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The EU and Ukraine
Towards a new security and defence relationship

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The war in Ukraine has fundamentally changed the European security environment. The EU and its member states are committed to supporting Ukraine in its self-defence in the long-term.[1] In recent years, the EU has become an important actor in the security area, complementary to NATO, which carries out collective defence as its core task. This raises the question of how the EU-Ukraine relationship in security and defence should be shaped. This policy brief aims to provide answers to that question. The authors firstly assess how the war in Ukraine has impacted on the EU and NATO. The next section explores the options for enhancing the EU-Ukrainian security and defence relationship. The final section is devoted to EU-NATO cooperation on assisting Ukraine on its way to future membership of both organisations. Conclusions and recommendations complete this policy brief.[2]

The EU and NATO in a changed security environment

Russia's full-scale invasion of Ukraine in February 2022 has altered the international order. Russia's violation of international law and its brutal war against Ukraine has shocked Europe after the wake-up call of Moscow's annexation of the Crimea in 2014. Defence budgets have been increased. Investment has been stepped up to strengthen NATO's deterrence and defence posture. Finland has joined NATO, and Sweden will most likely follow later this year. The EU is training Ukrainian troops on a large scale and is spending billions of euros on replacing military equipment that its member states have delivered to Ukraine and on the procurement of ammunition. Almost € 38 billion has been made available for recovery and reconstruction.[3] In a move that seemed unlikely prior to the invasion, the EU granted Ukraine the status of a candidate for accession in June 2022. At the moment, EU membership is a distant prospect, especially considering the ongoing war and the many years that Ukraine will need to adapt its own legislation, rules, processes and institutions to

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1   "The EU, and its member states, stand ready to contribute, together with partners, to future security commitments to Ukraine, which will help Ukraine to defend itself in the long term, deter acts of aggression and resist destabilization efforts." *European Council, European Council meeting (29-30 June 2023) – Conclusions*, EUCO 7/23, Brussels, 30 June 2023, paragraph 3.

2   This policy brief has been preceded by: Dick Zandee, Adája Stoetman, *The war in Ukraine – Adapting the EU's security and defence policy*, Clingendael Policy Brief, July 2023. The authors would like to thank Roman de Baets for his valuable research assistance to both policy briefs.

3   European Commission, '*Recovery and reconstruction of Ukraine*', September 2023.

incorporate the Union's acquis. Furthermore, the EU itself might have to adapt before Ukraine can enter the organisation, for example in the area of agricultural policies. Nevertheless, the prospect of future EU membership is very important for Ukraine. The nation will undoubtedly try to shorten the accession period to a minimum.

While the war rages on, the future of Ukraine's relationship with the Alliance was discussed at the NATO Summit in Vilnius in July 2023. The Alliance leaders decided that Ukraine's future is in NATO, but did not determine when this will happen. The Communiqué released after the Summit clearly states that Ukraine will only be invited to join the Alliance "when Allies agree and conditions are met".[4] At the NATO summit, the G7 countries also issued a declaration in which they announced that they would start negotiations with Ukraine "on specific, bilateral, long-term security commitments and arrangements", aimed at strengthening the country's armed forces, strengthening its economic stability and resilience as well as supporting its reform and good governance.[5] The Netherlands has announced that it will join the initiative. The Dutch contribution will be developed in consultation with the G7 countries and Ukraine.[6] In the coming months, Allies will continue to assist Ukraine. For example, Denmark, the Netherlands and Norway have announced that they plan to deliver F-16 fighter aircraft to Ukraine. Ukrainian pilots will be trained. France will deliver deep-strike SCALP missiles.[7]

While it is logical to think of NATO as the primary military actor, the Alliance's practical support to Ukraine is limited to non-lethal assistance. Military equipment and ammunition is delivered to Ukraine by EU and NATO member states. The European Peace Facility (EPF) is financing parts of the delivery of military equipment. In June, the total budget of the EPF was increased to € 11.5 billion, of which €5.6 billion has been allocated to financing military assistance to Ukraine.[8] The EU has further launched two programmes financed from the EU budget to stimulate the common acquisition of military equipment and to replenish stocks of artillery, air defence systems, tanks and other weapons that are being delivered to Ukraine.[9] Finally, the EU has initiated a three-track 'ammunition deal', consisting of (i) financing members states' deliveries of ammunition from their stockpiles; (ii) financing the procurement of ammunition to be delivered to Ukraine; and (iii) stimulating European defence industries to ramp up their ammunition production.[10] All these EU initiatives are unprecedented, and would not have happened without the war in Ukraine.

