefore, the Russian invasion of Ukraine, although a tragedy for the Ukrainian people, is also a matter of concern for the EU and its MS and can be considered the most dangerous situation the EU has ever faced. As per NATO, the Russian invasion of Ukraine poses the gravest threat to Euro-Atlantic security in decades, jeopardising European security (NATO, 2022). Catherine De Bolle, the Executive Director of the EU Agency for Law Enforcement Cooperation (Europol), declared in the TE-SAT 2022 report, that the war in Ukraine will have a lasting impact on the EU's security for years to come (Europol, 2022c, p.3).

This article attempts to provide a list of the most relevant challenges that the EU has identified as threats to its internal security after the Russian invasion of Ukraine. To achieve this objective, an in-depth study has been conducted to analyse how the EU Institutions, preparatory bodies and Justice and Home Affairs (JHA) agencies have responded and to identify the main concerns in the field of internal security that could be drawn from the meetings held and documents approved since the beginning of the war.

The sources consulted for this research include documentary materials from the European Commission Library, the EU legislative synthesis

(EUR-LEX), EU official documents from the Delegates Portal of the Council of the EU, as well as scientific and media articles. Specifically, we have analysed all the European Council meetings, JHA Council meetings and COSI meetings, as well as other relevant Council meetings held since the Russian invasion, with particular attention being paid to their agendas, outcomes of proceedings, conclusions and public official documents related to internal security, as well as press releases. Furthermore, the author's firsthand experience gained through working in internal security at both national and EU levels, has also served as a valuable source of information.

Using these sources as the primary material, the work began with a descriptive legal methodology aimed at presenting the responses of the EU after the invasion. The article is based on a thorough review of the meeting conclusions and official documents of the EU Institutions, primarily the European Council and the Council of the EU, as well as some of its preparatory bodies.

Next, an analytical methodology was employed to examine the EU actions from both a quantitative perspective, considering the number of actions developed in the field of internal security, and a qualitative perspective, with a detailed analysis addressing the nature of the actions and measures adopted in that area, along with subsequent implementation.

Given the qualitative nature of analytical legal research, the application of this methodology has served to make a series of considerations on the impact of the invasion on the essentially reactive nature of the EU in internal security actions and the attitudes of some MS. This is relevant given the traditional reluctance of MS concerning national security as most of them strictly follow the principle that this is one of the exclusive competences of national authorities.

Furthermore, pursuing this methodological line has enabled us to use the findings as a starting point to draft a prospective analysis, identifying the primary challenges to the EU's internal security, both in the present and in the future.

The results have been structured in two well-defined sections. Firstly, section 1 demonstrates how the Russian aggression prompted the

reaction of the EU Institutions, convening both ordinary and extraordinary meetings to condemn the invasion and adopting political decisions aimed at fighting the negative effects of the conflict on the EU's internal security domain. Next, some of the subsequent operational work conducted by the EU Agencies was analysed. Section 2 is devoted to listing, though not exhaustively, the key challenges to the EU's internal security, derived from the official documents approved by EU Institutions and preparatory bodies, as well as the work of the JHA Agencies. Finally, the article concludes with some insights into the impact of the Russian invasion of Ukraine on the EU's internal security area.

As the war is still ongoing, this article could help to better know the challenges that the EU might be facing in the coming months and years. It could be taken as a foundation for future research concerning the ramifications of the Russian invasion on the EU's internal security, or the consequences of any other conflict near its borders. It could also be valuable to confirm the previously mentioned reactive nature of the EU when it comes to internal security, a field in which, from the author's perspective, greater integration would be desirable.

## **1. THE REACTION OF THE EU TO THE RUSSIAN INVASION OF UKRAINE IN THE FIELD OF INTERNAL SECURITY**

### **1.1. EU INSTITUTIONS AND COUNCIL PREPARATORY BODIES**

The EU realised almost immediately the dangers to internal security. On the same day of the invasion, 24 February 2022, the High Representative issued a declaration (European Union External Action, 2022) at the Permanent Council of the Organisation for Security and Co-operation in Europe (OSCE), condemning the unprovoked invasion of Ukraine.

A similar statement was issued by members of the European Council just before they convened in a special meeting where they also unanimously called on Russia to respect international humanitarian law, halt their disinformation campaign and cyber-attacks and adopt restrictive measures in response. They also urged preparations for individual and

economic sanctions and reiterated the EU's support for and commitment to Georgia and Moldavia (European Council, 2022a).

In the following days, several Council meetings dealt with the situation in Ukraine: an extraordinary Foreign Affairs Council on 25 February, which resulted in the adoption of new sanctions and a strong consensus on tackling disinformation; on 27 February, an informal video conference of Foreign Affairs Ministers discussed further measures to cover various strands of action, inter alia, initiatives to counter disinformation, including the prohibition for state-owned Russian media to broadcast in the EU; on the 28th, another informal video conference of EU Defence Ministers was held, focusing on the efforts to be made to support the Ukrainian armed forces; also on the 28th, the EU Energy Ministers exchanged views on the energy situation in Ukraine and Europe; on the 4 March, Foreign Affairs Ministers held an extraordinary Council meeting to discuss the latest developments.

