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INTERNATIONAL LEGAL ASPECTS OF THE FREEDOM OF NAVIGATION AND ECONOMIC ACTIVITIES IN THE BALTIC SEA

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Freedom of navigation and the peaceful use of maritime spaces are among the most complex issues in contemporary international maritime law, as they involve the interests of states, economic actors, and international organisations. These issues have gained particular relevance in the twenty-first century in the context of growing geopolitical tensions and the increasing use of hybrid methods in interstate confrontation. Their consequences are especially evident in the Baltic Sea, where incidents involving damage to underwater infrastructure, acts of sabotage, vessel detentions, and restrictions affecting navigation and economic activity have become increasingly frequent. This article aims to examine the legal nature of restrictions on navigation and economic activities in the Baltic Sea and to identify possible legal approaches to overcoming them. To achieve this objective, the authors analyse the international legal framework governing maritime space, freedom of navigation, and economic activity at sea. Particular attention is paid to the assessment of incidents involving vessel detentions and damage to underwater infrastructure in the Baltic Sea, as well as to the legal implications of these developments for the exercise of navigational rights and maritime economic activities. The study concludes that, despite the unprecedented level of political tension in the region, the law of the sea remains the principal legal framework governing navigation and economic activity in the Baltic Sea. It continues to provide the normative basis for balancing the interests of coastal states and other users of maritime spaces and remains the primary mechanism for regulating maritime relations in the region.

Keywords:

the law of the sea, underwater infrastructure, the Baltic Sea, freedom of navigation, shadow fleet

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Introduction

The Baltic Sea has always occupied a prominent place in the economic and political life of the European continent. Despite its pivotal role in maintaining transport connectivity, it has repeatedly emerged as a site of interstate rivalry.

Russia acquired access to the Baltic Sea during the reign of Peter I in the aftermath of the Great Northern War, with this territorial gain being formalised by the Treaty of Nystad [1]. Following the Great Patriotic War, Königsberg and its surrounding area, including an ice-free port on the Baltic Sea, became part of the Soviet Union [2, p. 163].

After the demise of the Soviet Union, three Russian territories have access to the Baltic Sea: the Kaliningrad region, St Petersburg and the Leningrad region. All three host seaports that facilitate connectivity between these regions and maintain transport links beyond the Baltic area.

During the period of economic cooperation between Russia and the EU, the Baltic Sea functioned as a critical transport route linking Russian ports to EU member states. Key conduits included the Nord Stream 1 and Nord Stream 2 gas pipelines running from Russia to Germany, which were viewed by both parties as a reliable channel for Russian natural gas exports.

Today, amid the deterioration of relations between Russia and EU countries, the Baltic Sea has become an arena of political confrontation, facing a serious risk of escalation. The Baltic Sea plays a special role for Russia, as it provides the only reliable link between the Kaliningrad region and the rest of the country. Moreover, it enables the transport of goods, including energy carriers, between Russian Baltic ports and ports worldwide. Ensuring the transport accessibility of the Kaliningrad region through ferry services connecting it with the ports of Ust-Luga and St Petersburg is a priority of Russia's maritime policy in the Baltic Sea region.

The current geopolitical situation in the Baltic Sea region is marked by instability and heightened tensions. This creates serious challenges to security relating to the threat of restrictions on navigation and obstruction of the lawful use of maritime space.

These actions may undermine the established system of the international law of the sea, potentially leading to a full-scale confrontation. This situation demonstrates that parties to international relations often deviate from the requirements of international law, adhering to extravagant interpretations of its norms. Yet, the international law of the sea may serve as a basis for ensuring stability in the region and fostering constructive relations among states.

Types of maritime spaces in the Baltic region and their legal regime

In the terminology of the 1982 United Nations Convention on the Law of the Sea¹ (referred to below as the UNCLOS), the Baltic Sea is classified as a semi-enclosed sea. Pursuant to Article 122 of the UNCLOS, a ‘closed or semi-enclosed sea’ is defined as ‘a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States’.

At present, nine countries border the Baltic Sea, eight of which are members of both the European Union (EU) and the North Atlantic Treaty Organisation (NATO). All Baltic Sea littoral states are parties to the UNCLOS. In addition, navigation through the Danish Straits is governed by a multilateral international agreement, the Copenhagen Treaty of 1857,² as well as by a comparable bilateral treaty concluded between Denmark and the United States in Washington in the same year.³

The waters of the Baltic Sea comprise various maritime zones, whose legal regime is governed by the UNCLOS. Today, the entire Baltic Sea area consists of territorial seas, internal waters, contiguous zones and exclusive economic zones (EEZs). There are no areas of high seas in the Baltic Sea within the meaning of Article 86 of the UNCLOS. Consequently, the Baltic Sea is subject to the sovereignty, sovereign rights and jurisdiction of the coastal states. The UNCLOS vests sovereignty over territorial seas and internal waters in coastal states, including the seabed, subsoil and airspace above them. This sovereignty is subject to certain exceptions and limitations established by the UNCLOS and other international agreements, most notably the right of innocent passage. With regard to EEZs and contiguous zones, coastal states exercise more limited jurisdiction. At the same time, the UNCLOS guarantees the freedoms of navigation and overflight, the laying of undersea cables and pipelines, and other internationally lawful uses of the sea associated with these freedoms, as provided for in Article 58.

