

# Navigating uncertainty: EU responses to migrant smuggling and instrumentalisation after Ceuta

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# Executive summary

In the days preceding the arrival of around 72,000 people from Morocco into Ceuta between 30 and 31 July 2026, information and misinformation circulated widely through social media and messaging platforms, including content encouraging people to travel to Ceuta and suggesting that the border could be crossed. The scale and speed of the movement showed how difficult it can be to establish what role digital platforms play in large-scale irregular cross-border movements. While the available evidence indicates that digital communication contributed to the movement, it does not establish who initiated or coordinated it, who amplified particular messages, or with what intention. Similar patterns of online activity can reflect peer-to-peer information-sharing, commercial smuggling, coordinated mobilisation or, potentially, deliberate instrumentalisation by state actors. These are not interchangeable explanations: they involve different actors and different degrees of responsibility and therefore require different policy responses.

This Discussion Paper examines how the EU can respond to unprecedented cross-border movements or external shocks when the role of different actors and the evidence of responsibility remain uncertain. It distinguishes between different forms of involvement and considers what the available evidence can establish about facilitation, coordination, intent and possible state involvement. These distinctions are decisive for the policy response. Evidence that an actor facilitated irregular movement, for example, does not necessarily establish

responsibility for initiating or coordinating it. Similarly, evidence of coordination does not in itself demonstrate an intention to ‘instrumentalise’ migration. The paper therefore argues that the level of evidence required for EU action should depend on the nature and consequences of the response. Investigation, information-sharing and international cooperation can begin even while attribution remains uncertain. Sanctions and measures based on deliberate instrumentalisation require stronger evidence of responsibility and intent.

The question is particularly relevant as the EU is expanding its response to migrant smuggling and developing new tools to address hybrid threats and the instrumentalisation of migration. The paper considers the roles of Europol and the European Centre Against Migrant Smuggling, the proposed EU sanctions regime targeting migrant smugglers and traffickers, the Global Alliance to Counter Migrant Smuggling and the EU framework for responding to the instrumentalisation of migration, including the proposed European Emergency Response Framework announced in the 2026 State of the Union speech. These instruments serve different purposes and can have very different consequences for the actors concerned. They should therefore not depend on the same level or type of evidence. The EU needs to be able to investigate and respond while events are still unfolding, but without treating uncertainty as evidence of responsibility. Ultimately, the more coercive or politically consequential the response, the stronger the evidence supporting attribution should be.

# Introduction

Between 30 and 31 July 2026, around 72,000 people crossed into the Spanish autonomous exclave of Ceuta from Morocco. This followed a rise of irregular arrivals across the exclave's land border during the first half of 2026.<sup>1</sup> On the first day of the emergency, however, the situation changed dramatically, with tens of thousands of people crossing via the sea within 24 hours, attracting significant political and media attention. By 4 August, more than 70,000 of those who had entered had already left Ceuta, either returning voluntarily or being returned to Morocco.<sup>2</sup> Yet, the scale and speed of the movement, its implications for border management and reception as well as the response by both the Spanish government and other EU member states transformed what was initially a national emergency into a wider EU policy controversy.

Against the backdrop of the recent implementation of the New Pact on Migration and Asylum, the EU's latest set of reforms to the Common European Asylum System (CEAS),<sup>3</sup> developments in Ceuta raise questions about whether border management and reception systems and intra-EU member state solidarity could withstand new shocks. While the events were still unfolding, the Italian government responded by intensifying controls at land and air borders with Spain, with critics questioning the proportionality of the measures given the limited evidence of significant secondary movements from Spain towards Italy.<sup>4</sup> Equally, at the time of writing, considerable uncertainty remains over what drove the events, which actors were involved and whether any of them encouraged, facilitated or coordinated the movement.<sup>5</sup>

The central question is whether the cross-border movements happened spontaneously or were facilitated, and if so, by whom. In the days preceding the events, online content had encouraged people to travel to Ceuta and included misleading information about conditions at the border.<sup>6</sup> Spanish authorities had also received warnings of possible mass crossing attempts: on 29 July, the National Intelligence Centre alerted the government delegation in Ceuta and the Guardia Civil to online calls for attempted entries by land and sea the following day.<sup>7</sup> But the circulation of such content does not establish who produced or amplified it, for what purpose or how far it shaped the movement that followed. Nor does it demonstrate that the events were coordinated.