The EU also plays a crucial role in the provision of security to Ukraine through its military operations in the context of its Common Security and Defence Policy (CSDP). The war in Ukraine has had far-reaching implications for these missions. Existing missions were forced to adapt to new

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4   North Atlantic Treaty Organization, 'Vilnius Summit Communiqué, Issued by NATO Heads of State and Government participating in the meeting of the North Atlantic Council in Vilnius 11 July 2023', 19 July 2023, paragraph 11.

5   European Council, 'G7: Joint declaration in support for Ukraine', 12 July 2023.

6   *Verslag van de NAVO-top in Vilnius van 11 en 12 juli 2023*, Brief van de minister van Buitenlandse Zaken W.B. Hoekstra en de minister van Defensie drs. K.H. Ollongren aan de Voorzitter van de Tweede Kamer der Staten-Generaal, 18 July 2023.

7   NOS, 'NAVO: meer wapens voor Oekraïne het belangrijkst, lidmaatschap komt dichterbij', 12 July 2023.

8   The EPF has been created to finance EU military operations and material assistance to countries in support of EU crisis management activities, in particular in Africa. The EPF is financed by member states outside the EU budget, with financial contributions based on the GDP key.

9   The European Defence Industrial Reinforcement through common Procurement Act (EDIRPA) of € 500 million for 2023-2024 and its foreseen successor, the European Defence Investment Programme (EDIP).

10   Tracks 1 and 2 of the 'Collaborative Procurement of Ammunition' initiative, launched in March 2023 by the Council, are financed from the EPF with an amount of € 2 billion. Track 3 aims at ramping up industrial capacities for artillery and missile ammunition, financed by the EU budget. On 7 July 2023, the Council and the European Parliament agreed on the content of the track 3 'Act in Support of Ammunition Production' (ASAP) with a budget of € 500 million.

circumstances such as the influx of Ukrainian refugees.[11] New missions were initiated. In October 2022, the EU launched a new Military Assistance Mission (EUMAM) to Ukraine. The primary aim of EUMAM is to train Armed Forces of Ukraine (AFU) personnel to enhance their self-defence capacities. These training missions are provided by EU member states' armed forces predominantly in Germany and Poland, despite the Treaty on European Union (TEU) stating that CSDP operations can only take place outside EU territory.[12] In the foreseeable future, and when conditions have stabilised, these training missions could potentially take place on Ukrainian soil.[13] By September 2023 about 25,000 Ukrainian troops have been trained and the target for 2023 has been raised from 30,000 to 40,000.[14]

Future EU-Ukraine security relations

In the context of joining the EU, Ukraine is first expected to take the necessary steps to meet the objectives underpinning its candidate status for EU membership. This includes "further deepening the cooperation on foreign policy issues and the Union's expectations on partners to align with the EU Common Foreign and Security Policy".[15] In the meantime, member states could offer different forms of security commitments to Ukraine. The June 2023 Council conclusions refer to the EU and its member states standing ready "to contribute (...) to future security commitments to Ukraine, which will help Ukraine defend itself in the long term, deter acts of aggression and resist

destabilisation efforts."[16] This language does not imply the provision of security guarantees, but rather commits the EU and its member states to continue supporting the nation in defending its territorial integrity.