¹ 1982 United Nations Convention on the Law of the Sea, Article 21, URL: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_r.pdf (accessed 09.02.2026).

² A treatise on the abolition of duties levied on ships and cargo during their passage through the Straits Sunda and both Belts (Signed in Copenhagen on 03/14/1857), 1997, Current International Law, Moscow, vol. 3, p. 525—528 (extract).

³ Convention between Denmark and the United States of America for the Abolition of the Sound Dues, Washington, 11 April 1857, p. 7—9, URL: <https://dheller.org/Timeline-files/US-Statutes/v18-2/v18-2-Treaties/Treaties/Denmark.pdf> (accessed 05.05.2026).

The waters of the Baltic Sea are connected to the open sea through a system of channels — the Little Belt, the Great Belt and the Øresund¹ — collectively known as the Danish Straits. These straits are classified as channels used for international navigation. Pursuant to Article 38 of the UNCLOS, all ships and aircraft enjoy the right of transit passage through straits used for international navigation, and coastal states may not impede such passage. At the same time, Article 35 of the UNCLOS provides that the Convention does not affect the legal regime of straits whose passage is regulated, in whole or in part, by long-standing international conventions that remain in force and specifically relate to such straits. The Danish Straits are subject to a special legal regime established by the Copenhagen Treaty of 1857 and a similar treaty concluded between Denmark and the United States. Under these agreements, Denmark undertook not to levy customs duties or other charges on vessels passing through the Danish Straits and to ensure unimpeded passage for all ships. Furthermore, no vessel may be detained or delayed while transiting the straits (Article 1).

Contentious aspects of navigation in the Baltic Sea

Ensuring freedom of navigation has emerged as an increasingly important issue in the contemporary world, including in various regions of the World Ocean. among the principal threats to national security and sustainable development in the Baltic Sea region, Russia's Maritime Doctrine highlights attempts to restrict the country's access to the resources of the World Ocean and to vital maritime transport routes, as well as efforts by certain states to alter the existing legal regimes governing maritime spaces and straits used for international navigation in pursuit of their own geopolitical objectives (para. 22).

Freedom of navigation is one of the most longstanding and fundamental principles of the law of the sea [3]. Under Article 87 of the UNCLOS, freedom of navigation is recognised as one of the freedoms of the high seas. Pursuant to Article 86, the high seas comprise all parts of the sea that are not included in the exclusive economic zone (EEZ), the territorial sea, or the internal waters of a State, or in the archipelagic waters of an archipelagic State (Article 86). However, the principle of freedom of navigation is also applicable in other maritime spaces. In the EEZ, it applies to the same extent as on the high seas, whereas in the territorial sea, it is exercised through the right of innocent passage [4, p. 99].

At present, some politicians from Baltic Sea EU member states have repeatedly called for restrictions on the navigation of Russian vessels, as well as vessels transporting Russian energy resources. As part of this campaign, considerable emphasis has been placed on the narrative of a 'Russian shadow

¹ Navigational Regimes of Particular Straits, Baltic Straits (The Oresund and the Belts) case study, URL: <https://iilss.net/navigational-regimes-of-particular-straits-baltic-straits-the-oresund-and-the-belts-case-study/> (accessed 29.01.2026).

fleet'. Yet, the application of this term to vessels transporting Russian oil may be regarded as a conceptual conflation, obscuring the meaning assigned to the term in the documents of the International Maritime Organisation (IMO). In Resolution A.1192(33) of 6 December 2023,¹ the terms 'dark fleet' and 'shadow fleet' are used exclusively in relation to vessels engaged in unlawful activities aimed at circumventing sanctions, violating maritime safety or environmental protection requirements, avoiding insurance obligations, or participating in other illegal operations.

With respect to vessels transporting Russian oil, it should be noted that they generally operate under flags of convenience and do not call at EU ports, thereby remaining outside the scope of the sanctions regimes adopted by the EU and the G7. By transporting Russian oil, such vessels do not violate international law or the domestic legislation of most states, nor do they breach any international sanctions regime, as no internationally mandated sanctions against Russia are currently in force [5, p. 53].² Furthermore, when navigating within the territorial waters of EU member states, these vessels do not contravene the EU's unilateral sanctions measures since Regulation № 833/2014 has no extraterritorial effect; rather, it prohibits access to EU ports and the provision of services to such vessels by EU-based companies.