This uncertainty did not prevent some EU leaders from pointing to smugglers or Moroccan authorities as potentially responsible.<sup>8</sup> Political responses also quickly coalesced on calls for stronger EU action. Greek Prime Minister Kyriakos Mitsotakis described the events as bringing the 'instrumentalisation' of migration flows

to the forefront.<sup>9</sup> In her September 2026 State of the Union address, Commission President Ursula von der Leyen announced a new European Emergency Response Framework for situations in which mass movements are "engineered and weaponised", to be triggered under a "strictly defined set of criteria".<sup>10</sup> The Commission subsequently set out a five-point plan to prevent, anticipate and respond to sudden mass irregular arrivals.<sup>11</sup> Yet stronger action in emergency situations also requires evidence and procedures capable of establishing what has occurred and who is responsible. Self-organised movement supported by information shared through social media, commercial facilitation by migrant smugglers, coordinated disinformation and the deliberate instrumentalisation of migration are distinct phenomena. Establishing what happened, and what responsibilities can be attributed to whom, is therefore essential to determining which policy response is most appropriate and effective.

At a critical point in the implementation of the EU's migration and asylum framework, the events in Ceuta provide a test case for a wider challenge: can the EU identify what is happening, determine who is responsible and calibrate its response accordingly before a next comparable episode? This Discussion Paper focuses on the policy frameworks most directly relevant to establishing who may have encouraged, facilitated or coordinated such movements and how the EU can respond. It examines the roles of Europol and the European Centre Against Migrant Smuggling, the proposed EU sanctions regime targeting migrant smugglers and traffickers, the Global Alliance to Counter Migrant Smuggling and the EU's framework for responding to the instrumentalisation of migration. It also considers these tools in light of von der Leyen's proposal for a new European Emergency Response Framework.

**The central argument is that the level of evidence required for EU action should rise with the coerciveness and consequences of the response.**

Information sharing, investigation and international cooperation can begin even while responsibility remains uncertain. Sanctions or measures based on deliberate instrumentalisation require substantially stronger attribution, conversely. The EU response should therefore reflect what the available evidence can actually support. This question is particularly timely following calls for a new framework to respond to migration-related emergencies. Moreover, migration and the events in Ceuta are expected to feature prominently on the agenda of the European Council of 15–16 October 2026, where **EU leaders will meet for the first time after the summer.**

# How online activity can shape irregular cross-border movements

Irregular cross-border movements can be shaped by different forms of activity involving different actors. EU policy on migrant smuggling has traditionally focused on “breaking the business model” of criminal networks facilitating irregular migration for profit.<sup>12</sup> This remains important, but it captures only part of a more complex picture.<sup>13</sup> Cross-border movements may also be shaped by rapidly circulating information, digital platforms and actors with political or geopolitical incentives.<sup>14</sup> Identifying the type of activity involved, and the actors behind it, is therefore important for determining the appropriate EU policy tools.

Digital messaging and online platforms have become increasingly relevant in shaping and facilitating irregular cross-border movements. EU policymakers and law enforcement authorities have consequently placed growing emphasis on the online dimension of migrant smuggling, including the use of social media and messaging applications for advertising, recruitment, communication and the organisation of journeys.<sup>15</sup>

Digital platforms can enable information, encouragement and practical assistance to spread quickly among large numbers of people without requiring a single organising actor. Individuals may exchange practical information about routes or border conditions, while false or misleading information may circulate alongside it (see Table 1). Smugglers can use the same platforms to advertise paid transport or crossing assistance, while other actors may deliberately amplify messages or coordinate movement towards a particular border or at a particular

time. These activities can occur simultaneously or at different stages: smugglers may exploit an emerging movement without initiating it, for example, while organised amplification may influence movement without having a coordinating intent behind it. Information sharing is therefore not necessarily smuggling, false information is not necessarily deliberate disinformation, and evidence of coordination does not by itself establish who was responsible or why.

