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The Transformation of the EU Common Security and Defence Policy in Response to Russia's War Against Ukraine

Oksana Baskakova ¹ *

¹ Lviv National Polytechnic University (Ukraine). Assistant at the Department of Theory of Law and Constitutionalism.

* **Corresponding Author**, e-mail: oksana.i.fedoriv@lpnu.ua

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ABSTRACT

Russia's full-scale invasion of Ukraine in February 2022 has profoundly reshaped the security environment of Europe and triggered a fundamental reassessment of the European Union's role as a security actor. Traditionally characterized as a civilian and normative power, the EU has increasingly relied on instruments associated with military assistance and defence cooperation in response to the war. This shift has placed the Common Security and Defence Policy (CSDP) at the centre of the Union's external action and raised important legal questions regarding the scope, limits and evolution of EU competence in the field of security and defence. The article examines the transformation of the EU's CSDP in response to Russia's war against Ukraine from a legal perspective. It argues that the changes observed since 2022 do not result from formal treaty amendment but rather from the reinterpretation and intensified use of existing legal instruments within the framework of the Treaty on European Union. By tracing the historical evolution of the CSDP from its origins under the Maastricht Treaty through its consolidation under the Lisbon Treaty, the article highlights the traditionally cautious and intergovernmental nature of EU security and defence cooperation prior to 2022. Particular attention is devoted to the legal significance of the measures adopted following Russia's full-scale invasion, including the Strategic Compass for Security and Defence, the expanded use of the European Peace Facility and the establishment of the EU-led Military Assistance Mission in support of Ukraine (EUMAM Ukraine). The analysis demonstrates that these instruments have enabled the EU to provide unprecedented military assistance to a partner state while formally remaining within the existing treaty framework, notably the constraints imposed by Article 41(2) TEU. At the same time, the reliance on off-budget mechanisms and non-legally binding strategic instruments raises questions concerning accountability, coherence and democratic oversight within the EU legal order. The article concludes that Ukraine functions not as an exception but as a catalyst for a broader transformation of the CSDP. This transformation reflects a shift from a primarily crisis-management-oriented policy towards a more robust security role, with significant implications for the future development of EU security and defence law.



KEYWORDS

EU Common Security and Defence Policy, European Union, Russia's war against Ukraine, European Peace Facility, EUMAM Ukraine, Strategic Compass, EU security and defence law.



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Трансформація спільної політики безпеки та оборони ЄС у відповідь на війну Росії проти України

Оксана І. Баскакова  ¹ *

¹ Національний університет «Львівська політехніка» (Україна). Асистент кафедри теорії права та конституціоналізму.

* Автор-кореспондент, e-mail: oksana.i.fedoriv@lpnu.ua

СТАТТЯ

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Повномасштабне вторгнення Російської Федерації в Україну у лютому 2022 року докорінно трансформувало безпекове середовище в Європі та зумовило переосмислення ролі Європейського Союзу як суб'єкта безпеки. Традиційно позиціюючись як цивільна та нормативна сила, ЄС у відповідь на війну дедалі активніше залучає інструменти, пов'язані з військовою допомогою та оборонним співробітництвом. Унаслідок цього Спільна політика безпеки та оборони (СПБО) опинилася в центрі зовнішньої діяльності Союзу, що актуалізувало низку правових питань щодо обсягу, меж і напрямів еволюції компетенцій ЄС у сфері безпеки й оборони. У статті здійснюється правовий аналіз трансформації СПБО Європейського Союзу у відповідь на війну Росії проти України. Обґрунтовується теза, що зміни, які відбулися після 2022 року, не є наслідком формального перегляду установчих договорів, а зумовлені переосмисленням та інтенсивнішим застосуванням уже наявних правових інструментів у межах Договору про Європейський Союз. Простежуючи еволюцію СПБО від її витоків у Маастрихтському договорі до інституційного закріплення в Лісабонському договорі, авторка демонструє традиційно обережний та міжкурядовий характер європейського співробітництва у сфері безпеки й оборони до 2022 року. Окрема увага зосереджується на правовому значенні заходів, ухвалених після повномасштабного вторгнення Росії, зокрема Стратегічного компасу з питань безпеки та оборони, розширеного використання Європейського фонду миру та створення Місії Європейського Союзу з надання військової допомоги Україні (EUMAM Ukraine). Доведено, що зазначені інструменти надали ЄС можливість здійснювати безпрецедентну за масштабами військову підтримку держави-партнера, формально залишаючись у межах чинного договірної регулювання, зокрема обмежень, передбачених статтею 41(2) Договору про Європейський Союз. Водночас активне використання позабюджетних механізмів і стратегічних документів ненормативного характеру актуалізує питання підзвітності, узгодженості та демократичного контролю в правопорядку ЄС. У висновках аргументується, що Україна виступає не винятком, а каталізатором ширшої трансформації СПБО. Така трансформація відображає перехід від політики, орієнтованої переважно на кризове управління, до більш активної та відповідальної безпекової ролі Європейського Союзу, що має істотні наслідки для подальшого розвитку права безпеки та оборони ЄС.