Moreover, within political and expert discourse, a repeatedly circulated narrative has been artificially constructed according to which the so-called 'Russian shadow fleet' consists of ageing and unreliable tankers whose owners allegedly violate safety regulations [6]. It is evident that among vessels transporting Russian oil there are indeed older ships, and that shipowners may breach maritime safety rules. Yet, such practices are characteristic of almost all shipowners. Therefore, such generalisations regarding all vessels of the so-called 'Russian shadow fleet' are unfounded. In any case, conclusions concerning the technical condition of vessels and compliance with navigation rules can only be drawn on the basis of case-by-case assessment in relation to specific circumstances.

The use of the term 'Russian shadow fleet' stems from the fact that these vessels transport oil without adhering to the so-called oil price cap introduced unilaterally by the EU in coordination with the G7 countries [7, p. 29]. Article 3n of

¹ Resolution A.1192(33) Adopted on 6 December 2023 (Agenda item 13) Urging Member States and All Relevant Stakeholders to Promote Actions to Prevent Illegal Operations in the Maritime Sector by the 'Dark Fleet' or 'Shadow Fleet', *International Maritime Organization*, URL: [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1192\(33\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1192(33).pdf) (accessed 26.10.2025).

² A distinction should be drawn between international sanctions adopted by the United Nations Security Council and unilateral restrictive measures (sanctions) imposed by individual states or groups of states. The international sanctions regime may be established only by the United Nations Security Council under Chapter VII of the United Nations Charter for the purpose of maintaining or restoring international peace and security. Such sanctions are vertical in nature, whereas restrictive measures adopted by other states or groups of states are horizontal, or unilateral.

Council Regulation N° 833/2014 prohibits the trading, brokering or transportation to third countries of crude oil or petroleum products originating in, or exported from, Russia, as well as the provision of services related to such activities, unless the purchase price of the products concerned complies with the established price cap. The cap was initially set at USD 60 per barrel.

Moreover, the imposition of an oil price cap on transactions involving third parties per se represents an attempt to regulate the commercial activities of third countries and, from the perspective of international law, may be regarded as lacking an internationally recognised legal basis. Nevertheless, the EU seeks to encourage compliance with these measures by other states. To this end, it has introduced restrictive measures against various vessels operating in Russian interests, including those transporting oil originating from the country without observing the price cap (Art. 3s(2)(b)). Pursuant to Article 3s of Council Regulation (EU) N° 833/2014, the provision of services to vessels listed in Annex XLII, including those designated as belonging to the so-called ‘Russian shadow fleet’, is prohibited. At present, more than 650 vessels are included in this list. In other words, vessels are classified as belonging to the ‘shadow fleet’ not based on proven violations of navigation rules, but because they participate in the lawful transport of Russian oil or other goods in a manner that does not align with the political objectives of the EU.

Regulation (EU) No 833/2014 prohibits EU operators from transporting Russian crude oil and petroleum products by sea, as well as from providing related services to third parties engaged in such activities. Thus, the transport of oil from Russia to third countries by foreign companies does not, in itself, formally contravene EU law.

It should be noted that the inclusion of a vessel in the EU sanctions list restricts its activities solely within the territory falling under EU jurisdiction. Outside the EU, including in EEZ waters, such vessels may freely engage in transit and other activities. Despite the restrictive measures in place, tankers continue to transport Russian oil without adhering to the so-called oil price cap, which has prompted concern among certain EU member states. In this context, the number of proposals advocating the inspection and detention of vessels included in the EU sanctions has increased in public discourse, while instances of the detention or attempted detention of vessels have become more frequent in the Baltic Sea and beyond. This issue has become particularly salient in the Baltic Sea, owing to its strategic importance and the stringent approach adopted by the Baltic States towards the so-called ‘shadow fleet’ [8].

All of the above underscores the need to examine the legality of past and potential measures aimed at restricting navigation in the Baltic Sea.

Contemporary law of the sea permits the stopping and inspection of foreign merchant vessels both within the territorial sea and beyond it. In the territorial sea, this right of a coastal state derives directly from Article 25 of the UNCLOS. Furthermore, pursuant to Article 27 of the Convention, a coastal state is entitled

to exercise criminal jurisdiction on board a foreign vessel, including the authority to conduct examinations and, where appropriate, to detain the vessel. At the same time, these rights of the coastal state within the territorial sea are subject to limitations: criminal jurisdiction on board a foreign vessel may be exercised only in the circumstances specified in Article 27 of the Convention, while the exercise of civil jurisdiction is governed by a number of requirements relating to permissible non-discriminatory measures and the release of a vessel following detention. Although the coastal state possesses sovereignty over its territorial sea, the exercise of its powers remains constrained by the obligation to respect the right of innocent passage.¹ These requirements underpin the above-mentioned provisions of the UNCLOS.