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For EU policy, the challenge is not only to respond quickly but also to identify which intervention is likely to be effective. Fast-moving events can create pressure for immediate action precisely when information about the actors involved, their respective roles and their intentions remains incomplete. **Misidentifying these roles risks directing EU measures at the wrong actors or addressing the wrong dynamics.**

## What shaped the events in Ceuta? Assessing the evidence

The information available at the time of writing does not point to a single explanation for what drove the events. Instead, the four dynamics outlined above appear to have overlapped to varying degrees: peer-to-peer information sharing; misinformation and disinformation; commercial smuggling and facilitation; and coordinated encouragement and facilitation.

There is considerable evidence that part of the movement developed through individual and peer-to-peer information sharing, the first category in the above taxonomy (see Table 1). Reporting by NPR traced

discussions of a possible mass crossing on Facebook and Discord to late June, alongside Instagram videos showing how to swim into Ceuta. Other investigations similarly documented online organisation ahead of the crossings (see Fig. 1). In the days before 30 July, thousands of young people were already travelling towards the border, and train tickets were selling out. Interviews with participants in the events also revealed varied motivations, from economic circumstances to curiosity or simply wanting to join others.<sup>16</sup> Other investigations similarly found people organising journeys and looking for companions through social media.<sup>17</sup>

Table 1. Forms of online activity linked to irregular cross-border movements

| TYPE OF ONLINE ACTIVITY                    | DESCRIPTION                                                                                                                                                                               |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Information sharing                        | Peer-to-peer exchange of practical information about routes, transport, border conditions and previous crossings.                                                                         |
| Misinformation and disinformation          | False or misleading information circulates online. Where information is deliberately created or amplified to influence behaviour, it may constitute disinformation.                       |
| Smuggler advertising and facilitation      | Actors use online platforms to advertise or arrange paid transport, guidance or other assistance facilitating irregular movement.                                                         |
| Coordinated encouragement and facilitation | Online channels are used deliberately to mobilise or organise movement towards a particular border or at a particular time. The actors and motivations behind such coordination may vary. |

The picture is similarly mixed for misinformation and disinformation. False claims that the border was open, or that a Spanish Supreme Court ruling meant that people entering Ceuta by swimming could not be returned, circulated widely. Maldita, a Spain-based fact-checking organisation, identified more than 1,100 Arabic-language Facebook posts referring to the ruling and the city of Ceuta between 8 and 31 July (see Fig. 2), including one misleading message that appeared 215 times on 30 July. Spain’s National Centre for Immigration and Borders (CENIF) concludes that such narratives played

a role but cautions against treating any one of them as a direct cause. Participant interviews point to the same limitation: social media clearly influenced some people’s decisions to travel, but the Supreme Court narrative did not appear to have motivated everyone who did so.

Beyond peer-to-peer information-sharing and misinformation, there are also indications of coordinated encouragement and facilitation. CENIF concludes that the events cannot be understood as an isolated or purely spontaneous occurrence. It reconstructs a progression