КЛЮЧОВІ СЛОВА

спільна політика безпеки та оборони ЄС, Європейський Союз, війна Росії проти України, Європейський фонд миру, EUMAM Україна, Стратегічний компас, право ЄС у сфері безпеки та оборони.

1. Introduction

Russia's full-scale armed aggression against Ukraine has led to an unprecedented intensification of support measures adopted by the European Union (EU), particularly in the field of security and defence. Although the EU has traditionally been perceived as a civilian and normative power, its response to the war has increasingly relied on instruments associated with military assistance and defence capacity-building. As a result, the EU's Common Foreign and Security Policy (CFSP) and, more specifically, its Common Security and Defence Policy (CSDP) have assumed a central role in shaping the Union's external action since 2022.

The illegal annexation of the Crimean Peninsula by the Russian Federation in 2014, followed by the full-scale invasion launched in February 2022, together with the proliferation of armed conflicts in other regions, have revealed the defining features of the contemporary security environment confronting the EU – instability, uncertainty and the erosion of the post-Cold War security order. For the EU, Russia's war against Ukraine does not merely constitute a serious breach of international law; it also represents a direct and sustained threat to European security, challenging the assumptions on which the Union's security and defence policy was previously constructed.

The full-scale invasion of Ukraine on 24 February 2022 brought the issue of the EU's strategic autonomy to the forefront of legal and political debates surrounding the CFSP and the CSDP. The conflict exposed structural limitations of the EU's security architecture, which had largely been designed for civilian crisis management and post-conflict stabilisation rather than for responding to a high-intensity interstate war at the Union's borders. In response, the EU adopted a series of measures that indicate a qualitative shift in its approach to security and defence. These include the implementation of the Strategic Compass, the expanded use of the European Peace Facility to finance military assistance to Ukraine and the establishment of the EU-led Military Assistance Mission (EUMAM Ukraine). From a legal perspective, these developments are of particular importance because they have taken place without any formal revision of the EU Treaties. Instead, the transformation of the CSDP has occurred through evolving institutional practice, reinterpretation of existing legal provisions and the innovative use of available instruments. This evolution raises several doctrinal questions concerning the legal nature of the CSDP, the limits of EU competence in the field of defence, the interaction between CFSP instruments and budgetary mechanisms under the Treaty on the Functioning of the European Union, as well as issues of coherence and accountability within the EU legal order.

Against this background, this article examines the transformation of the EU's Common Security and Defence Policy in response to Russia's war against Ukraine. It seeks to analyse the legal foundations of this transformation by tracing the historical development of the CSDP and assessing the legal significance of the measures adopted since 2022. By focusing on the legal implications of the EU's evolving security posture, the article aims to contribute to the scholarly debate on the future trajectory of the CSDP and the role of the EU as a security actor in an increasingly unstable international environment.

2. Literature Review

Academic literature on the EU's Common Security and Defence Policy (CSDP) has traditionally approached the policy as a legally distinct and institutionally constrained component of EU external action. Early doctrinal accounts focus on the gradual emergence of the CSDP from the intergovernmental Common Foreign and Security Policy established by the Maastricht Treaty, emphasising the preservation of Member State sovereignty and the limited transfer of competences in the field of defence [9; 15]. These studies highlight that, despite the formal recognition of CSDP tasks, the policy was designed primarily for crisis management rather than for addressing high-intensity armed conflict.

A significant body of scholarship examines the legal consolidation of the CSDP following the Lisbon Treaty. Legal analyses stress that Articles 42–46 TEU clarified the objectives and instruments of the CSDP while maintaining its exceptional constitutional status, including unanimity-based decision-making and restricted judicial review [12]. In this regard, the literature consistently notes the importance of Article 41(2) TEU as a structural constraint on EU military action, shaping the predominantly civilian orientation of CSDP missions prior to 2022.

