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To:	Delegations
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Subject:	Declaration of the European Union and its Member States on making full use of the international law of the sea framework relating to threats from the “shadow fleet” and to the protection of critical undersea infrastructure

Delegations will find attached Declaration of the European Union and its Member States on making full use of the international law of the sea framework relating to threats from the “shadow fleet” and to the protection of critical undersea infrastructure, approved by the Foreign Affairs Council at its meeting on 15 December 2025.

**DECLARATION OF THE EUROPEAN UNION AND ITS MEMBER STATES ON
MAKING FULL USE OF THE INTERNATIONAL LAW OF THE SEA FRAMEWORK
RELATING TO THREATS FROM THE “SHADOW FLEET” AND TO THE
PROTECTION OF CRITICAL UNDERSEA INFRASTRUCTURE**

THE EUROPEAN UNION AND ITS MEMBER STATES,

RECALLING that, as set out in the Maritime Security Strategy of the European Union of 24 October 2023, ‘given threats to critical maritime infrastructures and the consequences of Russia’s illegal and unjustified military aggression against Ukraine, more action is required of the EU as an international security provider.’ The European Ocean Pact adopted by the European Commission on 5 June 2025 also recalls that ‘critical maritime infrastructures are threatened.’,

NOTING that the threats to critical undersea infrastructure do not stem solely from the “shadow fleet”,

NOTING that the International Maritime Organisation (IMO) urged Member States and all relevant stakeholders in its Resolution A.1192 (33) of 6 December 2023 to promote actions to prevent illegal operations in the maritime sector by the “dark fleet” or “shadow fleet”. In that Resolution the IMO Assembly noted with concern information about those ships engaging in illegal operations for the purposes of circumventing sanctions or engaging in other illegal activities,

STRESSING that the General Assembly of the United Nations recognized in its Resolution 79/144 of 12 December 2024, that ‘submarine cables and pipelines are vitally important to the global economy and the national security of all States, conscious that these cables and pipelines are susceptible to intentional and accidental damage’, and called upon States ‘to take measures to protect submarine cables and pipelines and to fully address issues relating to these cables and pipelines, in accordance with international law, as reflected in’ the United Nations Convention on the Law of the Sea of 10 December 1982 (‘UNCLOS’),

SHARING the call of States expressed during the open debate on maritime security held at the UN Security Council on 20 May 2025 under the Presidency of Greece, to better enforce existing international legal protection, particularly for critical infrastructure like submarine cables and pipelines,

RECALLING that, beyond actions undertaken at the United Nations and the IMO, other work streams contribute to addressing those threats. In the wake of the Joint Statement of the Baltic Sea NATO Allies Summit of 14 January 2025, options were identified to address risks for critical undersea infrastructure and challenges posed by the “shadow fleet”. The EU and ten European States agreed on 16 May 2025 on a Memorandum of Understanding on the protection of critical Undersea Infrastructure in the Baltic Sea. On 14 March 2025, the G7 Foreign Ministers issued a Declaration on Maritime Security and Prosperity: work is underway on protecting critical undersea infrastructure and a Shadow Fleet Task Force has been set up.

NOTING that on 19 December 2024, the European Council adopted conclusions welcoming measures against the “shadow fleet”, and that Member States called for further measures in that regard at the European Council on 26 June and on 23 October 2025. The Council of the European Union adopted on 6 June 2025 conclusions on reliable and resilient connectivity, stressing the urgent need for comprehensive support for submarine cable infrastructure, as raised in the EU Action Plan on Cable Security,

RECALLING that on 21 February 2025, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy launched an EU Action Plan on Cable Security. This Action Plan specifies that the EU and its Member States, working together with the IMO, should establish a common understanding of relevant provisions of the international law of the sea enabling Member States, as coastal and flag States, to more effectively protect critical infrastructure and take action in relation to the “shadow fleet” vessels and any vessels of interest operating on the high seas. In particular, the legal framework for interception or boarding of vessels representing risks for the EU should be carefully assessed, in full compliance with UNCLOS. This Action Plan also proposes that work at multilateral level could also include a possible reflection on how to make full use of all possible courses of action in conformity with the international law of the sea, with a view to increase the protection of submarine cable infrastructures as well as the promotion of norms and best practices,

RECALLING that on 6 May 2025, the European Commission launched a Roadmap towards ending Russian energy imports, including actions envisaged to address the problem of circumvention of EU oil sanctions by using “shadow fleets”,

RECALLING that UNCLOS, as reflected in its preamble, contributes to the maintenance of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and promotes the economic and social advancement of all peoples of the world, in accordance with the Purposes and Principles of the United Nations as set forth in the Charter,

STRESSING that high seas freedoms, including freedom of navigation, must be exercised with due regard for the interests of other States, and that all States, including flag States, must fulfil their obligations under UNCLOS in good faith and exercise the rights, jurisdiction and freedoms recognised in the Convention in a manner which would not constitute an abuse of right,

STRESSING that there is a need for the EU and its Member States to address risks associated with the shadow fleet and to critical undersea infrastructure, and in this context noting that in accordance with Article 3(5) of the Treaty on European Union, the Union shall contribute ‘to the strict observance and the development of international law, including respect for the principles of the United Nations Charter’,