The first meeting of the JHA Ministers on 27 February focused on several aspects of internal security, such as the management of external borders, opening the possibility to support the neighbouring countries in conducting security checks and registrations and mobilising European instruments from the European Border and Coast Guard Agency (Frontex) and Europol (Council of the European Union, 2022a). Ministers also agreed on the need to anticipate the use of hybrid threats, calling for the enhancement of information exchange and coordination to effectively respond to any attempt at destabilisation. Considering the experience of actors, hostile to the EU, and willing to employ new means of pressure, such as the weaponization of migration flows, cyber threats or disinformation, the Presidency of the Council of the EU invited MS to provide reports on the preparatory measures taken at both national and European level and to specify their needs.

On 3 March 2022, Ministers engaged in a new discussion on Ukraine during the Council meeting. They reached a unanimous agreement on the establishment of a temporary protection mechanism in response to the influx of displaced persons from Ukraine. Following the European Commission's proposal, Ministers agreed to activate, for the first time, Council Directive 2001/55/EC of 20 July 2001, which establishes minimum standards for providing temporary protection in the event of a

mass influx of displaced persons (Council of the European Union, 2001). The following day, the Justice Ministers chose not to process the requests for cooperation in criminal matters submitted by Russia and Belarus and decided to collectively refer the situation in Ukraine to the International Criminal Court (ICC) as a means to combat impunity. The EU Agency for Criminal Justice Cooperation (Eurojust) was encouraged to fully exercise its coordinating role in this regard.

On the same day, the 4th of March, an extraordinary meeting of the Foreign Affairs Council examined the latest developments and raised the issues of cyber-attacks and disinformation campaigns.

During the informal meeting in Versailles, on 10-11 March 2022, the European Council adopted a declaration regarding the Russian aggression against Ukraine (European Union, 2022a), welcoming the ICC's investigation, confirming the imposition of new sanctions and highlighting the need to proactively prepare for rapidly emerging challenges, such as the hybrid warfare, strengthening cyber-resilience, safeguarding infrastructure, particularly the critical infrastructure and fighting disinformation.

The extraordinary JHA Council meeting of 28 March 2022 addressed European coordination for receiving people fleeing Ukraine, focusing on issues concerning external border control and security, while also supporting the mobilisation of the EU network to fight organised and serious crime (EMPACT) to prevent the exploitation of the situation by criminals (European Union, 2022b).

EMPACT, formerly known as the EU Policy Cycle, serves as the framework for structured operational cooperation to prevent and fight organised crime in the field of EU internal security. In 2021, the EU Council decided on the priorities for the period 2022-2025 (Council of the European Union, 2021). Following the invasion of Ukraine, it was evident that nearly all of these priorities would inevitably be affected by the consequences of the war, with the potential to benefit criminals in the EU.

The European Commission, in collaboration with the French Presidency of the Council, presented a 10-point plan for stronger European



coordination for welcoming people fleeing the conflict zone (European Commission, 2022a). Although primarily designed to assist displaced persons, it contained some references to internal security. For instance, point 6 referred to the development of a common anti-trafficking plan to prevent trafficking and exploitation. Point 9 addressed the internal security implications of the war, calling for maximal vigilance against organised crime and trafficking groups and the enforcement of EU sanctions against Russian and Belarusian individuals.

The EU Standing Committee on Operational Cooperation on Internal Security (COSI) also addressed Ukraine, but the first time was in an informal meeting two months after the military aggression. Surprisingly, there were no more COSI meetings during that semester, resulting in missed opportunities to leverage the significant role that COSI could have played in this field, being a working forum with a global and comprehensive view of internal security issues.

COSI delegates talked about the criminal and security threats following the Russian invasion and the EU's operational response. It called for increased vigilance in the face of a resurgence in organised crime, namely infiltration of criminals or terrorists, online fraud, weapons trafficking, trafficking in human beings (THB), drugs, cyberattacks or financial crimes. It was deemed necessary to mobilise resources at every level, to monitor and analyse the threats and to provide a suitable operational response, involving the mobilisation of the EU JHA agencies. Another point was the activation of the EMPACT community, as previously mentioned.

The European Council commended the efforts to collect evidence and investigate war crimes in Ukraine on 30 and 31 May 2022 (European Council, 2022b). The agenda also included a discussion on the impact on food security and energy.