Another strand of literature addresses capability development and defence cooperation, particularly through Permanent Structured Cooperation (PESCO). These studies interpret PESCO and related initiatives as mechanisms of differentiated integration aimed at enhancing military capabilities without transforming the EU into a defence union [14]. The war in Ukraine is often identified as a factor accelerating these processes, while not fundamentally altering their legal basis.

More recent contributions focus specifically on the implications of Russia's war against Ukraine for the CSDP. Legal scholars underline that the EU's post-2022 response represents a qualitative change in practice rather than in formal law, achieved through the reinterpretation of existing instruments and the expansion of off-budget mechanisms. At the same time, policy-oriented analyses point to a gradual shift away from democracy-support objectives towards more pragmatic security cooperation, raising questions about accountability and oversight [11].

Finally, Ukraine-specific studies emphasise that EU-Ukraine security cooperation prior to 2022 was largely limited to civilian missions and capacity-building measures, despite the legal possibilities opened by the Association Agreement [1]. The literature thus reveals a clear gap between the CSDP's pre-war legal design and its post-2022 operational reality. Addressing this gap through a legal analysis of the CSDP's transformation constitutes the central contribution of the present article.

3. Problem Statement

Russia's full-scale invasion of Ukraine has exposed significant tensions within the legal framework of the EU's Common Security and Defence Policy (CSDP). Although the CSDP remains formally intergovernmental and constrained by explicit treaty limits, the EU has adopted measures since 2022 that substantially expand its role in security and defence, including large-scale military assistance to a third state. This development raises a core legal problem: how such measures can be reconciled with the existing treaty architecture without formal amendment.

The growing reliance on off-budget mechanisms and non-binding strategic instruments further complicates the legal assessment of the CSDP's evolution. These practices blur the distinction between political coordination and legally operative action, creating uncertainty as to accountability, coherence and the long-term balance between Member State sovereignty and collective EU security action. Clarifying this tension is essential for understanding the nature of the CSDP's transformation.

4. Methods and Materials

This article is based on doctrinal legal analysis typical of EU law scholarship. It examines the relevant provisions of the Treaty on European Union [9] governing the CFSP and the CSDP, with particular attention to their interpretation in light of post-2022 practice. The study also analyses Council decisions, strategic documents and operational mandates in order to assess how existing legal instruments have been applied and adapted.

A structural approach is used to evaluate the interaction between treaty norms, institutional practice and policy instruments, allowing for an assessment of legal change without formal treaty revision. In addition, the analysis draws on contemporary academic literature and official EU documentation issued by the Council, the European External Action Service and the European Parliament. This combination of sources enables a focused legal assessment of the CSDP's transformation in response to Russia's war against Ukraine.

5. Results and Discussion

The Common Security and Defence Policy (CSDP) of the European Union has evolved through a gradual and legally cautious process, reflecting the inherent tension between deeper integration in the field of security and the continued primacy of Member States in matters of defence. From its earliest stages, the development of the CSDP has been shaped less by revolutionary institutional change than by incremental adaptation to emerging security challenges, mediated through treaty reforms and Council practice rather than supranational law-making [9].

The origins of the CSDP can be traced to the establishment of the Common Foreign and Security Policy under the Maastricht Treaty of 1992 [17]. Although the treaty envisaged the "eventual framing of

a common defence policy,” security and defence cooperation remained firmly intergovernmental in nature. Decision-making authority was retained by the Member States, and the policy lacked autonomous operational capabilities. As scholarly analysis has noted, this design reflected both political sensitivities surrounding sovereignty and the continued reliance on NATO as the primary framework for collective defence in Europe [15].

Throughout the 1990s and early 2000s, the limitations of this model became increasingly apparent. The conflicts in the Western Balkans exposed the EU’s inability to respond effectively to crises in its immediate neighbourhood without external support. In response, the Union began to develop operational instruments aimed at crisis management rather than collective defence. This shift culminated in the emergence of the European Security and Defence Policy, later renamed the CSDP, with a focus on the so-called Petersberg Tasks, encompassing humanitarian missions, peacekeeping and crisis management operations [9].