In order to fulfil the conditions for becoming a member of the EU, Ukraine has to complete the association process. The basis for this process is the Association Agreement of 2014. The related Action Plan[17] includes an article on foreign and security policy, including CSDP, and it also refers to the military-technical cooperation between Ukraine and the European Defence Agency (EDA).[18] The joint press release following the EU-Ukraine Association Council meeting of September 2022 refers to issues such as military assistance provided by EU member states and the ongoing work to strengthen the overall resilience of Ukraine.[19] However, an overarching agenda on EU-Ukraine cooperation in the area of security and defence is lacking. To provide an overall umbrella for EU-Ukraine security relations, an Action Agenda on Security and Defence should be elaborated. It could also serve as a tool for assessing the progress made in this area. The following elements should be included in this Action Agenda:

1. **Long-term security assistance to Ukraine:** the EU should commit itself to providing long-term military assistance to Ukraine in order to strengthen Ukraine's ability to defend and protect itself against Russian aggression. Although these measures are to a large extent already in place (through for example the EPF and EUMAM), this policy could be extended to long-term security programmes – also depending on the outcome of the war

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11   In particular the EU Advisory Mission (EUAM) and the EU Border Assistance Mission to Moldova and Ukraine (EUBAM). For a complete overview, see: Zandee and Stoetman (2023): p. 3-4.

12   European Union, *Treaty on European Union*, October 2012, Article 42.

13   Zandee and Stoetman (2023): p. 3-4.

14   Jacopo Barigazzi, '*EU's Borrell proposes new target to train Ukrainian soldiers by year end*', *Politico*, 30 August 2023.

15   European Council, *Council conclusions on Enlargement and Stabilisation and Association and Association Process*, 15935/22, 13 December 2022, paragraph 23.

16   European Council, *European Council conclusions, 29-30 June 2023*, EUCO 7/23, 30 June 2023, paragraph 3.

17   European Integration Portal, '*Action Plan on Implementation of the Association Agreement*', 15 April 2019.

18   European Council, *EU-Ukraine Association Agenda to prepare and facilitate the implementation of the Association Agreement*, 16 March 2015, p. 17.

19   European Council, '*Joint press release following the 8th Association Council meeting between the EU and Ukraine*', 5 September 2022.

in Ukraine. For this purpose, a multi-year EU fund could be created, dedicated entirely to the training and provisioning of the AFU. The EU is currently considering creating such a four-year fund with a budget of € 20 billion.[20] This is similar to the 'Israel model' of the United States: applied to Ukraine, EU member states will not commit to be actively involved in defending Ukraine, but rather commit to assisting the country in creating the necessary military, political and economic conditions to be able to defend itself.

2. **Engaging Ukraine in capability development:** the deliveries of military equipment to Ukraine have proven to be difficult in reality for two reasons. European states use varying equipment, lacking standardisation, in particular regarding ammunition. In that sense, fragmentation in the European military equipment market has been exported to Ukraine. Secondly, Ukrainians have to be trained by Europeans because they are unfamiliar with the equipment. If Ukraine is incorporated into common procurement and acquires the same weapons as EU member states, this would help to create uniformity. Naturally, this will take time and, certainly at the start, financial assistance will be needed. Already in 2015, the EDA and Ukraine signed an Administrative Arrangement that enables Ukraine's participation in the Agency's military-technological projects and programmes, while it also offers the context for cooperation in capability development.[21] The EDA's seven-year project for the common procurement of artillery and missile ammunition to replenish national stocks is a practical example of such military cooperation. A total of 26 countries have signed the project arrangement.[22]

The EDA could involve Ukraine in the review of the Capability Development Plan and in addressing resulting capability priorities in projects and programmes. The Permanent Structured Cooperation (PESCO) also offers potential for Ukrainian participation. In the short term, PESCO projects in areas such as medical and cyber response could already be made beneficial to Ukraine.[23]

3. **Involving Ukraine in defence technological and industrial investment:** the European Commission has launched a series of funds and programmes to promote cross-border defence-industrial cooperation, such as the European Defence Fund (EDF). With the Act in Support of Ammunition Production (ASAP), it has also started a programme to ramp up industrial capacities for artillery and missile ammunition.[24] In order to allow the participation of Ukrainian technological organisations and defence industries in these programmes, the Council should decide to grant Ukraine the status of 'associated state'. With this status, Ukraine could be included in collaborative research and development projects. Currently, Norway is the only nation that enjoys this status.[25] Involving Ukraine in these programmes would not only help to increase defence technological and industrial cooperation with EU member states, but it could also help to overcome fragmentation and thus improve standardisation and increase the interoperability of the AFU and other European countries.