The right of stopping and inspection on the high seas is subject to even more significant limitations. Thus, pursuant to Article 110 of the UNCLOS, a warship on the high seas may carry out a flag verification where there are reasonable grounds to question its nationality, as well as in cases of suspicion of piracy, slave trading or unauthorised broadcasting. Under Article 58 of the Convention, similar rights may also be exercised in the EEZ. In addition, within the EEZ, the coastal state may carry out boarding, inspection, arrest and judicial proceedings as may be necessary to ensure compliance with laws and regulations adopted in relation to the exercise of its rights over the exploration, exploitation and conservation of living resources (Article 73). The legal regime of the EEZ differs significantly from that of the territorial sea, as the coastal state enjoys sovereign rights and jurisdiction therein, rather than full sovereignty.² In view of these circumstances, the grounds for the detention of vessels are even more strictly limited.

The examples cited demonstrate that states do, in fact, possess powers to examine, detain and apply other administrative measures in respect of foreign vessels. However, such powers cannot be exercised arbitrarily and require objective evidence indicating that a vessel has breached relevant international maritime safety requirements. It is also important to note that, in cases of unlawful or unjustified detention or inspection failing to substantiate the existing suspicions, the shipowner is entitled to claim compensation for any losses suffered as a consequence of the delay from the responsible state (Article 110(3) of the UNCLOS).

Remarkably, the vast majority of vessels detained as part of efforts to counter the so-called 'Russian shadow fleet' do not have a strong legal connection to Russia. Thus, virtually all tankers currently detained have been operating under flags of convenience, while their classification and certification have been carried out by classification societies that have no formal link to Russia. Moreover, such vessels may not be subject, either formally or in practice, to control by Russian

¹ Gudev, P., Polivach, A. 2025, Baltic Sea: Combat against the shadow fleet. Legal and institutional constraints. *Russia in Global Affairs*, 18.03.2025, URL: <https://globalaffairs.ru/articles/baltika-gudev-polivach/> (accessed 05.05.2026).

² Ibid.

entities, and may merely provide transport services for Russian oil. In some cases, for example in the detention of the tanker *Eagle S* by the Finnish authorities in December 2024, an insurance policy issued by a Russian insurer was found.¹ However, this does not establish a legal connection with Russia. In addition, in the case of the *Eagle S*, the insurance coverage had expired well before the vessel was detained.

The legal regime governing the maritime area concerned is of equal importance to the grounds for detention. Thus, in the territorial sea of EU states, shipowners must be particularly cautious when exercising the right of innocent passage: the crew is required to comply strictly with the coastal state's requirements and safety regulations, and to carefully follow instructions issued by port authorities and information contained in sailing directions. These recommendations, however, are not a novel development introduced in response to the so-called 'shadow fleet'; they apply to all shipowners seeking to avoid attracting the attention of enforcement authorities [9]. However, in the case of the 'shadow fleet', they acquire particular relevance and significance.

Beyond the territorial sea, the detention of a vessel is permissible only in exceptional circumstances expressly provided for in Article 110 of the UNCLOS. A vessel may be detained only where suspicions of offences specified in the Convention have been substantiated. The transport of Russian oil does not, in itself, constitute sufficient grounds either for the inspection or, a fortiori, the detention of a vessel, as such actions would be inconsistent with the EEZ and high sea legal regimes. Coastal states do not possess sovereignty over these maritime zones. As noted above, within the EEZ, states enjoy only sovereign rights and jurisdiction, primarily in relation to the exploration, exploitation and conservation of marine living resources and mineral resources, as well as the protection of the marine environment.

Cases involving the detention of vessels associated with the so-called 'shadow fleet' have occurred both within the territorial sea and the EEZ of the Baltic Sea. For example, on 14 May 2025, the Estonian Navy attempted to detain in the EEZ of the Gulf of Finland the tanker *Jaguar* sailing under the flag of Gabon and bound for the Russian port of Primorsk.² The Estonian authorities may have intended to conduct a verification of the vessel's flag pursuant to Article 110 of the UNCLOS. Yet, following the intervention of a Russian military aircraft, the Estonian Navy abandoned further attempts to stop the tanker.

¹ Bockmann, M. 2024, Finland police seize Russian-linked dark fleet tanker Eagle S in cable-cutting investigation, *Lloyd's List*, 26.12.2024, URL: <https://www.lloydslist.com/LL1151950/Finland-police-seize-Russian-linked-dark-fleet-tanker-Eagle-S-in-cable-cutting-investigation> (accessed 09.02.2026).