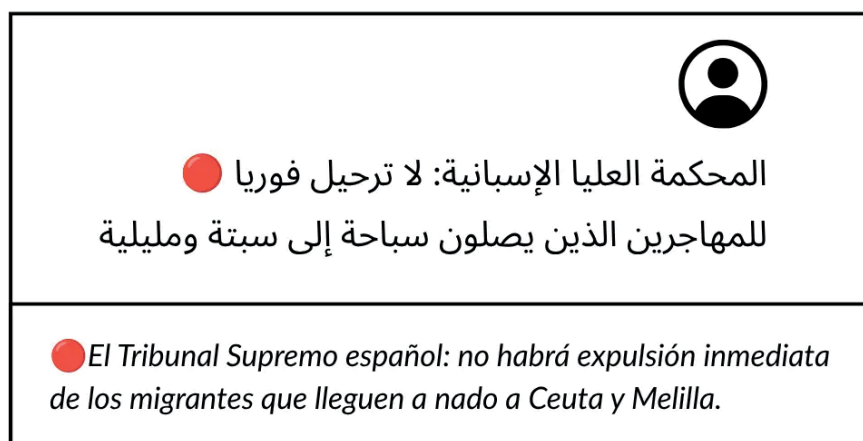
Figure 1

EXAMPLE OF PEER-TO-PEER INFORMATION-SHARING AHEAD OF THE JULY CROSSINGS



Facebook post seeking others to travel and cross towards Ceuta together. Source: Facebook, reproduced as published by Maldita.es, 7 August 2026, with their permission.

## EXAMPLE OF PEER-TO-PEER INFORMATION-SHARING AHEAD OF THE JULY CROSSINGS



Facebook post stating that migrants reaching Ceuta and Melilla by swimming would not face immediate expulsion. The same text was published 21 times on 30 July 2026. Source: Facebook, reproduced as published by Maldita.es, 6 August 2026, with their permission.

from general messages on Facebook, Instagram and TikTok towards increasingly operational communication through closed channels such as WhatsApp, including information on routes, timing and crossing points. CENIF also identifies actors performing coordinating functions online and on the ground, although it was unable to identify the actual organisers. The available information therefore points to a combination of self-organised movement and some degree of coordination.<sup>18</sup>

At the same time, the available information calls into question early attribution of the movement primarily to organised migrant smuggling networks. Investigations identified accounts advertising boats, jet skis and other forms of paid assistance, while some migrants actively sought such assistance.<sup>19</sup> Smugglers therefore appear to have facilitated and commercially exploited the movement. But CENIF found no indication that the criminal organisations it monitored had initiated or organised the July events and assessed their normal operational capacity as far below what would have been required to organise movement at this scale. This supports an interpretation of smuggling as an additional layer of actors exploiting the emergency for profit, rather than an explanation for its origin.<sup>20</sup>

Timing is also important for attribution. Other actors appear to have exploited the emergency once it was under way. For example, Russia-linked networks subsequently amplified anti-migration and far-right narratives, reflecting a broader pattern in which misleading and hostile narratives around migration are used to exploit existing fears and polarise public debate.<sup>21</sup> At the same time, analysis reported by *The Guardian* found that much of the earlier communication among prospective migrants appeared to have developed independently through exchanges between individuals rather than being directed by an identifiable organised actor. This suggests that the later amplification of the emergency by organised

networks should be distinguished from the dynamics that contributed to the initial movement towards Ceuta.<sup>22</sup>

The clearest indications of involvement by actors beyond those participating in or facilitating the movement concern the conduct of Moroccan security personnel. Moroccan border guards, normally active in controlling movement towards Ceuta, were largely absent during the crossings. CENIF reports unusually limited security deployment and indications that Moroccan personnel guided migrants towards crossing points, alongside unidentified actors directing movements on the ground. The contrast with 15 August is notable: when another mass crossing was anticipated, Moroccan authorities deployed substantially tighter controls, preventing comparable movement.<sup>23</sup>

Taken together, these findings are consistent with some degree of enabling or facilitation by Moroccan security personnel, but they do not resolve the more consequential question of attribution to the Moroccan government. CENIF concludes that the July event involved planning and coordination but does not identify who ultimately organised it. Spanish Prime Minister Pedro Sánchez has similarly acknowledged that Moroccan forces allowed crossings during the critical period, while stressing that there is no solid evidence that the Moroccan government orchestrated the operation.<sup>24</sup>

The events nevertheless illustrate how migration control and cooperation with third countries can intersect with bilateral political relations and broader geopolitical and economic interests.<sup>25</sup> Morocco's ability to prevent a similar movement on 15 August also demonstrates its capacity to exercise substantially tighter border control. But neither this capacity nor the conduct of Moroccan security personnel during the July crossings establishes that the movement was deliberately encouraged by the Moroccan government for political purposes.