These steps will contribute to the integration of Ukraine in EU security and defence cooperation, which will facilitate a smooth transfer once the country becomes an EU member state.

20 Jacopo Barigazzi, 'EU plans €20B fund to stock Ukraine's military for years', *POLITICO*, 18 July 2023.
21 European Defence Agency, 'EDA and Ukraine sign administrative arrangement', 7 December 2015.
22 European Defence Agency, *Making it happen: how EDA has stepped up in support of Ukraine*, in: European Defence Matters, Issue 25, 2023, p. 36-37. This EDA project is an implementation measure of the EU's three-track ammunition deal for Ukraine.
23 European Defence Agency, 'PESCO Projects Adapt and Accelerate Amid Shifting European Security Landscape, EU Report Finds', 11 July 2023.
24 See footnote 10.
25 European Commission, 'European Defence Fund', July 2023.

EU-NATO cooperation on Ukraine

The Alliance continues to offer non-lethal assistance through the Comprehensive Assistance Package (CAP), which was created back in 2016. At the Vilnius Summit, NATO decided to further develop the CAP into a multi-year programme, in view of connecting it more to Ukraine's "further integration with NATO".[26] As explained above, the EU has allocated billions in financing the replacement of equipment and ammunition delivered by its member states to Ukraine, and continues to train the Ukrainian military through EUMAM.

Without any formal agreement, the EU and NATO not only have complementary roles but, even more important, are undertaking complementary action in supporting Ukraine. Nevertheless, even more concerted efforts are required in three areas:

1. **Future security guarantees:** currently, neither NATO nor the EU is providing Ukraine with security guarantees that follow the principle of 'an attack on you is an attack on us'. NATO's Article 5 will not apply to Ukraine unless it is member of the Alliance; nor does Article 42(7) of the TEU. Similar to Article 5, Article 42(7) guarantees that "if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance".[27] As such, both articles guarantee mutual assistance, but Article 42(7) specifically reads that NATO remains responsible for the collective defence of those states that are members of both organisations. As long as Ukraine is not yet a member of the EU, the invocation of Article 42(7) is not possible. However, in a situation of EU membership but still being a non-NATO country, the option of invoking Article 42(7) could be attractive for Kyiv to ask for the provision of military assistance. It does not necessarily mean 'to fight together

with Ukraine': EU members could merely provide military assistance, as is currently happening. The text of the Article leaves room for other interpretations, as practice has shown.[28]

Article 42(7) could also be invoked in the case of hybrid attacks, in particular when cyberattacks against Ukraine occur. Both the EU and NATO could then play a role.[29] Hence, this is an area of enhancing EU-NATO cooperation on Ukraine in order to avoid confusion about 'who could do what'. In the wider sense, the issue of the applicability and potential use of Article 42(7) should be discussed during the association process. This would help to avoid misunderstanding and surprise, as Ukraine could interpret the article as an alternative to Article 5 of NATO – which it is not.

2. **Reinforcing Ukraine's resilience:** the war in Ukraine has shown that warfighting is not limited to steel and kinetic power only, but includes hybrid elements. For example, Russia has disrupted Ukraine's agricultural exports by ending the grain-export deal. A constant flow of disinformation is unleashed by the Kremlin and its controlled media. Gas and oil exports have been used to exert pressure on Moldova and Western countries. Waves of migrants have deliberately been sent across the border into Finland by Russia and by Belarus into Poland and Lithuania. The EU has a wide agenda of assisting the member states and partner countries in reinforcing their resilience – or to counter

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26 Vilnius Summit Communiqué (2023): paragraph 11.

27 Strategic Communications, 'Article 42(7) TEU - The EU's mutual assistance clause', *European Union External Action*, 6 October 2022.