One of the primary concerns for both internal security actors and citizens is terrorism. Although in recent years, public opinion appeared to be less concerned about it, EU leaders emphasised that the return of terrorist fighters in Europe still represented a significant threat. As per the conclusion of the JHA Council on 9 June 2022, the deterioration of the security situation in Ukraine had already led to significant population

movements towards EU territory, increasing the risk of infiltration by individuals who might pose a terrorist threat (Council of the European Union, 2022d, p.4). The Council emphasised the impact on the EU's global security stemming from the situation at the European borders.

Home Affairs Ministers gathered informally in Prague on 11 July 2022, with an agenda that included a session on the security impact of the war. They were invited to discuss the repercussions on internal security and the possible measures to address them, referring to illegal firearms trafficking, THB, document forgery, money laundering, hybrid threats and the trafficking of cultural objects or drugs (Czech Presidency of the Council of the EU, 2022).

Just a few days after the Ministerial meeting, COSI representatives also held an informal meeting in Prague, to examine the impact of the war in Ukraine from a law enforcement perspective.

At the regular JHA Council meeting held on 13 and 14 October 2022, Ministers emphasised the increased risks of migrant smuggling, THB, illicit firearms trafficking, terrorism and other serious crimes. They also endorsed the need for a joint EU response against the ongoing dissemination of disinformation.

Since the beginning of the war, one of the risks for the EU has been the possibility of becoming the target of hybrid actions. On 26 September 2022, a series of clandestine bombings and subsequent underwater gas leaks occurred on the Nord Stream natural gas pipelines. The perpetrators' identities and the motives behind this action remain debated (Wikipedia, 2023). The European Council of 20 and 21 October 2022 strongly condemned acts of sabotage against critical infrastructure and stated that the EU would meet any deliberate disruption or other hybrid actions with a united and determined response (European Council, 2022c, p.4).

In this meeting, as in nearly all EU high-level meetings over the previous eight months, the MS representatives devoted part of the agenda to the situation in Ukraine. EU leaders showed a determination to counter disinformation, reiterated their firm commitment to holding Russia accountable for the violation of international law and endorsed the

investigations by the Prosecutor of the ICC. The European Council also concluded that Russia was responsible for weaponizing food and energy, provoking a global food security crisis and an energy crisis.

The first formal COSI meeting addressing the Russian invasion of Ukraine took place on 30 September 2022. One item on the agenda was the EU internal security implications of the war in Ukraine, dedicated to discussing the practical steps to be pursued within the Council, following the informal meeting of the Home Affairs Ministers in July 2022 (Council of the European Union, 2022i).

During the meeting on 25 November 2022, COSI endorsed two documents that included references to the security implications of the war: the *EU threat assessment in the field of counterterrorism*; and the *Feedback to COSI on the Terrorism Working Party debates in the second half of 2022 on the impact of the war in Ukraine on counterterrorism and countering violent extremism* (Council of the European Union, 2022j).

The JHA Council meeting of 8-9 December 2022 exchanged views about Ukrainian refugees in the EU and reviewed the internal security dialogue with Ukraine to address shared security challenges stemming from the war, such as border security, illicit firearms trafficking and other serious crimes. More significantly, the Ministers endorsed the conclusions on combating impunity for crimes related to Russia's aggression (Council of the European Union, 2022k). The Council urged MS to continue supporting the investigations and to take measures to strengthen the support and protection of victims of core international crimes in criminal proceedings. The Council also encouraged an increase in efforts to counter disinformation and attempts to rewrite history.

The final European Council meeting of 2022, which took place on 15 December, did not provide any relevant updates on the internal security field. However, in the security and defence domain, it called for various actions related to internal security, such as investments in strategic enablers, including cybersecurity, a strong EU policy on cyber defence and the swift implementation of the EU hybrid toolbox, to strengthen the EU's ability to effectively counter hybrid threats and campaigns (European Council, 2022d).

Ukraine was also featured prominently in the programme of the Swedish Presidency (Swedish Presidency of the Council of the EU, 2022). The JHA Council meeting held on 26-27 January 2023 devoted some time to deliberate on the prosecution of core international crimes in Ukraine. In the subsequent weeks, the focal point of the debate was the impact of the war on counterterrorism and efforts to counter violent extremism, the prevention and combating of firearms smuggling, as well as the inter-linkages between internal and external aspects of security.

During a Special European Council meeting held on 9 February 2023, the EU leaders adopted conclusions regarding Ukraine to ensure effective control of its external land and sea borders. Furthermore, they strongly condemned attempts to manipulate migrants for political purposes, especially when used as leverage or as part of hybrid destabilising actions (European Council, 2023).

COSI met with the Political and Security Committee<sup>1</sup> on 21 February 2023, to debate the state of play and outlook of CSDP/JHA cooperation regarding the Russian aggression against Ukraine. The following day, the Committee reflected on strategies to counter firearms trafficking, noting the list of actions designed to counter firearms and other small arms and light weapons diversion in the context of the war. These actions were jointly prepared by the European Commission and the European External Action Service. An agreement was also reached to continue monitoring the progress made in the implementation of these specific actions (Council of the European Union, 2023a).