A decisive legal consolidation of the CSDP occurred with the entry into force of the Lisbon Treaty in 2009 [16]. The treaty formally integrated the CSDP into the Treaty on European Union and clarified its objectives and scope. Article 42(1) TEU established that the CSDP “shall provide the Union with an operational capacity drawing on civilian and military assets,” while simultaneously reaffirming the intergovernmental nature of the policy. Importantly, Article 42(2) TEU explicitly preserved the “specific character” of national security and defence policies, thereby confirming that the EU’s role in this domain would remain complementary rather than substitutive [12].

One of the most significant legal constraints shaping the pre-2022 development of the CSDP was the prohibition contained in Article 41(2) TEU, which excludes expenditure arising from operations with military or defence implications from the EU budget. This provision effectively limited the Union’s capacity to engage in activities involving the provision of weapons or direct military assistance. As a result, the operational practice of the CSDP prior to Russia’s full-scale invasion of Ukraine was characterised by a predominance of civilian missions and non-combat military operations, such as training, advisory and monitoring missions [1].

Despite these constraints, the CSDP gradually expanded its operational footprint. The EU launched a range of civilian and military missions in regions such as the Western Balkans, Africa and the Middle East, often under mandates focused on stabilisation and post-conflict reconstruction. Military operations, including EUFOR Althea in Bosnia and Herzegovina, were conducted based on Council decisions adopted under the CFSP framework and frequently relied on cooperation with NATO. These missions, however, remained limited in scope and intensity, reflecting both legal caution and political divergence among Member States [9].

The institutional reforms introduced by the Lisbon Treaty, including the establishment of the position of High Representative and the European External Action Service, were intended to enhance coherence in EU external action. Nevertheless, the CSDP remained largely insulated from supranational oversight. The jurisdiction of the Court of Justice of the European Union over CFSP matters is explicitly restricted, and the European Parliament’s role is confined primarily to consultation and political scrutiny. This institutional configuration reinforced the exceptional legal character of the CSDP within the EU legal order [12].

The annexation of Crimea by the Russian Federation in 2014 constituted a critical moment for the EU’s security policy. While the event underscored the fragility of the European security environment, it did not immediately lead to a fundamental transformation of the CSDP. Instead, the EU’s response remained largely within the established legal framework, focusing on sanctions, diplomatic measures and enhanced cooperation with partner states, including Ukraine. CSDP engagement with Ukraine prior to 2022 centred primarily on civilian security sector reform and advisory missions, rather than military assistance [1].

The adoption of the EU Global Strategy in 2016 marked an attempt to reassess the Union’s security ambitions in light of a deteriorating strategic environment. The strategy introduced the concept of strategic autonomy and called for greater responsibility on the part of Europeans for their own security. This vision was operationalised through initiatives such as Permanent Structured Cooperation (PESCO) and efforts to strengthen the European defence industrial base. However, these measures were largely implemented through legal bases outside the core CFSP framework and did not fundamentally alter the CSDP’s operational or normative orientation [14].

Academic commentary prior to 2022 consistently emphasised the cautious and incremental nature of the CSDP's evolution. While the policy enabled the EU to act as a crisis manager and security partner, it stopped short of equipping the Union with the legal instruments necessary to respond to high-intensity interstate warfare. Council practice reflected this restraint, with missions authorised for limited purposes and financial mechanisms carefully designed to comply with treaty constraints [12; 15].

In sum, before Russia's full-scale invasion of Ukraine, the CSDP represented a policy of constrained ambition. Anchored in an intergovernmental legal framework and shaped by explicit treaty limitations, it evolved incrementally through practice rather than constitutional transformation. Although Russia's actions since 2014 exposed significant weaknesses in the European security architecture, they did not immediately dismantle the prevailing legal paradigm. It was only the events of February 2022 that would fundamentally challenge the established understanding of the CSDP's role, scope and legal foundations.

Russia's full-scale invasion of Ukraine on 24 February 2022 constitutes a decisive turning point in the development of the EU's Common Security and Defence Policy (CSDP). Unlike earlier crises that shaped the CSDP incrementally, the war confronted the European Union with a high-intensity interstate armed conflict directly affecting its security environment. This situation challenged the foundational assumptions underlying the CSDP, which had previously been oriented towards crisis management, stabilisation and civilian security assistance rather than collective defence-related action [15].

From a legal perspective, the significance of Russia's war lies not in formal treaty change, but in the reinterpretation and expanded use of existing CSDP instruments. The scale and nature of the conflict exposed the functional limitations of a security policy constrained by intergovernmental decision-making, budgetary prohibitions under Article 41(2) TEU, and a traditionally narrow understanding of the EU's role in military affairs. As noted in legal scholarship, the pre-2022 CSDP framework was not designed to respond to sustained armed aggression by a state actor against a partner country in Europe [12].