² Kondratyev, A. 2025, Estonia attempted to stop a tanker in the Gulf of Finland. It was saved by a Russian Su-35, *Gazeta.ru*, 16.05.2025, URL: https://www.gazeta.ru/politics/2025/05/16/21047240.shtml?utm_auth=false&updated (accessed 20.12.2025).

A common factor characterising most cases of tanker detention between 2024 and 2026 is deviations from good maritime practice and from applicable rules of the law of the sea by the owners and operators of the detained vessels. As mentioned earlier, the tanker *Eagle S* did not have a valid insurance policy in force. Moreover, the initial detention was prompted by damage to the Estlink 2 undersea power cable in the Finnish EEZ, caused by the vessel's anchor. Although the Finnish claim of sabotage was not substantiated and the case was subsequently dismissed by a Finnish court on account of the absence of jurisdiction,¹ the very fact of accidental cable damage caused by dragging an anchor indicates a lack of due care on the part of the crew and a breach of basic onboard safety rules. The Nordic Warden system was used in the investigation of the incident [10, p. 30].

Serious breaches were also identified in relation to the tanker *Kivala*, detained by the Estonian authorities in April 2025, where 40 violations were recorded, 29 of which were classified as substantial, including technical faults, absence of a safety management system and lack of documentation confirming crew training for emergency situations. Such violations tend to act as a magnet for various inspections carried out by competent authorities of coastal states.

EU policy restricting the movement of vessels classified as part of the so-called 'shadow fleet' is not confined to the Baltic Sea. A characteristic example is the detention of the tanker *Grinch* by the French Navy in the Alboran Sea in January 2026. When commenting on the detention, the French authorities stated that it was carried out on suspicion of unlawful flying of the Comorian flag.² France relied on Article 110 of the UNCLOS, as the detention occurred on the high seas. Probably, the area of interception was deliberately chosen to avoid any questions concerning the actions of the French Navy within the territorial waters of another coastal state. The Alboran Sea contains only a limited area of high seas, reflecting the specific features of Spanish legislation governing the delimitation of maritime spaces [11, p. 13].

These situations expose another problem concerning vessels: disregard of applicable requirements relating to the proper use of flags, which is manifested, inter alia, in the use of flags included in blacklists. In the case of the tanker *Grinch*, the shipowner opted to use the flag of the Comoros — this flag is classified by some analytical organisations as blacklisted, since vessels sailing under it are more frequently subjected to inspections and detention.³ Apparently, the attention of the French authorities was initially drawn by the use of the Comorian flag. Such an approach is understandable, as the system of flag registration, which is often

¹ Judgement of the Helsinki District Court. Ruling N°10356447, 03.10.2025, URL: <https://www.ejiltalk.org/wp-content/uploads/2025/11/Tuomio-asiassa-706-2025-12270-EN.pdf> (accessed 05.05.2026).

² Staalesen, A. 2026, French Navy boards shadow tanker carrying Arctic oil, *The Barents Observer*, 23.01.2026, URL: <https://www.thebarentsobserver.com/news/french-navy-boards-shadow-tanker-carrying-arctic-oil/444053> (accessed 10.02.2026).

³ Paris MoU Black List, 2024, URL: <https://parismou.org/system/files/2025-06/Paris%20MoU%20Black%20List%202024.pdf> (accessed 10.02.2026).

criticised in the literature [12], requires states to establish their own mechanisms for determining a genuine link between a vessel and the flag state [13]. It appears that vessels of this type would benefit from employing flags of convenience from the grey or white lists, which do not attract heightened attention from port authorities. It is precisely the right of a vessel to fly its flag that most often serves as the formal basis for its inspection beyond territorial seas [14].

A more unusual situation arose when the United States authorities detained the tanker *Marinera*, which changed its flag in the course of its voyage. The principal reason for the detention was the breach of the United States' unilateral extraterritorial sanctions concerning Venezuelan oil, as openly stated by US representatives. From the perspective of international law, extraterritorial sanctions are unlawful [15, p. 6; 16, p. 61], while even more problematic are any coercive measures taken against alleged violators of such sanctions, including the detention of vessels. In this instance, the US authorities may formally have relied on other grounds for the detention, namely suspicions as to the authenticity of the vessel's flag. At the time of interception, the vessel was sailing under the Russian flag, being registered in the Russian International Ship Register. Under the legislation of most states, registration in a ship register requires classification and survey procedures. According to the Merchant Shipping Code of the Russian Federation (KTM RF), a vessel may be entered into one of the Russian ship registers only subject to the completion of classification and certification procedures.¹ In addition, classification and certification may be conducted only by duly authorised organisations and classification associations.²

At present, there is no information in open sources confirming the existence of such a certificate. It appears that the US Coast Guard may have had grounds to believe that the vessel was without nationality, particularly in light of the United States' strict approach to the inspection of stateless vessels [17, p. 110]. At the same time, there were no legal grounds to detain the vessel, as Russian official authorities confirmed its entitlement to fly the Russian flag almost immediately after the interception. Accordingly, any further actions taken by the United States were unlawful from the standpoint of the law of the sea.