DECLARE AND REAFFIRM:

1. Their unwavering commitment to UNCLOS, which sets out the legal framework within which all activities in the seas and oceans must be carried out, constituting an instrument of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and whose universal and unified character and integrity needs to be preserved;
2. That the risks posed by the “shadow fleet” and possibly other dangerous shipping practices, including potential environmental damage as well as risks to maritime safety and security, the integrity of international seaborne trade, critical undersea infrastructure, including submarine cables and pipelines, the life and health of seafarers working on board vessels, and respect for international maritime rules and standards, extend to all seas and oceans, and need to be considered as a whole from a legal perspective, since those risks are part of the problems of ocean space referred to in the third preambular clause to UNCLOS;

3. That vessels sailing without nationality, including those in the “shadow fleet” pose a particular risk. Vessels without nationality do not operate under flag State jurisdiction under UNCLOS. They are neither entitled to the freedoms of the high seas, including the freedom of navigation, nor to rights such as innocent passage or transit passage as these freedoms and rights are granted exclusively to States under the law of the sea. They are not subject to the exclusive jurisdiction of any State on the high seas. Any State can board a vessel on the high seas in accordance with Article 110 of UNCLOS, and in Exclusive Economic Zones (‘EEZ’) in accordance with Article 58(2) thereof, in case there is reasonable ground for suspecting that the vessel is without nationality. Any State may take appropriate measures aboard a vessel found without nationality, in accordance with international law and its domestic law. Moreover, the EU Member States recognise that any coastal State may take appropriate action in accordance with international law and its domestic law, with regard to vessels without nationality when they navigate through areas over which it exercises sovereign rights or jurisdiction. In the territorial sea, the full and exclusive jurisdiction of the coastal State applies to such vessels;
4. That all States must abide by their legal obligations pursuant to Article 113 of UNCLOS regarding the adoption by each of them of the laws and regulations necessary to provide that the breaking of, or injury to, a submarine cable or pipeline by a vessel flying its flag or by a person subject to its jurisdiction, done wilfully or through culpable negligence, shall be considered a punishable offence, where conditions are met. That the EU and/or its Member States should outreach to flag States with the objective of enhancing the effective implementation of that provision under their domestic law;
5. That every State has, in accordance with Article 94 of UNCLOS, a legal duty to effectively exercise its jurisdiction and control in administrative, technical and social matters over vessels flying its flag. In that regard, work undertaken in the framework of the IMO regarding the development of guidelines or best practices for the registration of ships is of crucial importance;

6. That coastal States may request insurance information from ships navigating their territorial sea or EEZ and will examine such information of those that call at one of their ports in accordance with international law. They may also request vessels navigating key traffic areas to report insurance and civil liability certificates in accordance with relevant international agreements;
7. That the EU Member States will step up their efforts to ensure compliance by vessels with their legal obligations to notify information. Commission Delegated Directive (EU) 2025/811 of 19 February 2025 amending Annex I to Directive 2002/59/EC of the European Parliament and of the Council introduces an obligation for vessels entering an area of mandatory ship reporting system to provide one or more insurance certificates issued by its provider and carried on board the ship, providing evidence of existence of insurance for maritime claims, as well as civil liability certificates issued in accordance with relevant international conventions;
8. That agreements with relevant flag States to secure their consent for pre-authorised boarding operations on their vessels on the high seas or in the EEZ of EU Member States would constitute an important tool. Such agreements could define the conditions and modalities for cooperation with each relevant flag State concerning its vessels in the “shadow fleet” engaging in illegal operations;
9. That international law permits States to take enforcement action in a number of scenarios potentially relevant to the protection of critical undersea infrastructure, including but not limited to Articles 21, 73, 110, 111, 220 and 221 of UNCLOS, as well as Article X of the 1884 Paris Convention for the Protection of Submarine Telegraph Cables, where applicable;
10. That in addition to action countering “shadow fleet” activities, as laid down in paragraphs 7 and 8, it has become necessary for States to further consider the international law of the sea framework with a view to addressing the growing challenges and strengthening the protection of submarine cables and pipelines in accordance with UNCLOS, owing to the growing threats and destruction of, or injuries to, submarine cables and pipelines,

11. Their intention to launch a broad initiative to develop tools to address threats to critical undersea infrastructure, including the protection of submarine cables and pipelines. Those tools would be developed in the respective appropriate fora, such as UN bodies or the IMO, depending on their content. Those tools may, for instance, consist of a compilation of international standards of good behaviour for vessels navigating in the vicinity of critical undersea infrastructure setting out dedicated principles and guidelines, of a compendium of rules for vessels navigating through Particularly Sensitive Sea Areas, of measures to strengthen the protection of submarine cables and pipelines through improved safeguarding, closer monitoring of activities around sensitive sites, and mechanisms, consistent with international law, to prevent conduct that endangers such infrastructure, or of other measures in accordance with UNCLOS. Such tools could range from non-legally binding instruments to new binding instruments