The invasion also accelerated a shift in the EU's threat perception, transforming Russia from a strategic partner into a systemic security challenge. This redefinition had direct legal consequences for the application of the CSDP, as it justified a more robust interpretation of the Union's responsibility to contribute to European security. In this context, Ukraine ceased to be viewed merely as a recipient of civilian assistance or security sector reform and emerged as a focal point of the EU's evolving defence posture [1].

Consequently, Russia's war against Ukraine functioned as a catalyst for legal and institutional change within the CSDP. While the treaty framework remained formally intact, the conflict triggered a qualitative shift in how existing legal bases were operationalised, setting the stage for unprecedented measures in the subsequent evolution of EU security and defence policy.

One of the most salient responses by the European Union to the deteriorating security environment precipitated by Russia's full-scale invasion of Ukraine was the adoption of the *Strategic Compass for Security and Defence* in March 2022. Although the Strategic Compass does not constitute a legally binding instrument in the strict sense of EU primary or secondary law, it represents a politically significant framework for shaping the Union's security and defence trajectory over the coming decade. The document was formally endorsed by the Council of the European Union on 21 March 2022 and later supported at the European Council level, reflecting broad political consensus among Member States on the need to adapt the Common Security and Defence Policy (CSDP) to contemporary threats [4; 8].

The Strategic Compass was developed against the backdrop of intensifying geopolitical competition, hybrid threats and the immediate security challenge posed by the war in Ukraine. It provides a shared threat analysis and articulates a common strategic vision aimed at enhancing the EU's capacity to act decisively in crises, invest in defence capabilities, secure resilience and strengthen strategic partnerships. The document covers a range of security and defence domains, structured around core pillars including Act, Secure, Invest and Partner, which collectively aim to guide the EU's security and defence policy through to 2030 [4; 8].

Importantly, the Strategic Compass does not alter the legal basis of the CSDP nor create binding legal obligations for the Union or its Member States. Rather, it functions as a political roadmap and action plan that consolidates existing policy commitments and identifies concrete objectives to enhance coherence, cooperation and operational readiness across multiple security sectors. As such, its

effectiveness depends on the voluntary implementation of its measures by Member States and EU institutions. This non-legally binding character situates the Strategic Compass within the broader practice of EU strategic policy guidance, similar to past soft-law instruments that shape policy direction without modifying treaty mandates [4; 8].

By providing a shared assessment of threats and a coordinated plan of action, the Strategic Compass has contributed to a more unified strategic culture among EU Member States and has underscored the urgency of strengthening the CSDP in response to Russia's aggression. Nonetheless, the document's legal force remains a political guideline, reflecting the Member States' continued emphasis on intergovernmental decision-making in defence matters.

A central legal innovation underpinning the EU's post-2022 security posture is the *European Peace Facility (EPF)*. Established by the Council on 22 March 2021, the EPF was designed to enhance the Union's ability to prevent conflicts, preserve peace and strengthen international security, while simultaneously expanding the practical reach of CFSP/CSDP action [2].

From a legal-constitutional perspective, the EPF matters because it is financed outside the EU budget and funded through direct Member State contributions (based on a GNI key) [2]. This structure is not merely technical: it operationalises the treaty constraint in Article 41(2) TEU, which excludes expenditure arising from operations with military or defence implications from the Union budget. Consistent with that logic, the EPF constitutes a CFSP instrument that enables the Union to finance military-related external action without altering the Treaties. The EPF's legal basis is explicitly grounded in the Treaty on European Union, including Articles 28(1), 41(2), 42(4) and 30(1) TEU, as reflected in Council Decision (CFSP) 2021/509 establishing the Facility [3].

Institutionally, the EPF consolidates financing into two pillars: an operations pillar supporting the common costs of EU military CSDP missions and operations, and an assistance measures pillar enabling the Union to support partner countries and organisations with military and defence-related equipment, infrastructure and technical support [2]. This dual structure is particularly important for doctrinal analysis because it links classical CSDP operations to a broader "capacity-building" logic that can be activated rapidly when political conditions permit, including for partners facing acute threats.