Some Baltic Sea States viewed this case of the detention of a vessel on the high seas by the US Coast Guard as a precedent enabling them to act in a similar manner with respect to vessels carrying Russian oil. However, EU member states do not possess the same global capabilities and influence as the United States and are not always in a position to undertake such actions, particularly since, unlike the United States, all EU countries are parties to the UNCLOS. Albeit attempts have been made to act in a manner contrary to the international legal meaning of the convention — for example, by prohibiting entry into their territorial waters

¹Merchant Shipping Code of the Russian Federation dated 30.04.1999 №81-FZ (as amended on 24.06.2025), para. 1.1, art. 37, URL: https://www.consultant.ru/document/cons_doc_LAW_22916/ (accessed 10.02.2026).

² Ibid, Articles 23, 24.

for all vessels flying the Russian flag (a measure regarded by some scholars as necessary to ensure the stability of international law [18]) — the operation leading to unfounded detention of a vessel on the high seas constitutes a far more serious and direct breach of its provisions.

Despite the widespread public promotion of the EU's determination to combat the so-called 'shadow fleet', the actual instances of vessel detention have formally been based on other grounds. As observed above, from the perspective of the law of the sea, the inclusion of a vessel in an EU sanctions list does not, by itself, provide a legal basis for member states to adopt coercive measures against that vessel. Yet, it does result in heightened scrutiny by the relevant regulatory authorities. Consequently, once legal grounds for the inspection or detention of a vessel emerge, such measures are undertaken without delay. In most cases, these situations occur within the territorial waters of EU member states. Inspections frequently reveal actual breaches of applicable maritime regulations. In these circumstances, the most effective means of protection for shipowners operating tankers within the territorial sea of EU countries is the strict observance of all navigational safety requirements, the maintenance of valid safety management documentation and the absence of claims on the part of the flag administration.

In this regard, it is important to distinguish between two fundamentally different situations. On the one hand, a vessel may be classified as part of the so-called 'shadow fleet', a designation that is purely political in nature and carries no consequences under international law. On the other hand, there are breaches of applicable shipping regulations by a vessel, which constitute matters of a legal nature and may give rise to corresponding legal consequences. These two situations are not inherently connected.

Undersea infrastructure in the Baltic Sea

The bed of the Baltic Sea accommodates a complex subsea infrastructure network of telecommunications and power cables, as well as major pipelines owned by companies from EU Member States and Russia. According to the Maritime Doctrine of the Russian Federation, approved by Presidential Decree № 512 of 31 July 2022, a priority of Russian policy in the Baltic Sea is the further development of the subsea pipeline system for export purposes, as well as the assurance of its efficient and safe operation (para. 56(2)).

At the same time, the current geopolitical tensions in the region impose new conditions on the operation of this infrastructure. In September 2022, both lines of the Nord Stream 1 pipeline and one line of the Nord Stream 2 pipeline were destroyed in an act of sabotage. The action was unprecedented in nature and immediately raised concerns regarding the security of other subsea infrastructure.

Since 2023, a series of incidents involving damage to subsea cables in the Baltic Sea has been recorded [19], affecting both EU-based companies and Russian operators. For example, on 8 February 2025, sections of a subsea fibre-optic communication cable owned by Rostelecom were damaged [20].

Although the issue of damage to subsea infrastructure is of a general nature, as such incidents occur worldwide [21], the situation in the Baltic Sea occupies a particular position due to a range of political factors.

The damage to subsea infrastructure gives rise to a complex set of problems, including those of a legal nature. As a rule, subsea infrastructure traverses various maritime spaces within jurisdictions of different states, as well as the high seas. This necessitates identifying the state competent to investigate such offences, the mechanisms for compensation of loss and damage, measures for the protection and prevention of unlawful acts, and the possibility of employing coercive measures in areas beyond the territorial sea. The UNCLOS guarantees all states the freedom to lay undersea cables and pipelines (Articles 58 and 87) [22] both on the high seas and within the exclusive economic zone. It does not contain, however, any protection mechanisms adequate to contemporary challenges. This was clearly illustrated by the Nord Stream incidents. The Convention for the Protection of Submarine Telegraph Cables, concluded in the nineteenth century and still in force today, includes general provisions on liability but cannot be regarded as an adequate legal instrument under present-day conditions.