The available evidence supports different levels of attribution with different degrees of confidence (see Table 2). There is substantial evidence of peer-to-peer information sharing and self-organised movement; strong evidence that misinformation formed part of the information environment; evidence that smugglers facilitated and exploited the movement; and indications of coordination and enabling or facilitation by Moroccan security personnel. What remains unestablished is a chain of command linking this conduct to the Moroccan government or evidence that the movement was deliberately orchestrated by the government for political purposes. This distinction has consequences for the EU response: attributing facilitation to individual actors, coordination to organised networks or deliberate orchestration to a third-country government would engage different policy tools and require different levels of evidence correspondingly.

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The EU response to migrant smuggling is increasingly moving beyond the traditional focus on individual smugglers to address the wider actors and structures that enable irregular movement, including digital, financial and logistical networks, international partners and, in exceptional cases, actors pursuing political objectives.<sup>26</sup> This broader approach may be better suited to the increasingly complex environment outlined above, but it also makes establishing roles and responsibilities, and ensuring evidence-based attribution, more challenging.

While the events in Ceuta prompted calls for greater flexibility and stronger tools to respond to emergencies,<sup>27</sup> the EU already has a range of instruments that address different dimensions of such situations. These include Europol and the European Centre Against Migrant Smuggling for detecting and investigating facilitation networks; restrictive measures aimed at disrupting migrant smuggling and trafficking; cooperation with third countries through the Global Alliance to Counter Migrant Smuggling; and the EU framework for responding to situations in which migration is deliberately instrumentalised for political purposes. Each addresses a different part of the problem and relies on different forms and levels of evidence. The question is therefore not simply whether the EU needs stronger tools, but whether existing and emerging instruments can be matched to what can actually be established about the actors involved and their respective roles.

**Table 2. Assessment of the evidence on the drivers of the Ceuta events**

| POSSIBLE EXPLANATION                                         | WHAT THE EVIDENCE SHOWS                                                                                                                                              | ASSESSMENT                                                                                   |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Peer-to-peer information sharing and self-organised movement | Prospective migrants exchanged information, routes and practical advice and encouraged one another to travel to Ceuta.                                               | Substantial evidence of peer-to-peer information-sharing and self-organised mobilisation     |
| Misinformation / disinformation                              | False and misleading claims were circulated widely and shaped the information environment. Evidence of deliberate coordination or authorship is less clear.          | Strong evidence of misinformation; attribution unclear                                       |
| Commercial smuggling / facilitation                          | Smugglers provided or advertised paid assistance and transport and exploited increased demand for crossings.                                                         | Evidence of facilitation; little evidence that smugglers initiated or organised the movement |
| Coordination                                                 | The movement involved planning and coordination, including across online platforms and on the ground.                                                                | Evidence of coordination; ultimate organisers unclear                                        |
| Enabling or facilitation by Moroccan security personnel      | Moroccan security personnel appear in some instances to have allowed, enabled or facilitated movement towards the border.                                            | Significant evidence of operational involvement; chain of command unestablished              |
| Deliberate orchestration by the Moroccan government          | Morocco demonstrated the capacity to exercise tighter border control, but evidence linking the July events to a government decision or political purpose is lacking. | Not established                                                                              |

### ***How the EU can detect: Europol and ECAMS***

Established within Europol in March 2026, ECAMS brings together intelligence from different countries and provides operational, technical and forensic support to migrant smuggling investigations. Its Digital Support Team uses open-source intelligence and other digital expertise to analyse complex datasets, increasingly important as facilitation and coordination move online.<sup>28</sup>

The events in Ceuta show where these capabilities can become particularly relevant. Investigation can begin before responsibility is established: Europol and ECAMS can examine how information spreads across digital platforms, identify connections between accounts and assess possible links to known smuggling networks or other organised actors. Such connections can provide grounds for further investigation, but do not by themselves establish coordination, causation or intent. Digital intelligence therefore needs to be combined with other available evidence quickly enough to distinguish between self-organised movement, criminal facilitation, coordinated influence and potentially state-linked activity.