Following Russia's full-scale invasion of Ukraine, the EPF became the EU's principal channel for rapid military support to Ukraine [2]. The Council describes EPF-funded assistance measures as covering both lethal and non-lethal supplies, including items such as protective equipment, fuel, ammunition and missiles, and reports that billions of euros were mobilised for Ukraine's military and defence needs under this framework. The European Parliament's research briefing similarly emphasises that, although the EPF was conceived as a global instrument (including support for partners in the EU's neighbourhood and beyond), the post-February 2022 period marked a shift toward large-scale military aid to Ukraine as a defining use case [6].

A distinctive legal feature of the EPF is the integration of monitoring and compliance safeguards. The Council stresses that EPF support operates in compliance with international human rights law and international humanitarian law [7]. The EEAS factsheet further highlights risk assessment and mitigating measures, monitoring of beneficiary commitments, and the possibility of suspension or termination by the Council in case of infringement or abuse, with channels allowing civil society reporting on violations [7]. These elements are doctrinally significant because they frame military assistance not as purely discretionary foreign policy, but as an instrument embedded in a conditionality-and-compliance logic that seeks to reconcile security action with the EU's legal commitments and external action principles.

In sum, the EPF illustrates how the EU has adapted its CSDP toolkit through an off-budget CFSP mechanism that both respects treaty constraints and enables unprecedented forms of military assistance – without formal treaty amendment – thereby contributing to the broader transformation of EU security and defence practice after 2022 [3].

The establishment of the *European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine)* represents one of the clearest operational manifestations of the CSDP's post-2022 transformation. In contrast to the pre-invasion CSDP pattern – largely centred on civilian missions and limited-scope military advisory operations – EUMAM Ukraine was conceived as a large-scale training mission designed to strengthen the Ukrainian Armed Forces' capacity to regenerate and to conduct operations effectively. The EEAS frames the mission's strategic objective in explicitly defensive terms:

supporting Ukraine's ability to defend its territorial integrity within internationally recognised borders and to deter further aggression [11].

From a legal standpoint, EUMAM Ukraine is firmly anchored in the EU's primary-law framework for the CSDP. Council Decision (CFSP) 2022/1968 of 17 October 2022 establishes the mission based on Articles 42(4) and 43(2) TEU, confirming that it is a non-executive CSDP mission adopted through CFSP decision-making procedures. The Decision also records that Ukraine formally requested EU military support and identified priority training needs, ranging from basic and collective training to specialised training in areas such as medical support, logistics, CBRN protection, engineering support, cyber security and cyber defence [5].

EUMAM Ukraine is equally significant for what it illustrates about the EU's legal "toolbox" in practice. The mission does not alter treaty competences, yet it operationalises the CSDP's military dimension at a scale that would have appeared politically unrealistic prior to 2022. As a Delors Centre analysis emphasises, the mission was designed to maximise the utility of military assistance provided to Ukraine by improving interoperability, training on Western systems and standardising approaches among participating Member States – thereby acting as a coordination mechanism as well as a training platform [13].

Finally, EUMAM Ukraine underscores the increasingly integrated nature of the EU's security response. The EEAS situates the mission within the Union's broader "integrated approach" in support of Ukraine, alongside other strands of EU action (including military equipment support and sanctions) [10]. In doctrinal terms, this is important: it shows how a CSDP mission can function as an operational hinge between CFSP instruments and Member State contributions, strengthening the EU's role as a security actor without formally shifting the constitutional balance of competences.

6. Conclusions

Russia's full-scale invasion of Ukraine has profoundly altered the context in which the European Union's Common Security and Defence Policy operates. Without amending the EU Treaties, the Union has nevertheless recalibrated the practical meaning and scope of the CSDP through the reinterpretation and intensified use of existing legal instruments. This development confirms that the evolution of the CSDP is driven less by formal constitutional change than by institutional practice shaped by external security shocks.

The analysis demonstrates that the pre-2022 CSDP was characterised by legal restraint, reflecting both treaty-based limitations and political caution among Member States. The prohibition of military expenditure under Article 41(2) TEU, the intergovernmental nature of decision-making and the focus on civilian crisis management defined the outer boundaries of EU action in security and defence. Russia's war against Ukraine exposed the functional limits of this model, prompting a shift in how those legal constraints are interpreted rather than removed.

In this regard, the European Peace Facility has emerged as a central legal enabler of the EU's transformed security posture. Its off-budget structure allows the Union to support military assistance within the CFSP framework while remaining formally compliant with treaty restrictions. The use of the EPF for large-scale military support to Ukraine constitutes a qualitative departure from earlier practice and signals a more assertive understanding of the EU's role as a security provider.

