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**NOTE**

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From: Presidency

To: Working Party on Frontiers / Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)

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Subject: The future of Frontex: hybrid threats

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Hybrid threats have emerged as a key challenge at the external borders of the European Union.

Hybrid threats

There is no clear-cut definition of hybrid threats in the area of external border management. The Strategic Compass for Security and Defence, endorsed by the European Council, provides a solid background for a comprehensive understanding of the term. Frontex has applied a comprehensive understanding of the term in the Strategic Risk Analysis from 2024 (cf. text box).

**“The term hybrid threat refers to actions conducted within an increasing multidimensional operational environment characterised by the following elements: A hostile state or non-state actors who deliberately combine and synchronise ambiguous/covert actions to specifically target systemic vulnerabilities in other states in pursuit of strategic objectives. Those objectives are ‘undermining public trust in democratic institutions, deepening unhealthy polarisation both nationally and internationally, challenging the core values of democratic societies, and affecting the decision-making capability of political leaders’. In terms of hybrid attacks on the EU, the aim of these objectives is to destabilise the Union or a Member State and put at risk the essential functions of a Member State.”**

Frontex’s Strategic Risk Analysis, 2024

Frontex considers hybrid threats – as a phenomenon – during the vulnerability assessment process, e.g. including it as an element in simulation exercises.

The Presidency has taken note of suggestions from some Member States that Frontex could take on an equally broad role when it comes to countering hybrid threats. For example, it has been suggested that Frontex could assist Member States when it comes to surveillance of air space above land borders and/or critical infrastructure.

The Presidency believes that the issue of how to define and possibly limit the definition of hybrid threats in the area of external border management warrants further consideration, without prejudice to the competences of Member States when it comes to national security and defence.

### Instrumentalisation of migrants

Discussions on hybrid threats in the area of external border management have so far mainly focused on instrumentalisation of migrants. Member States at the eastern borders have already witnessed this serious risk first hand. However, as underlined in Frontex’s strategic risk analysis from 2024, instrumentalised migration may come from any direction in Europe’s neighbourhood, with Russia also being “uniquely positioned to use its influence and proxies in the south of Europe and North Africa to launch hybrid attacks.” This risk is also highlighted in Frontex’s Annual Risk Analysis for 2025/2026 which furthermore mentions the risk of infiltration in migration flows by individuals “who pose a threat to the internal security of the EU, such as criminals, terrorists, saboteurs and intelligence operatives”.

**“A situation of instrumentalisation could arise where a third country or a hostile non-state actor encourages or facilitates the movement of third-country nationals or stateless persons to the external borders of the Union or to a Member State, where such actions are indicative of an intention of a third country or a hostile non-state actor to destabilise the Union or a Member State, and where such actions are liable to put at risk essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security.”**

Regulation (EU) 2024/1359 (recital 14)

Regulation (EU) 2024/1359 on situations of crisis and force majeure in the field of migration and asylum has already introduced certain measures on instrumentalisation in the area of asylum policy. At the same time, the Schengen Borders Code as amended by Regulation (EU) 2024/1717 now confirms Member States’ right in a situation of instrumentalisation of migrants as referred to in Regulation (EU) 2024/1359 to temporarily close, or limit the opening hours of, specific border crossing points, while taking full account of the rights of persons enjoying the right of free movement under Union law, long-term residents, and third-country nationals seeking international protection. Moreover, the Commission’s Communication

from December 2024 on countering hybrid threats from the weaponisation of migration confirms that Member States affected by instrumentalisation must be able to defend themselves, to ensure their territorial integrity, to maintain law and order and to safeguard their national security, as recognised by Articles 4(2) TEU and 72 TFEU. In July 2025, the EU's Fundamental Rights Agency (FRA) has issued a legal position paper on "Countering the instrumentalisation of migrants and refugees and respecting fundamental rights".

Against this background, the Presidency considers it relevant to discuss if and how the mandate of Frontex as defined in Regulation (EU) 2019/1896 needs to be amended to ensure that Frontex can effectively support Member States faced with instrumentalisation and possibly other hybrid threats, such as recent airspace violations by drones and other flying objects used for smuggling, provided that Member States request such assistance. For instance, it could be considered to update the existing provisions on rapid border interventions (article 39) or hotspot areas and migration management support teams (article 40) or to introduce a separate provision on support from the agency in cases of instrumentalisation and possibly other hybrid threats.

### European Integrated Border Management

The complex nature of hybrid threats could make it necessary to reassess existing concepts of European Integrated Border Management (EIBM) as defined in Regulation (EU) 2019/1896.

The EIBM concept is based on the so-called four-tier access control model. This model *inter alia* comprises measures with neighbouring third countries and therefore seems to presume cooperative relations with neighbouring third countries. Accordingly, Member States could discuss if the four-tier access control model should be updated to take into account possible situations when cooperation with neighbouring third countries is not possible due to hostile neighbouring states.

EIBM consists of 12 components, with fundamental rights, education and training, as well as research and innovation constituting overarching components. The first EIBM component of border control is already defined more broadly than the definition of border control in the Schengen Borders Code. For instance, the EIBM component of border control also e.g. refers to measures to facilitate legitimate border crossings and, where appropriate measures e.g. related to the prevention and detection of cross-border crime. Member States could discuss whether the EIBM component of border control should also include measures to address hybrid threats.

## Questions

Against this background, the Presidency would like to invite delegations to reflect on the following questions:

1. How should we define hybrid threats in the context of external border management? Should Frontex's support as regards hybrid threats also focus on hybrid threats beyond the instrumentalisation of migrants?
  2. Do you consider it necessary to amend Regulation (EU) 2019/1896 to provide a clear legal basis and procedures for support from the agency in cases of instrumentalisation and possibly other hybrid threats if Member States request such assistance? If so, how?
  3. Do you see a need to update the concepts of EIBM to take hybrid threats into account?
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