### ***How the EU can disrupt migrant smuggling networks: the proposed EU sanctions regime***

EU efforts to disrupt migrant smuggling have traditionally relied primarily on criminal law enforcement, operational and judicial cooperation, financial investigations and cooperation with third countries. These tools remain central, but their reach can be limited when networks and their assets operate across multiple jurisdictions or outside the EU.

To complement these criminal law and operational measures, the EU has moved towards targeted restrictive measures against identified individuals and entities involved in migrant smuggling and related forms of organised crime.<sup>29</sup> In July 2026, the European Commission and Kaja Kallas, the High Representative of the Union for Foreign Affairs and Security Policy, proposed a new sanctions regime targeting migrant smuggling, human trafficking and other forms of serious organised crime. It would allow the EU to impose asset freezes and travel bans on listed persons and entities, including actors that lead, direct or support relevant activities. If adopted, this would extend the EU response beyond individual smugglers to parts of the wider enabling network, particularly where responsible actors operate outside the EU.<sup>30</sup>

Sanctions, however, require clearer attribution: there must be sufficient evidence linking a particular individual or entity to the activity concerned. This is particularly important in cases such as Ceuta, where actors may have initiated, facilitated or merely contributed to an existing movement. Sanctions become appropriate only once sufficiently clear links to responsible actors can be established.

### ***How the EU can cooperate: Third-country partnerships and the Global Alliance***

Cooperation with third countries has become an increasingly important component of the EU's response to migrant smuggling, reflecting the cross-border nature of smuggling networks and the need to exchange information, coordinate investigations and disrupt routes and financial flows beyond EU territory. This approach increasingly combines law enforcement cooperation with operational partnerships, capacity-building and cooperation on border and migration management.

The Global Alliance to Counter Migrant Smuggling, launched in 2023, reflects this approach by bringing together the EU, third countries, international organisations and other actors to strengthen information-sharing, law enforcement cooperation and action against online smuggling and illicit financial flows. Third-country partnerships are central to this approach; Morocco already has an Anti-Smuggling Operational Partnership with the EU.

A particular challenge arises when the country whose role is being examined is also an important EU partner. The EU relies on third countries such as Morocco for border management, information-sharing and action against smuggling networks. Once questions around attribution or implication arise, cooperation can become more complicated. In such cases, the EU may need to independently examine whether actors linked to that country contributed to the movement, while maintaining broader cooperation to facilitate the eventual response.

### ***How the EU can respond to instrumentalisation***

The EU already has a framework for responding to exceptional situations at its external borders. The Crisis and Force Majeure Regulation, adopted as part of the Pact on Migration and Asylum, establishes a common procedure for determining whether a member state is facing a situation of crisis, including instrumentalisation, or force majeure. Where the relevant conditions are met, the framework allows for enhanced solidarity and temporary derogations from certain rules governing asylum and migration procedures.<sup>31</sup> Its purpose is therefore not simply to provide additional tools in an emergency but also to establish when exceptional measures can be activated, and under which conditions.

As previous EPC analysis has highlighted, the creation of a common framework represents an important improvement compared with responding to emergencies through ad hoc national measures. At the same time, greater flexibility creates its own challenges. Analysis identifies ambiguities and grey areas in the Regulation and cautions that flexibility can come at the expense of legal certainty. It also remains questionable whether procedural derogations provide an effective response to the underlying causes of an emergency, which may lie outside the asylum system or even migration policy

altogether. These concerns become particularly relevant where an emergency is understood not simply as a sudden increase in arrivals, but as the result of deliberate action by external actors.<sup>32</sup>

The Regulation already attempts to address this problem through procedural safeguards. A member state requesting the application of crisis measures must provide a reasoned request, while the Commission is required to assess whether the conditions for instrumentalisation are met and whether the situation can be sufficiently addressed through other available measures. Facilitation of irregular movement is not in itself sufficient to constitute instrumentalisation. The Regulation excludes situations involving non-state actors engaged in organised crime, particularly migrant smuggling, unless their actions are aimed at destabilising the EU or a member state; humanitarian assistance is similarly excluded where there is no such purpose.<sup>33</sup> The existence of pressure at the border is therefore not sufficient in itself to trigger exceptional measures: establishing the nature of the actors involved and the purpose of their actions forms part of determining whether the instrumentalisation framework applies.