During this meeting, the Presidency briefed delegations about the Conference to Prevent Smuggling of Firearms, which took place in Stockholm a week before (Swedish Presidency of the Council of the EU, 2023).

The JHA Council meeting held on 9-10 March 2023 once again discussed the internal security dialogue with Ukraine, the status of judicial responses and efforts to combat impunity-related crimes committed in connection with the war. On 23 March, the European Council revisited topics previously included in their agendas.

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<sup>1</sup> The body responsible for the EU's Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP).

## 1.2. EU AGENCIES

Concerning JHA agencies, in April 2022, Europol released a threat assessment on the *Impact of the Russian war of aggression against Ukraine on crime and terrorism in the EU*. Its key finding was that there would be significant implications for crime and terrorism in the EU due to several factors: the vulnerability of refugees arriving in the EU; the exploitation of new opportunities by criminal groups; the presence of Ukrainian and Russian criminal groups in the EU; disinformation; the potential threat of foreign fighters; the flow of illicit money; and the challenging economic situation (Council of the European Union, 2022c).

In June, Europol updated the report, reaffirming that the threats to internal security were of an evolving and adaptable nature. The report also identified other crime areas, like firearms smuggling, excise fraud and vehicle trafficking (Council of the European Union, 2022e). It also warned that several disrupted criminal activities were likely to resume and that, while specific challenges were felt in the short term, others with limited initial impact would worsen over the medium to long term (THB, money laundering, disinformation and terrorism).

From the outset, Europol has responded by deploying resources to support partners affected by the consequences of the war. It launched Operation Oscar to help the enforcement of EU sanctions. It played a part in responding to large-scale cyberattacks and cyber crises. It participated in a THB Task Force aimed at tackling the threats posed by criminal networks that might recruit and exploit vulnerable refugees arriving in the EU. It intensified its monitoring activities of extremist right-wing groups and individuals in the context of the war. This involved gathering relevant material and information from open sources and online, including data related to potential war crimes.

Furthermore, as the primary actor of the EMPACT framework, Europol played a crucial role in delivering opportunities to mitigate emerging criminal threats by implementing new operational actions or making amendments to existing ones.

Frontex, another noteworthy agency in the field of JHA, also played a key role in the EU's response and in assessing the implications of the war on the EU's internal security.

Frontex has provided support to the countries affected by migratory flows. Thanks to the agency, MS and EU Institutions have received regular updates on the situation at border crossing points and refugee flows. Furthermore, it offered assessments on the impact of the war on crime and terrorism in the EU. Frontex supported the MS in addressing cross-border crime through prevention, detection, and the fight against THB, with a specific focus on child trafficking, firearms smuggling, drug trafficking, stolen vehicles, as well as excise goods trafficking and other illegal trans-border activities.

The role of Eurojust in the investigation of war crimes has already been stated. A Eurojust-supported joint EU investigation team has been active in Ukraine since March 2022. In April 2022, the European Commission published its proposal to extend Eurojust's mandate following the Russian invasion, which was finally approved at the end of May (European Union, 2022c). These new powers enable the agency to store and analyse evidence related to war crimes, genocide and crimes against humanity.

The rest of the JHA agencies were also involved. In September 2022, the EU Agency for Law Enforcement Training (CEPOL) compiled an overview of the support provided to the EU, MS and other partners by the nine agencies<sup>2</sup> given the war in Ukraine (Council of the European Union, 2022g). The agencies' responses covered several key areas, including the identification of key fundamental rights challenges and strategies to overcome them, operational support for the investigation of core international crimes committed in Ukraine, assistance to MS authorities and contributions to the enforcement of EU sanctions. In April 2023, the agencies, under the coordination of the EU Agency for Asylum (EUAA), released a new report covering the first year of the war. Some of the updates of this report were related to Eurojust's support for the establishment of an International Centre for the Prosecution of the Crime of Aggression (ICPA), announced on 2 February 2023, the MS's judicial response to alleged core international crimes committed in Ukraine and the prosecution of violations of the sanctions against Russian and

<sup>2</sup> CEPOL, EIGE, EMCDDA, EUAA, eu-LISA, Eurojust, Europol, FRA, Frontex.

Belarusian individuals and companies. Additionally, it included information on Frontex's technical assistance to support the Ukrainian State Border Guard (Council of the European Union, 2023b).

### 1.3. CONSIDERATIONS OF THE EU REACTION

Despite the Russian military build-up around Ukraine and other warning signals of a possible conflict close to its territory, the EU did not implement specific measures in the field of internal security before the invasion.

Historically, the EU integration has made more progress in the field of internal security while responding to crises, notably terrorism (Sánchez, 2021, p.559). Major terrorist attacks perpetrated in the territory of EU MS led to the adoption of extraordinary and emergency measures at the EU level.

