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2026/0118 (NLE)

Proposal for a

COUNCIL IMPLEMENTING DECISION

on authorising support from the EU Cybersecurity Reserve to Ukraine

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COUNCIL IMPLEMENTING DECISION

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2025/38 of the European Parliament and of the Council of 19 December 2024 laying down measures to strengthen solidarity and capacities in the Union to detect, prepare for and respond to cyber threats and incidents and amending Regulation (EU) 2021/694 (Cyber Solidarity Act)[1], and in particular Article 19 (4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 23 June 2022, the European Council granted Ukraine the status of candidate country. The decision was based on Ukraine's fulfilment of the conditions specified in the Commission's opinion of June 2022 on Ukraine's membership application. On 14 December 2023, the European Council decided to open accession negotiations with Ukraine, following the recommendation issued by the Commission.

(2) On 19 December 2024, the European Council reaffirmed its unwavering support for Ukraine's sovereignty and territorial integrity, emphasising the provision of political, financial, economic, humanitarian, military, and diplomatic support for as long as necessary. These actions underscore the Union's dedication to maintaining European security, demonstrating that support for Ukraine is integral to the Union's security objectives.

(3) Cybersecurity incidents continue to cause economic and societal impact both across the Union and at global level. Cyber threats are evolving particularly rapidly in certain Union candidate countries where possible significant or large-scale cybersecurity incidents have the potential to disrupt and damage critical infrastructure, interfere with the proper functioning of the economy and institutions or pose serious public security and safety risks for entities and citizens. In that context, cybersecurity attacks could also cause further geopolitical tension and threaten critical infrastructure, democratic processes and election infrastructure.

(4) Russia's war of aggression against Ukraine has had a detrimental and disruptive impact on Ukrainian network and information systems of essential services, such as the Ukrainian railway or State Registries. Constant Russian cyberattacks on Ukraine's critical infrastructure have accompanied the military aggression, including the

[1] OJ L, 2025/38, 15.1.2025, ELI: http://data.europa.eu/eli/reg/2025/38/oj

targeting of the satellite KA-SAT network, owned by Viasat, on the eve of the full-scale invasion in February 2022.

(5) Taking into account the unpredictable nature of cybersecurity attacks, the fact that they are often not confined to a specific geographical area and that they pose a high risk of spill-over, the strengthening of resilience of neighbouring countries and their capacity to respond effectively to significant and large-scale cybersecurity incidents contributes to the protection of the Union, in particular the internal market and industry, as a whole. Therefore, Regulation (EU) 2025/38 provides that third countries that are party to an association agreement with the Union allowing for their participation in the Digital Europe Programme (the 'DEP') ('DEP-associated third countries') may be supported from the EU Cybersecurity Reserve (the 'Reserve'), in all or part of their territories, where this is provided for in the agreement associating the third country to DEP.

(6) In accordance with Article 19 of Regulation (EU) 2025/38, a third country is only eligible for support from the Reserve where that is specifically provided for in the agreement associating that country to the DEP. In addition, such third countries should remain eligible only while three criteria set out in Article 19(3) of Regulation (EU) 2025/38 are fulfilled. Firstly, the third country is to comply in full with relevant terms of that agreement. Secondly, given the complementary nature of the Reserve, the third country is to have taken adequate steps to prepare for significant or large-scale equivalent cybersecurity incidents. Thirdly, the provision of support from the Reserve is to be consistent with the Union's policy towards, and overall relations with, that country and with other Union policies in the field of security.

(7) Ukraine is a party to an association agreement with the European Union on the participation in Digital Europe Programme (2021-2027), signed on 5 September 2022. In accordance with Article 1 of the Association Agreement to the DEP, Ukraine is allowed to participate in the DEP, including to be supported from the EU Cybersecurity Reserve. The agreement includes provisions requiring Ukraine to comply with the obligations set out in Article 19(2) and (9) of Regulation (EU) 2025/38.

(8) The provision of support to the DEP-associated third countries may affect relations with third countries and the Union's security policy, including in the context of the common foreign and security policy and the common security and defence policy. The Council acts based on Commission proposal, taking due account of the Commission's assessment of the three criteria referred to in Article 19(3) of Regulation (EU) 2025/38

(9) The Union has set up a range of mechanisms, funding instruments, and facilities to support Ukraine's security, defence and resilience including the European Peace Facility, which finances military support, and the Ukraine Assistance Fund, launched in 2024. It also launched the EU Military Assistance Mission in Ukraine in 2022 to train Ukrainian Armed Forces and strengthen the European Union Advisory Mission for Civilian Security Sector Reform Ukraine operating since 2014. Together, all those initiatives form a coordinated and robust response to strengthen Ukraine's security, defence and resilience. In June 2024, the Union and Ukraine adopted Joint Security Commitments, whereby both parties affirmed inter alia to strengthen cooperation on resilience with a focus on countering hybrid and cyber threats, foreign information manipulation and interference, as well as protecting critical infrastructure. The EU-

Ukraine Cyber Dialogue established in 2022 continues to be a central platform to address political and technical cooperation on cyber issues.

(10) The Commission has assessed in respect of Ukraine the three criteria set out in the Article 19(3) of Regulation (EU) 2025/38 and considers them to be fulfilled. It has also consulted the High Representative of the Union for Foreign Affairs and Security Policy when conducting this assessment.

(11) In accordance with Article 19(6) of Regulation (EU) 2025/38, the Council's assessment is that Ukraine is complying with the relevant terms of the agreement associating that country to the DEP and has taken adequate steps to prepare for significant cybersecurity incidents and large-scale-equivalent cybersecurity incidents. Furthermore, the Council's assessment is that the provision of support from the Reserve is consistent with the Union's policy towards and overall relations with Ukraine and is consistent with other Union policies in the field of security, notably the factors set out in recital 8.

(12) Support for Ukraine from the Reserve should therefore be authorised.

(13) In order to ensure enabling of immediate assistance following the criteria set out in the basic act, this Decision should enter into force as a matter of urgency. In order to allow for adequate and timely support, the Decision should apply for one year.

HAS ADOPTED THIS DECISION:

Article 1

The provision of support from the EU Cybersecurity Reserve to Ukraine within the meaning of Article 19 of Regulation (EU) 2025/38 is authorised.

Article 2

This Decision shall enter into force on the day of its publication in the Official Journal of the European Union.

It shall apply until [Publications Office: insert the date of entry into force + one year].

Done at Brussels,

For the Council
The President