It is against this background that calls for greater flexibility in responding to exceptional border situations have emerged. In her September 2026 State of the Union address, Commission President Ursula von der Leyen announced that the Commission would propose a new European Emergency Response Framework for situations in which mass movements are “engineered and weaponised”.<sup>34</sup> While von der Leyen stated that such flexibility would be activated only under a “strictly defined set of criteria” and would be time-limited and narrowly circumscribed, the Commission’s subsequent five-point plan provides no further detail on these criteria. It therefore remains to be seen how such criteria could be applied in fast-evolving situations where reliable evidence about the actors involved, their respective roles and their intentions may initially be limited.

The events in Ceuta illustrate this difficulty. Evidence that a large movement was coordinated does not establish who coordinated it; evidence that security personnel enabled movement does not necessarily establish a government decision; and a state’s capacity to prevent crossings does not demonstrate that its failure to do so was intended to exert political pressure. If a future emergency framework is specifically designed for situations in which migration is considered to have been engineered or weaponised, its triggering criteria will therefore need to distinguish between evidence of coordination, evidence linking that coordination to particular actors and evidence of the political intent necessary to attribute deliberate orchestration to a state.

This also raises a question of proportionality. Investigation, monitoring and enhanced operational support can begin while attribution remains uncertain. By contrast, measures that depend on treating an event

as deliberately engineered by a third country carry greater political and legal consequences and therefore require a stronger evidentiary basis. The more consequential the response, the stronger the evidence supporting attribution should be. Clear criteria are critical for ensuring that exceptional measures remain proportionate to the available evidence.

A new Emergency Response Framework should therefore complement, rather than simply add further flexibility to the existing crisis architecture. As previous EPC analysis argues, effective crisis management requires more than derogations from standard procedures: it also requires coordination, monitoring, solidarity and measures capable of addressing the underlying drivers of the emergency.<sup>35</sup> For situations involving suspected deliberate orchestration, this means linking emergency response more closely to the EU’s capacity to detect, investigate and attribute the conduct concerned. This requires preserving the capacity to act rapidly without allowing the urgency of an emergency to override evidence about what has occurred and who is responsible.

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### **The more consequential the response, the stronger the evidence supporting attribution should be.**

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The EU already has a range of tools for responding to cross-border movements involving external actors. These range from monitoring and investigation to sanctions and measures responding to the deliberate instrumentalisation of migration. Moreover, the EU does not need to know exactly who is behind an event before it can respond. Investigation and disruption can begin while attribution remains uncertain, as illustrated by the Evidence-Response Ladder (see Table 3).

A response to alleged state-led instrumentalisation would require evidence of both state involvement and intent, also considering that member states may use additional flexibility under such circumstances to the effect of limiting access to asylum or entry into territory, or with other consequences for fundamental rights protected by EU treaties.

Overall, the events that unfolded in Ceuta in 2026 therefore do not point so much to a lack of EU tools than to the challenge of choosing or moving between them as evidence develops and where a high degree of uncertainty remains. **However, the EU needs to be able to act under uncertainty without mistaking uncertainty for proof of responsibility.**

**Table 3. The Evidence-Response Ladder**

|                                                              |                                                  |
|--------------------------------------------------------------|--------------------------------------------------|
| 1. UNCERTAINTY                                               | Monitor, investigate and share information       |
| 2. EVIDENCE OF FACILITATION                                  | Investigate and disrupt specific activities      |
| 3. CLEAR EVIDENCE OF RESPONSIBILITY                          | Consider sanctions or other restrictive measures |
| 4. STRONG EVIDENCE OF STATE INVOLVEMENT AND POLITICAL INTENT | Consider an instrumentalisation response         |

## Conclusion: Preparing for future emergencies

Emergency situations may occur again at the EU's external borders, and they show that the EU needs to respond quickly to sudden migration movements. However, opting for one response over another should not be done without clear evidence of causes, responsibility and attribution. Considering how quickly events can unfold, the EU must be able to move between these tools as evidence develops, acting early without lowering the evidentiary threshold for more consequential responses.