Similarly, the establishment of EUMAM Ukraine illustrates how the CSDP's operational dimension has expanded without altering its legal foundations. By deploying a large-scale military training mission in support of a partner state engaged in active hostilities, the EU has moved beyond the traditional civilian-oriented model of CSDP missions. This evolution underscores the increasing readiness of the Union to translate political commitments into operational action.

Finally, the Strategic Compass, despite its non-legally binding nature, has played an important norm-shaping role in consolidating a shared strategic outlook among Member States. Together, these developments suggest that Ukraine functions not as an exception, but as a catalyst for the broader transformation of the CSDP. The long-term implications of this shift – particularly in terms of accountability, coherence and the balance between national sovereignty and collective action – will remain central questions for EU security and defence law in the years to come.

References

1. Antonyuk, N., & Zinko, I. (2023). Cooperation between Ukraine and the European Union within the framework of the Common Security and Defence Policy of the EU. *Language Culture Politics International Journal*, (1), 247–270. <https://doi.org/10.54515/lcp.2023.1.247-270>
2. Bilquin, B. (2025). *European Peace Facility – for Ukraine, but not only* (Briefing; PE 772.833). European Parliamentary Research Service (EPRS), European Parliament. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/772833/EPRS_BRI\(2025\)772833_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/772833/EPRS_BRI(2025)772833_EN.pdf)
3. Council of the European Union. (2021). *Council Decision (CFSP) 2021/509 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528*. *Official Journal of the European Union*, L 102, 14–62. <https://eur-lex.europa.eu/eli/dec/2021/509/oj/eng>
4. Council of the European Union. (2022). *A Strategic Compass for security and defence* (ST 7371/22). <https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf>
5. Council of the European Union. (2022, October 17). *Council Decision (CFSP) 2022/1968 on a European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine)*. *Official Journal of the European Union*, L 270, 85–91. <https://eur-lex.europa.eu/eli/dec/2022/1968/oj/eng>
6. Council of the European Union. (2024). *European Peace Facility*. <https://www.consilium.europa.eu/en/policies/european-peace-facility/>
7. EU Neighbours South. (2025, April). *The European Peace Facility: Investing in peace and security* [Factsheet]. https://south.euneighbours.eu/wp-content/uploads/2025/05/EU-peace-facility_2025_2.pdf
8. European External Action Service. (2022). *Strategic Compass for security and defence*. https://www.eeas.europa.eu/eeas/strategic-compass-security-and-defence-1_en
9. European External Action Service. (2025). *History and timeline of the Common Security and Defence Policy*. https://www.eeas.europa.eu/eeas/history-and-timeline-csdp_en
10. European External Action Service. (n.d.). *EU Military Assistance Mission in support of Ukraine (EUMAM Ukraine)*. https://www.eeas.europa.eu/eumam-ukraine_en?s=410260
11. Farinha, R. (2025). *The EU Common Security and Defence Policy: Moving away from democracy support*. Carnegie Endowment for International Peace. <https://carnegieendowment.org/research/2025/03/the-eu-common-security-and-defense-policy-moving-away-from-democracy-support>
12. Genini, F. (2025). The EU's Common Foreign and Security Policy after Russia's invasion of Ukraine. *Yearbook of European Law*. <https://doi.org/10.1093/yel/yeaf003>
13. Ostanina, S. (2023). *The EU military assistance mission for Ukraine: A peace actor who teaches to fight* (Policy brief). Jacques Delors Centre, Hertie School. <https://www.delorscentre.eu/en/publications/the-eu-military-assistance-mission-for-ukraine>
14. Rutigliano, S. (2023). Ukraine conflict's impact on European defence and permanent structured cooperation (PESCO). *European Papers*, 8(2), 765–777. <https://doi.org/10.15166/2499-8249/686>
15. Tomescu, I. R. (2025). The European Union's Common Security and Defence Policy and the war in Ukraine. *Research and Science Today*, 2(30), 147–153. <https://www.rstjournal.com/ina-raluca-tomescu-the-european-unions-common-security-and-defence-policy-and-the-war-in-ukraine>
16. Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. (2007). *Treaty of Lisbon*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT>
17. Treaty on European Union. (*Maastricht Treaty*). (1992). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11992M/TXT>