28 Article 42(7) has been invoked only once, by France in 2015 after the Bataclan terrorist attacks in Paris. Other EU member states provided anti-terrorist assistance to France (mainly intelligence) and/or delivered military capabilities to relieve French military forces abroad (such as in Africa), allowing them to return and reinforce the internal security of the country. For a further explanation of Article 42(7) and its meaning, see: Bob Deen, Dick Zandee, Adája Stoetman, *Uncharted and uncomfortable in European defence – The EU's mutual assistance clause of Article 42(7)*, Clingendael Report, January 2022.

29 On various occasions NATO has declared that cyberattacks could trigger the invocation of Article 5.

hybrid threats – in areas such as situational awareness, cyber defence and diplomacy, and foreign information manipulation and interference. At the Vilnius Summit, NATO countries agreed to adopt the 2023 Alliance Resilience Objectives, which Allies will use for their national goals and implementation plans.[30] A particular area of concern is the threat to critical underwater infrastructure, including cables for telecommunication and power transmission. To protect such critical infrastructure, a NATO Maritime Centre for the Security of Critical Undersea Infrastructure will be established.[31] In this context, the Black Sea is of interest to both NATO countries and Ukraine.

The EU and NATO have already stated that cooperation on resilience issues must be further strengthened.[32] A joint Task Force on the resilience of critical infrastructure at staff level has been established.[33] Contrary to the topic of 'defence and security capacity building', there is currently no concerted EU-NATO effort to assist Ukraine in the area of reinforcing its resilience. Ukraine could be involved in the work of the Task Force, which was established "with a view to sharing situational awareness and best practices, and developing principles and recommendations to improve collective resilience".[34] The Final Assessment Report on the Resilience of Critical Infrastructure of the EU-NATO Task Force provides an excellent basis for interaction with Ukraine in the four

identified areas of energy, transport, digital infrastructure and space.[35]

3. **Strengthening the Armed Forces of Ukraine (AFU):** this is another area that is suitable for closer EU-NATO cooperation. Coordination of existing programmes for supporting Ukraine in its war efforts and in view of adapting its armed forces to NATO standards is already ongoing. However, several activities in support of Ukraine's security and defence sector reform have been suspended due to the war.[36] Once the situation allows for this, these activities should be resumed and extended to incorporate or launch additional programmes on:

   • *Involving Ukraine in EU and NATO exercises*. The Alliance's exercises are focused on collective defence, while the EU's exercises are conducted to train the Rapid Deployment Capacity for crisis management operations. This provides for a complementary exercise agenda that will also be useful for the AFU.

   • *Involving Ukraine in capability development*. For the AFU to become more interoperable with the armed forces of the EU and NATO member states, it is essential that Ukraine is involved in capability development. As the EU's capability development work also takes into account the needs of its member states that are also NATO Allies, coordination is already taking place. This facilitates closer association with the capability development activities in both the EU and in NATO.[37]

   • *Involving Ukraine in technological innovation and developing equipment*. For the various programmes of the European Commission – such as the European

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30 Vilnius Summit Communiqué (2023): paragraph 61.

31 Ibidem, paragraph 65.

32 North Atlantic Treaty Organization, 'Joint Declaration on EU-NATO Cooperation by the President of the European Council, the President of the European Commission, and the Secretary-General of the North Atlantic Treaty Organization', 10 January 2023.

33 European Union, *Eight progress report on the implementation of the common set of proposals endorsed by EU and NATO Councils on 6 December 2016 and 5 December 2017*, June 2023, p. 2.

34 Ibidem.

35 European Union and North Atlantic Treaty Organization, *EU-NATO Task Force on the Resilience of Critical Infrastructure – Final Assessment Report*, June 2023.

36 Eighth progress report (2023): p.10.

37 In the EU, the Administrative Arrangement between the EDA and Ukraine provides the context. In NATO, a special arrangement should be made to associate Ukraine with the NATO Defence Planning Process under the umbrella of the newly created NATO-Ukraine Council.