**Considering how quickly events can unfold, the EU must be able to move between these tools as evidence develops, acting early without lowering the evidentiary threshold for more consequential responses.**

Any new proposal should clearly address the evidentiary requirements for choosing and triggering different tools: from early detection to intervention, from greater scrutiny of a partner country to state involvement and the much stronger finding of deliberate instrumentalisation. Closing evidence gaps would allow the EU to respond earlier while keeping its response proportionate to what the evidence can support. **Preparing for the next Ceuta means being able to detect emerging events, establish who is involved and escalate the response only as the evidence justifies it.** To this end, the Discussion Paper puts forward the following recommendations:

### 1) Match the response to the strength of the evidence

The EU should apply a graduated approach to attribution and response. Monitoring and investigation can begin while responsibility remains unclear, while measures imposing consequences for particular actors should require stronger attribution. The highest threshold should apply to deliberate state instrumentalisation, which requires evidence of both state involvement and political intent. This does not require new legal thresholds for every instrument; rather, it should guide how existing and emerging tools are used together.

### 2) Detect emerging movements earlier — without premature attribution

ECAMS, Europol and member state authorities should strengthen the sharing and analysis of information on emerging online activity related to irregular movement, including activity moving from open social media into closed communication channels. But early detection should not become early attribution. Unusual online activity, repeated messages or connections between accounts should trigger closer investigation, not conclusions about who is responsible. EU analysis should clearly distinguish between what has been observed and what the evidence allows authorities to infer from it.

### 3) Distinguish facilitation from responsibility

EU investigations should distinguish between different forms and levels of involvement in irregular movements. Information-sharing, misinformation, digital coordination and commercial smuggling may all contribute to a movement without establishing who initiated or coordinated it. Digital and financial investigations should therefore identify the actors knowingly enabling or exploiting such activity, while distinguishing between those contributing to an existing movement and those responsible for initiating or coordinating it.

#### **4) Know when cooperation requires greater scrutiny**

The EU should establish clearer principles for situations in which a partner country itself becomes part of the attribution question. Cooperation can initially continue alongside independent evidence-gathering, but credible evidence of state-linked facilitation should trigger greater

scrutiny and reduce reliance on information supplied solely by the partner country concerned. As responsibility becomes clearer, the EU should be prepared to consider conditionality or restrictive measures. A response based on deliberate instrumentalisation should remain reserved only for cases in which both state involvement and political intent can be established.

- <sup>1</sup> Courty, A. (2026), [“What happened in Ceuta? The migrant surge that shook Europe’s borders”](#), ABC News, 1 August 2026.
- <sup>2</sup> Council of the European Union, [“Informal video conference of home affairs ministers”](#), 4 August 2026; Reuters, [“EU interior ministers meeting over Ceuta crisis was constructive, Spain says”](#), 4 August 2026.
- <sup>3</sup> European Commission, [“Commission reports progress on implementing the Pact on Migration and Asylum”](#), News Release, 8 May 2026.
- <sup>4</sup> Council of the European Union, [“Informal video conference of home affairs ministers”](#); Blaakman, S. and M. M. Mentzelopoulou (2026), [“Ceuta migrant crisis: What it means for Spain and the rest of the EU”](#), European Parliamentary Research Service, 10 September 2026.
- <sup>5</sup> Maldita.es, [“Ceuta and the disinformation and foreign interference campaigns \(FIMI\): what we know and what we don’t”](#), 3 September 2026; Policía Nacional, Centro Nacional de Inmigración y Fronteras (CENIF) (2026), [Informe sobre la entrada masiva irregular en Ceuta](#), Comisaría General de Extranjería y Fronteras.
- <sup>6</sup> Maldita.es (2026), [“Ceuta and the disinformation and foreign interference campaigns \(FIMI\)”](#).
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