The Russian aggression against Ukraine also prompted an EU reaction. Both the European Council and the Council of the EU held both extraordinary and ordinary meetings to deal with the response to that action. Additionally, EU JHA agencies provided early support, although a stronger involvement of COSI would have been preferable.

The EU displayed a high degree of unity and robustness in its reaction, as demonstrated by its strong messages and sanctions against Russia, military support to Ukraine, aid provided to millions of refugees and the measures taken to reinforce internal security. However, it should not be forgotten that, as per the Lisbon Treaty, national security and public order remain the exclusive responsibility of MS<sup>3</sup>. This means that issues such as the fight against organised crime or terrorism fall under the jurisdiction of national authorities.

When it comes to responding to specific terrorist attacks in the past, the EU's actions were immediate and reactive, but often short-lived.

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<sup>3</sup> Article 4.2 Treaty on EU and articles 72 and 73 Treaty on the Functioning of the EU.

However, in the case of Ukraine, the EU's response was not only immediate and reactive but also sustained over time.

One issue of the measures adopted in the field of EU internal security is their dependency on the will of national authorities in MS (Sorroza, 2011, p.6). Internal security is one of the most complex areas of European integration, primarily due to the zeal of MS to preserve their sovereignty (Tereszkiewicz, 2016, p.245). However, considering the magnitude of the dangers, some EU MS also reacted quickly by implementing extraordinary measures. For example, the three Scandinavian countries, Denmark, Finland and Sweden, drastically changed their attitudes towards participation in the existing EU Common Security and Defence Policy (CSDP) and NATO (Moser, 2022): Denmark officially joined CSDP on 1 July 2022, ending a 30-year-long policy of non-participation in security and defence matters. Furthermore, in May 2022, both Finland and Sweden applied for membership in NATO, abandoning their tradition of neutrality.

Another example is Germany. This country has experienced a change in its perspective on the purpose of its armed forces and has witnessed an increase in its defence spending. Immediately following the invasion, Germany reversed a long-standing policy of never sending weapons to conflict zones (Herszenhorn, Bayer and Burchard, 2022). Furthermore, the German government agreed to draw up the first comprehensive National Security Strategy.

When it comes to internal security, prevention is always better than reaction. However, in practice, EU actions in this field are often triggered by crises. Joint decisions and concerted actions at the EU level are easier to accept if MS national authorities show an actual willingness.



## 2. CHALLENGES TO THE EU'S INTERNAL SECURITY

The war in Ukraine commenced in February 2022 and there are no clear indications regarding its duration.

Criminal activity has continued in the area despite the logistical difficulties and challenges imposed by military activities. The repercussions of the conflict are being felt across all MS of the EU. The war has caused not only immediate problems for the EU's internal security but also for the medium and long term.

The neighbouring countries were the first to be affected due to the influx of refugees. However, in a borderless space, a threat to one MS constitutes a threat to the entire Union.

The impact of the Russian invasion of Ukraine on the EU's internal security has been significant and it's expected to remain so in the future. The situation could deteriorate further if Russia contemplates the possibility of retaliation against any MS providing support to Ukraine.

There's a lengthy catalogue of challenges that are not always easy to classify, as frequent interconnections among them can lead to similar actions falling into different categories. Several of the challenges were visible from the very outset of the war, while others emerged in the mid-term and the remainder are being developed or will arise at a later stage. The implications of these challenges will vary, but most of them are expected to last long after the armed conflict comes to an end. If there's one thing that criminal groups have demonstrated so far, it's their flexibility and adaptability.

After analysing the meetings of the European Council, the Council of the EU, the COSI, and the work of the European Commission and the EU Agencies in the field of internal security, and considering the work already accomplished under the EMPACT framework, it can be inferred that the Russian invasion of Ukraine has presented, is presenting and will continue to present, among other challenges, the following challenges to the EU internal security:

## 2.1. ILLEGAL IMMIGRATION

The first problem for the EU was the refugee crisis. The Russian aggression set off the largest wave of refugees in Europe since the Second World War (Federal Ministry of the Interior and Community of Germany, 2023). The unprecedented flow of migrants entering the EU initially strained the neighbouring countries, but its effects were soon felt in the remaining MS.

The EU MS exhibited a great deal of solidarity in hosting Ukrainian refugees, especially Hungary, Poland, Slovakia and Romania at the outset of the crisis. Interestingly, this was not the same scenario seen during the Syrian refugee crisis, when certain countries had been *vocal against them and went as far as building a wall to stop their movement* (Deliu, 2022, p.22).

What made this scenario particularly dangerous was the relaxation of security checks, owing to the sheer volume of refugees attempting to enter, hindering the detection of high-risk individuals among them, such as terrorists, foreign fighters, saboteurs or criminals.

Another effect could be the increase of the illegal market for fraudulent documents, which might persist in seeking subsidies provided by EU MS social services.