Defence Fund – Ukrainian participation should be welcomed. Involvement in the EU Defence Innovation Scheme (EUDIS), the Hub for EU Defence Innovation (HEDI), and in NATO's Defence Innovation Accelerator for the North Atlantic (DIANA) and the NATO Innovation Fund should be promoted in a concerted way.

- *Involving Ukraine in defence industrial production.* The EU has several programmes aimed at increasing cross-border industrial cooperation and strengthening ammunition production[38]. NATO has launched a Defence Production Plan, that is aimed at strengthening defence industries to meet the needs of strengthened collective defence.[39] Ukraine is currently only receiving military equipment and ammunition in the war against Russia. In the future, involving the Ukrainian defence industry in EU and NATO efforts would be an important step to help the country in defending itself and in its further integration into European military alliances.

When the EU and NATO closely coordinate their activities in these areas, this will definitely contribute to preparing Ukraine for its future membership of both organisations.

Conclusions and recommendations

Russia's war against Ukraine is a turning point in European history. The post-Cold War international order has been grossly violated by Moscow. As a result, the European security environment has fundamentally changed. Ukraine's future is in NATO, even if the decision to offer membership to the country is a matter for the future. The EU, however, has already granted Ukraine the status of candidate membership. The context of the country's accession process, which started in 2014, now has a different nature. How the EU-Ukraine relationship in security and defence should be constructed during the accession phase and up to the moment of Ukraine's EU membership is a key element of this process.

The EU is already providing security assistance to Ukraine, such as by training the Armed Forces of Ukraine (AFU) and through financing the delivery of weapons and ammunition to the country's ongoing war efforts. However, an overarching Action Agenda on Security and Defence for involving Ukraine in the various EU activities in this area is lacking. The association process offers the context for creating such an Action Agenda that helps Ukraine to prepare for its future EU membership. At least three elements should be included (see the recommendations below).

Ukraine's future membership of the EU and NATO also requires a concerted effort by both organisations in preparing them for such membership. The Alliance will prepare Ukraine on how to adapt to NATO standards and, more importantly, on how the AFU can contribute to collective defence requirements under Article 5 once the country has joined NATO. The EU may explore what Article 42(7) of the Treaty on European Union could imply for future relationships with Ukraine. The EU's broad toolbox for responding to hybrid threats (cyberattacks, disinformation, etc.) is of particular importance in this respect. Strengthening resilience is placed high on the EU and NATO agendas – thus, both organisations should explore how they can optimise their assistance to Ukraine in this area. Lastly, the EU and NATO conduct overlapping activities in capability development. They should coordinate closely in helping Ukraine in its long-term effort to adapt to EU and NATO requirements and to be more involved in projects and programmes.

In light of these developments, the Netherlands should, preferably with like-minded partners:

- Promote in the EU continued military assistance to Ukraine to sustain its efforts in the war against Russia, while at the same time, start connecting these efforts to the long-term aim of preparing the country

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38   See footnotes 9 and 10.
39   Vilnius Summit Communiqué (2023): paragraph 36.

for its EU membership. Existing training and financial support for the delivery and production of weapons and ammunition could be gradually adapted to fit into that long-term aim.

- Advocate for the development of an overarching Action Agenda on Security and Defence in the context of Ukraine's association process with the EU. This agenda should at least encompass: (i) offering long-term military assistance; (ii) engaging Ukraine in EU capability development activities, such as by a better use of the Administrative Arrangement with EDA; and, (iii) involving Ukraine in projects and programmes (EDF and others) to strengthen cross-border technological and defence industrial cooperation.
- Campaign for further EU-NATO concerted efforts to assist Ukraine in the areas of: (i) delineating the responsibilities of both organisations under their respective Articles 5 (NATO) and 42(7) (EU); (ii) strengthening Ukraine's resilience in order to be even better prepared for EU and NATO response action to hybrid threats; (iii) adapting the Armed Forces of Ukraine to the EU and NATO capability requirements.

The EU has responded firmly by assisting Ukraine in its war against Russia, in particular by financing military support. This assistance should be continued, but at the same time the EU should also begin preparing Ukraine for its future membership of the Union, which should entail security and defence in a coordinated effort with NATO.

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