If damage to undersea cables may have been unintentional and caused no significant harm, the sabotage of the Nord Stream pipelines was deliberate in nature, caused substantial environmental damage and led to multi-billion-euro losses for the operator as well as for gas suppliers and consumers. Nevertheless, it was the disruption of telecommunication cables, rather than the Nord Stream sabotage, that prompted EU member states to seek ways of protecting undersea infrastructure. In early 2025, eight NATO States announced the launch of the Baltic Sentry operation to patrol the Baltic Sea with the aim of safeguarding energy installations and critical undersea infrastructure.¹ This issue was also linked to measures aimed at countering the so-called ‘shadow fleet’, including in maritime areas beyond the territorial sea of EU member states. The narrative began to emerge in public discourse that vessels belonging to the so-called ‘shadow fleet’ were deliberately damaging undersea infrastructure, although no evidence has been presented to support such claims.²

¹ Joint Statement of the Baltic Sea NATO Allies Summit, 2025, *Tasavallan Presidentti*, 14.01.2025, URL: <https://www.presidentti.fi/joint-statement-of-the-baltic-sea-nato-allies-summit/> (accessed 20.03.2026).

² Whitaker, B., de Granados, O.Z., Chasan, A., Gordon, E. 2025, Authorities investigate possible Russian ‘hybrid warfare’ after oil tanker cuts undersea cables, *CBS News*, 28.09.2025, URL: <https://www.cbsnews.com/news/eagle-s-baltic-cut-cable-investigation-russia-ties-60-minutes/> (accessed 20.03.2026).

At the same time, the expert community began to seek legal grounds for combating the ‘Russian shadow fleet’ and countering the alleged intentional damage to subsea infrastructure. In other words, the resolution of a legal issue became predominantly political in nature. The literature presents attempts to justify the Nord Stream sabotage from the standpoint of international law [23, p. 57]. Western legal doctrine has developed a line of argument advocating the expansion of coastal states’ powers to detain and arrest vessels for acts purportedly threatening international peace and security [24, p. 88]. Some scholars have even attempted to classify damage to subsea infrastructure as an act of piracy, although this position is inconsistent with the UNCLOS [25, p. 92]. However, the idea of expanding coastal states’ powers beyond the territorial sea finds no convincing support in the contemporary law of the sea.

Such standpoints may be construed as an attempt to identify legal mechanisms that would, under the guise of protecting undersea infrastructure, serve political objectives. In this context, the development of general legal mechanisms for the protection of undersea infrastructure appears improbable.

Political disagreements should not preclude the effective resolution of the practical problem of ensuring undersea infrastructure security. The current situation demonstrates that relevant legal mechanisms must simultaneously include safeguards to prevent coastal states from using their powers to pursue political or commercial objectives.

Extraction of ubiquitous minerals and dredging

The continental shelf of the Baltic Sea is the site of various activities carried out by coastal States, including the extraction of ubiquitous mineral resources such as sand and sand-and-gravel mixtures. Such activities most often take place within internal waters and the territorial sea, being therefore less dependent on international cooperation.

Nevertheless, the extraction of ubiquitous mineral resources entails domestic legal issues. In particular, Russian legislation establishes a complex licensing procedure for the extraction of such resources, which requires coordination with the Federal Agency for Fishery, the Federal Agency for Mineral Resources, and the Government of the Russian Federation. Under the requirements of the Federal Law on the Continental Shelf and the Federal Law on Subsoil, sand extraction may be carried out only by enterprises with at least five years’ experience in continental shelf development and in which Russia holds more than 50 % of the share capital.¹ This significantly narrows the range of entities authorised to carry out such activities.

¹ Law of the Russian Federation On Subsoil of 21.02.1992 №2395-1, para. 3, art. 9, URL: https://www.consultant.ru/document/cons_doc_LAW_343/bc0a0696165f6d59cd074f61479ec17e862c5211/ (accessed 01.03.2026).

The list of subsoil areas of federal significance comprises only one deposit in the Kaliningrad region — the one located in the western section of the Rybachye field.¹ At the same time, the Kaliningrad region urgently requires an independent and stable source of sand and gravel for construction purposes and beach nourishment. Although the region is generally considered as resource-rich [26, p. 104], the rapid pace of construction in the Kaliningrad region may soon exceed the capacity of existing deposits to meet the demand.

Obtaining a licence for the extraction of common mineral resources in the Baltic Sea is an excessively complex process. The requirement concerning the applicant's experience and ownership is also considered impractical. Since sand extraction from the seabed is a form of hydraulic engineering and dredging work, the relevant criterion is not an entity's experience in continental shelf operations but experience in dredging activities, including the competence to operate dredgers and other vessels of the dredging fleet. It is therefore inadvisable to restrict the pool of potential licensees solely to state-owned companies, as none of them possesses the necessary and sufficient experience in dredging operations, nor do they have their own dredging fleet.