## 2.2. TRAFFICKING IN HUMAN BEINGS

THB was assessed as one of the most pressing consequences of the war, primarily due to the risk of refugees being subject to sexual or labour exploitation, as well as the illegal adoption of minors. Only a few weeks after the invasion, Europol warned about the risks in the area of THB (Europol, 2022a). The International Organisation for Migration has also expressed concern that the deteriorating situation was putting people on the move at a heightened risk of exploitation (International Organization for Migration, 2022). Instances of sexual violence had already been reported and there were indications of potential exploitation.

Sexual exploitation of refugees by organised criminal groups may be happening in all MS. Additionally, labour exploitation can also take place, not only due to criminal networks but also by employers trying to take advantage of the precarious situation of many refugees.

Furthermore, once they arrive in the host MS, Ukrainian refugees may be vulnerable to criminal recruitment if the living conditions do not match their needs.

### **2.3. SMUGGLING AND DRUG TRAFFICKING**

Military activities affected smuggling and drug trafficking and disrupted the well-established routes and the criminal *modi operandi* (Frontex, 2022, p.35). Consequently, criminal networks were expected to look for new illegal markets in the EU and alternative routes and destinations of drugs, tobacco and other goods. The influx of refugees fleeing the war presented new opportunities, later reduced because of the increased security and military presence, but smugglers are constantly adjusting their *modus operandi* (Frontex, 2022, p.34).

The economic crisis in the EU could incentivise the activity of criminal groups. Additionally, the situation in Ukraine is making contraband more lucrative and may lead to the relocation of criminal groups from one side of the border to the other, particularly for smuggling activities. This situation can jeopardize the safety of customs and border guards and increase the risk of corruption within their ranks.

### **2.4. HYBRID ACTIONS**

From the outset of the conflict, EU MS were aware of the challenges posed by hybrid actions, emphasising the importance of anticipation and a coordinated response (Council of the European Union, 2022a, p.4).

Hybrid actions, when employed in conjunction with military actions, can be a very effective way of amplifying the impact on the adversary.

These tactics can establish conditions for the radicalisation of EU citizens and be employed with relative impunity in other scenarios, far removed from the conflict zone.

Disinformation, manipulation of public opinion, interferences and cyberattacks can be categorised as hybrid threats (Federal Ministry of Interior and Community of Germany, n.d.) and pose major threats to internal security, as well as the weaponization of energy, food and immigration.

Russia may attempt to interfere in the domestic policies of EU MS by taking advantage of the existing tensions, separatist movements, domestic unrest or local crises. Foreign agents may infiltrate the EU with similar objectives, such as interfering in domestic policies, sabotaging critical infrastructure, compromising the supply of energy or food, intimidating Ukrainian refugees, undermining support for Ukraine, promoting instability, gathering intelligence or just simply complementing other hybrid actions. The presence of undetected Russian-controlled agents in the territory of the EU MS constitutes a big challenge for the national intelligence services and law enforcement agencies.

### **2.4.1. Disinformation**

Disinformation, propaganda and fake news from Russia were noticed in EU MS before the war. The EU, aware of the dangers it may pose, adopted early measures to counter these actions.

The spreading of false information can play a significant role in shaping, mobilising, manipulating and trying to influence public opinion. A likely target of Russian disinformation campaigns could be the upcoming electoral processes in various EU MS. Moreover, it has the potential to fuel terrorist and extremist narratives, enhancing the capabilities of those groups. Likewise, it can contribute to an increase in the number of radicalised individuals and be leveraged to heighten the vulnerability of those predisposed to radicalisation, ultimately facilitating recruitment and financing.

This is not a new threat, but its widespread utilisation by Russian actors or their allies may pose additional risks to the political stability of EU MS.

### **2.4.2. Cyberthreats**

Cyberspace is a new dimension in which various threats can be developed quickly and inexpensively, without territorial constraints and with the cloak of anonymity.

Russia has been accused of conducting cyberattacks against EU MS and Institutions, though no major actions have occurred as yet (Council of the European Union, 2022c, p.4). Both the frequency and the number of MS affected have increased since the beginning of the war. Despite their limited consequences thus far, they cannot be underestimated.

The risk of becoming the target of cyberattacks will remain high. Additionally, criminal groups or individuals may exploit online methods to deceive people into making donations or provide government support, for example.

## **2.5. VULNERABILITY OF CRITICAL INFRASTRUCTURE**

EU MS critical infrastructures, even those situated far from the Ukrainian borders, are vulnerable to cyberattacks, terrorist attacks, sabotages or public disturbances. The disruption of any critical infrastructure, especially if it pertains to energy supply, is a significant cause for concern for national authorities.

One example was the attack on the Nord Stream pipelines. Although it has not been possible to confirm the party responsible for this action, it has shown that critical infrastructures are highly vulnerable and challenging to protect.