When issuing permits, due consideration should be given to the potential environmental impacts of extracting ubiquitous mineral resources, particularly on Baltic seabed ecosystems, as such activities may adversely affect their ecological integrity. Another important consideration is the need to assess erosion risks adequately, since any alteration of the seabed may modify hydrodynamic conditions and sediment transport, potentially leading to coastal erosion in areas where no such processes have previously been observed [27].

High levels of economic activity are bound to adversely affect environmental conditions in the Baltic Sea. Recent assessments of the environmental status of the Baltic Sea conducted by the Baltic Marine Environment Protection Commission (HELCOM) identified a wide range of problems, from excessive eutrophication (the enrichment of marine waters with nutrients, leading to algal blooms and the proliferation of toxic cyanobacteria) to elevated concentrations of heavy metals, including mercury, lead and cadmium, in marine biota.² Since March 2022, Russia's participation in HELCOM has been suspended. At the same time, the International Council for the Exploration of the Sea (ICES) excluded Russia from participation in its activities, and the ICES Convention was denounced by the country. The breakdown of international cooperation increases risks and reduces the effectiveness of economic activity [28].

¹ List of Subsoil Areas of Federal Significance, URL: <https://online.consultant.ru/riv/cgi/online.cgi?req=doc&base=LAW&n=508526#4Ry6lBV0FkMgUdwj> (accessed 01.03.2026).

² State of the Baltic Sea, The HELCOM Holistic Assessment 2016—2021, URL: <https://stateofthebalticsea.helcom.fi/wp-content/uploads/2023/10/Executive-summary-chapter.pdf> (accessed 01.03.2026).

Stalled cooperation within regional frameworks and organisations is particularly detrimental to biological resources in the Baltic Sea. As a result of Russia's suspension from HELCOM, the organisation no longer receives, and consequently does not incorporate into its assessments, environmental data from the Russian sector of the Baltic Sea. Owing to the semi-enclosed nature of the Baltic Sea and the resulting extremely slow rate of water exchange with the World Ocean [29, p. 167], measures aimed at protecting the marine environment can be effective only if they are implemented by all coastal states. Although HELCOM action plans frequently fail to achieve their objectives within the prescribed timeframes [30, p. 109], and have limited effectiveness of its decision-making processes [31], the organisation nevertheless remains an important forum for scientific cooperation and policy discussion, exerting a significant influence on the environmental condition of the Baltic Sea. In any event, political disagreements should not become an obstacle to implementing international legal mechanisms for environmental protection in the Baltic region.

Thus, confrontational policies and the cessation of cooperation have had a substantial adverse impact on environmental conditions in the Baltic Sea. The deliberate and accidental destruction of undersea infrastructure, heightened military activity, and other related factors continue to place significant pressure on the Baltic ecosystem.

Conclusion

Ensuring freedom of navigation in the Baltic Sea is of strategic importance for Russia. Political tensions with EU and NATO states, as well as the introduction of unilateral restrictive measures, further complicate navigation in the Baltic Sea for Russian vessels, as well as for those of third states carrying Russian goods, including oil and petroleum products.

Yet, despite political and economic pressure, Russia continues to engage in shipping and other economic activities in the Baltic Sea.

From the perspective of international law, unilateral EU sanctions targeting Russian oil, as well as vessels of the so-called 'shadow fleet', do not produce significant legal consequences for the transport of Russian oil, as such restrictive measures apply solely to services provided within the EU. In this regard, threats to restrict navigation related to the transport of Russian oil lack a legal basis. In other words, the fact that a vessel is carrying Russian oil in breach of a unilaterally imposed price cap does not constitute sufficient grounds for an EU member state to detain it or otherwise restrict its movement, even within territorial waters. However, in an effort to counter the "shadow fleet", EU member states have increased scrutiny of such vessels to identify other violations that may provide a legal basis for restricting navigation. Put differently, while such activity may

appear to target the 'shadow fleet', from a legal perspective it more often reflects the exercise of powers to detect breaches of shipping regulations unrelated to the transport of Russian oil.

The adverse political climate also significantly complicates the exploitation of Baltic Sea resources. In addition, the present political situation has led to damage to, or destruction of, undersea infrastructure, the Nord Stream sabotage providing an unprecedented example. The absence of effective mechanisms in current international law for the protection of undersea infrastructure necessitates the development of common approaches, an effort hindered by ongoing regional and global confrontation.

Despite a high level of escalation and strong political rhetoric, Baltic Sea States continue to act within existing international norms, albeit often interpreting certain rules broadly. The law of the sea remains in force and can serve as a basis for normal patterns of interaction and for the development of legal responses to emerging challenges.

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