EU leaders are well aware of this vulnerability and as a result, they have called for increased investment in the resilience of critical infrastructure (European Council, 2023, p.7).

## 2.6. ORGANIZED CRIME

From the onset of the conflict, it was evident that there would be significant implications for serious and organised crime within the EU. The war presented new opportunities that criminal networks were ready and eager to seize. In fact, it triggered a substantial shift in the *geocriminal* situation.

Criminal activities would shift their locations and procedures and organised crime groups based in Ukraine and Russia would consider the EU territory as an attractive option to relocate. This demonstrates their ability to adapt to new circumstances and scenarios (Council of the European Union, 2022c, p.4).

The challenging economic situation within the EU might create a risk of criminal infiltration in the EU's legitimate economy (Council of the European Union, 2022c, p.4).

If migrants of Ukrainian or Russian origin tend to establish communities in their host countries, they might be targeted by organised criminal groups seeking to take control.

## 2.7. TERRORISM

Any armed conflict is prone to attract foreign fighters, who may subsequently return to their countries. In Ukraine, the movement of these fighters was boosted by the President, who, just three days after the invasion, issued a public appeal to foreign citizens to assist Ukraine in its fight against Russia's aggression (President of Ukraine, 2022).

The Russian President also approved the recruitment of foreign *volunteers* to reinforce the Russian troops in Ukraine (Ilyushina and Suliman, 2022). It's also worth mentioning the activities of private military companies, such as the Wagner Group.

In terms of foreigners fighting for Ukraine, some researchers argue that they are not terrorists. Instead, they have enlisted in a formal army and

should be more accurately labelled as *foreign volunteers* (Rekawek, 2023, p.21). Without disputing this statement, the reality is that, regardless of the motivations of most of them, in the months and years to come, there will be hundreds or even thousands of people with military experience, extensive network of contacts and access to firearms and explosives. Some of them may choose to join terrorist or extremist groups or criminal networks, where their abilities will be highly appreciated. Others may undergo radicalisation or seek revenge against former enemies. Additionally, a few may suffer from mental disorders stemming from their wartime experiences.

In any case, we cannot exclude the fact that among all the foreign fighters, there could be some radicalized individuals who might view the war as an opportunity to gain military experience or connect with like-minded individuals in an operational setting (Rassler, 2022, p.22).

Some of these foreign fighters are EU citizens, which means that MS are forced to monitor them due to their potential to pose a threat to internal security.

In the second year of the armed conflict, the terrorist threat is considered limited but the medium to long-term repercussions could be substantial and the future consequences remain unknown (Council of the European Union, 2022f).

In addition to foreign fighters, terrorist organisations could exploit the war to perpetrate terrorist attacks against EU interests. There are also concerning factors, such as the availability of weapons of mass destruction and CBRN materials.

## **2.8. FIREARMS TRAFFICKING**

One of the most challenging and enduring issues to be addressed by internal security authorities is the immediate availability of weapons and explosives. The proliferation of weapons at the gates of the EU, coupled with the movement of refugees fleeing from Ukraine, has raised serious

concerns about the potential for some of these weapons to find their way into the EU.

Weapons can cross borders without significant difficulties, and it cannot be ruled out that some firearms, military equipment, ammunition and explosives may end up in the hands of terrorists or criminal groups, equipping them with new and far more dangerous capabilities. The worst possible scenario involves the trafficking of weapons of mass destruction and CBRN materials, all of which are likely to be present in the current conflict zone, which could potentially be smuggled into the EU and ultimately used for terrorist purposes (Europol, 2023, p.18).

The availability of weapons tends to increase as the armed conflict nears its conclusion. Therefore, it would be wise to begin considering methods for the disposal of surplus weapons.

## **2.9. WAR CRIMES**

While this may not pose a direct threat to the EU, it does challenge its internal security, as the EU cannot dismiss the possibility that war criminals may try to hide within the EU. This means, among other things, that MS may need to investigate the presence of alleged war criminals within their territories. Even EU nationals or fighters entering the EU could have committed war crimes and consequently, may be subject to investigation by EU MS law enforcement agencies.

EU citizens may also become involved in other ways: they could become victims of war crimes or commit crimes that are subject to prosecution in their countries of origin. In either case, the EU would need to respond. Foreign victims of war crimes may also choose to settle in the EU, which would necessitate the implementation of protective measures, including the establishment of witness protection programs.



## 2.10. PUBLIC ORDER

Since the onset of the war, numerous protests have taken place and the maintenance of public order and security in EU MS can be compromised in various ways, including unrest due to the economic impact of the war on energy prices, food supply, the cost of living or inflation. Additionally, violent extremist groups may exploit the dissatisfaction of those affected by the socio-economic situation, seeking to foment instability. This can manifest as violence against Russian or Ukrainian communities or conflicts between them, hate crimes or protests against NATO and defence expenditures.

The inability of refugees to integrate into MS social structures could also lead to potential social and political instability. The sudden influx of new needy migrants in EU MS may pose difficulties and potentially lead to discontent among other foreign nationals who are trying to integrate into their host country.

Even terrorist and extremist groups may attempt to capitalise on economic troubles to disseminate their propaganda and narrative and search for new recruitment opportunities. Furthermore, the situation can be exploited by extremist groups to intensify racist, xenophobic, hateful or discriminatory ideologies within MS.

Furthermore, given that there are Russian and Ukrainian interests and individuals dispersed throughout the territory of the EU (diplomatic missions, companies or other entities), MS authorities are obligated to ensure their protection and security.

## 2.11. ECONOMIC SANCTIONS

In April 2022, Europol initiated Operation Oscar to support financial investigations conducted by EU MS aimed at targeting criminal assets owned by individuals and legal entities subject to sanctions in connection with the Russian invasion of Ukraine (Europol, 2022b).

In the field of internal security, the financial sanctions imposed on Russian oligarchs resulted in asset seizures within the EU MS. Therefore, it was crucial to ensure that those sanctions were effective.

EU MS are committed to enforcing sanctions within their territories, necessitating an escalation in the workload for EU internal security actors.

## 2.12. FUTURE THREATS

The post-war period will require a different approach to internal security threats, if not to all, at least to some. The reconstruction of Ukraine, the return of foreign fighters to the EU, the repatriation of refugees to Ukraine, the investigation of war crimes, the illegal market, the number of available weapons, etc., will all evolve and adapt to the new situation, introducing profound changes and new opportunities that organised criminal groups are likely to exploit.

Furthermore, it is not unrealistic to envision a scenario along the EU's Eastern borders, with limited cross-border cooperation and heavily fortified borders, resembling a return to Cold War-style military border management (Frontex, 2022, p.41).

Hence, it's time to start planning for the post-war implications and contemplate how to adapt the EU's response.

## CONCLUSIONS

The Russian invasion against Ukraine represents an external threat to the EU which influences its internal security across various areas, including terrorism, organised crime, and the safeguarding of critical infrastructure, among others. Issues such as food security and the energy crisis, and their impact on EU MS, should also not be underestimated.

These threats affect not only the EU as a whole but also individual MS. Today, no country possesses the capability to face all the potential

internal security threats on its own. This is especially evident in the EU, an area without internal borders and characterised by freedom of movement, where a threat to one MS could pose a risk to several or all MS. Any country in the world requires cooperation with others to address internal security threats, but the EU necessitates not just cooperation, but also a coordinated effort among its MS and European bodies.

The EU responded in several ways to the Russian invasion of Ukraine: implementing economic sanctions that target different sectors of the Russian economy as well as individuals and companies from Russia and Belarus; providing military support to Ukraine, including training, equipment and financial aid; actively engaging in diplomatic efforts to restore peace; intensifying security cooperation with Ukraine and Moldavia; bolstering its defence cooperation and strengthening its internal security capabilities to be able to respond to the security threats arising from the situation along its border.

From the outset, the EU acknowledged the necessity for broader and more strategic debates concerning the implications of the Russian invasion of Ukraine on the EU's internal security. As a result, the war in Ukraine has been a priority topic on every agenda of the European Council, JHA Council, Foreign Affairs Council and several other Council meetings. However, the strategic debates should have been followed up by more operational discussions to translate the strategic direction into operational actions. This could have been enhanced by profiting from the existence of a preparatory body like COSI. It's difficult to understand why this committee has not been involved to a greater extent.

It's not entirely accurate to characterise these as entirely new threats to internal security, as many of the threats linked to the war were already present in the EU or were anticipated before the start of the hostilities. In fact, some of those threats have intensified, while others have reemerged due to the armed conflict, posing new challenges to the EU's ability to deal with its internal security.

While there were no actions taken in the EU's internal security field before the Russian aggression, the response was swift, united and unexpectedly robust. Typically, in the EU, crises facilitate quick decision-making. However, this is a sustained situation and the threats facing the

EU are evolving and changing, demanding ongoing attention to address them effectively. Another aspect that cannot be dismissed is the potential for Russian retaliation against EU MS for their support of Ukraine. This could serve as a multiplying or facilitating factor for threats to the EU's internal security.

Contrary to what might be expected, the impact of various threats has been limited. However, it's worth noting that, on the one hand, irrespective of their initial degree of influence, some of them are likely to escalate; and on the other hand, the challenges were, are and will be evolving and developing as per the situation on the ground.

Ultimately, the armed conflict will end, implying the termination of military actions, a reduction in violence and the gradual return of refugees. However, this does not mean that the security threats to the EU's internal security will disappear. The EU needs to make progress towards more integration in the internal security domain. What is most crucial at this point is to prepare for the post-war challenges and the consequences of potential future conflicts. In this regard, anticipation, prevention, flexibility and cooperation are key concepts.

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