

The European Union's Framework for the Protection of Submarine Cables and Legal Lessons Learned in the Baltic

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Submarine cables are critically important for modern global telecommunications and energy transmission. In recent years, international relations in Europe, influenced by rising geopolitical tensions, have seen numerous cases of submarine cable damage caused either intentionally or by culpable negligence. In this context, incidents in the Baltic Sea involving ships such as “Eagle S”, “Yi Peng 3”, “Newnew Polar Bear” and “Jaguar”, have made that sea basin a critical region in Europe. As a result, the European Union (EU) has increased efforts to shape its policies and strategies and develop its partnership with NATO. Simultaneously, the effectiveness and enforceability of international law of the sea provisions concerning the protection of submarine cables outside territorial seas, can be questioned, particularly with respect to exclusive economic zones (EEZ) and continental shelves (CS). The author uses analytical, descriptive, comparative and synthetic methods, to examine the relevant policy, strategic and legal frameworks. Particular attention is given to the 1982 United Nations Convention on the Law of the Sea (UNCLOS), the 2025 European Ocean Pact and the 2025 EU Action Plan on Cable Security. As a case study, the paper analyzes the practical and legal responses of Baltic coastal states with specific reference to Finland's response and legal framework concerning the “Eagle S” incident. In this regard, the paper identifies legal complexities and ambiguities related to the jurisdictions of flag and coastal states, explores the potential for more effective practical and legal responses, and advocates for stronger coordination among EU and NATO member states.

KEYWORDS

- ~ Submarine cables
- ~ Jurisdiction at sea
- ~ European Union
- ~ Baltic sea
- ~ UNCLOS
- ~ NATO

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1. INTRODUCTION

Today, submarine cables are globally important, and their significance continues to grow. Geopolitical tensions have led to the deterioration of international relations, making submarine cables more vulnerable to intentional damage. The increase in such threats in certain regions, including the Baltic, harms economies and endangers the national security of states. Disruptions to submarine cable infrastructure typically affect digital systems, making highly digitalized sectors, such as e-commerce, online banking, tourism, and international remittances, more vulnerable (Sandhu and Raja, 2019). Although states remain the major beneficiaries of submarine cable infrastructure, as many critical aspects of their functioning depend on these cables, most are placed, owned and operated by privately owned companies. These challenges have become particularly evident in the Baltic Sea, where a complex network of submarine cables is used for data and electricity transfers across the region. The case of the “Eagle S” tanker in Finland’s EEZ has raised some practical and legal questions. In most of these incidents, the available facts have indicated intentional acts committed by ships. In the Baltic Sea, around 4,000 large ships navigate at any given time (Bryant and Sauer, 2024). An aggravating factor is that submarine cables often extend far from the coast, making their monitoring, protection and repair even more difficult (Daniel, 2025). Moreover, ships can avoid or circumvent traditional electronic tracking systems, such as the Automatic Identification System (AIS) (Daniel, 2025). Consequently, measures taken by private business entities and states are typically reactive, i.e. implemented after the damage has already occurred.

However, each incident of damage to a submarine cable, or even an attempt, regardless of geographic location, provides an opportunity to analyze the actions of all involved – the perpetrators, the cable owners and the state authorities. Such cases also provide an opportunity to implement existing legal rules and form a basis for the development of new legal provisions, as well as for improving protection practices and mechanisms. Unlike in internal waters and territorial seas, over which coastal states exercise full sovereignty, the legal framework governing the protection of submarine cables is considerably more complex in the exclusive economic zone (EEZ), on the continental shelf (CS) and on the high seas. The principal international treaty governing the fundamental freedoms, rights and obligations of states at sea is the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which carefully balances the interests of different states. According to UNCLOS, a flag state has exclusive jurisdiction over ships flying its flag, irrespective of their location (Sun, 2025). However, under the UNCLOS, the flag state’s jurisdiction over ships operating in a coastal state’s EEZ and on its CS is shared with the coastal state. Accordingly, the jurisdiction exercised by a coastal state over foreign ships beyond its territorial sea and internal waters, as defined by UNCLOS, is neither exclusive nor absolute.

In the context described above, the need for cooperation among like-minded states becomes evident, including the establishment of ad hoc or permanent mechanisms for surveillance and response, sometimes under the auspices of regional international organizations such as the EU and NATO. Both the EU and NATO have sought to guide the actions of their member states through coherent strategic, policy and legal frameworks. Most recently, a key EU guideline has emphasized regional cooperation within European sea basins, including coordination among coast guards in response to increasingly complex maritime threats (EU, 2025b). This context also highlights the need for cooperation and coordination between states and the private sector. However, the private sector’s expectations regarding state responsibilities for the physical protection of submarine cables and for legal actions against perpetrators differ from some states’ view that the primary responsibility for protection lies with the private sector (Daniel, 2025). Nevertheless, cooperation between the private sector and states has become imperative. This may include preparation of risk assessments, timely identification of threats, and the formulation of adequate measures to mitigate risks, etc. A crucial prerequisite is the ability to recognize and explain unlawful behavior at sea. Identification of suspicious or irregular behavior of ships requires understanding typical patterns (Windward, 2025). Furthermore, business initiatives and working plans for laying new submarine cables, particularly transboundary ones, should include projections of protection measures, and consideration of the legal aspects of such actions.

Given the increase in threats to submarine cables, as well as the necessity for appropriate policy, strategic, and legal frameworks, this paper aims to analyze incidents in the Baltic Sea, where a complex network of submarine cables exists. Special attention will be given to UNCLOS. The content of recently adopted EU instruments, including the 2025 European Ocean Pact and the 2025 EU Action Plan on Cable Security, will also be analyzed. Their purpose is to provide a comprehensive vision of various uses of the sea and promote strengthened security of submarine cables. In parallel, the analysis of incidents in the Baltic Sea and coastal states’ responses, including the related activities of regional organizations, should facilitate understanding of the main legal ambiguities, which primarily include jurisdiction matters. Furthermore, the paper explores how to improve coordination and cooperation among coastal states, flag states and private companies in applying adopted policy frameworks. First, the paper reviews the EU’s policy and strategic framework. Then, it examines provisions of international law relevant to the protection of submarine cables and provides facts about the incidents of cable damage in the Baltic Sea, as well as practical responses and legal reasoning of affected coastal states. After considering jurisdictional challenges, the paper will provide conclusions and recommendations.

2. THE EU'S STRATEGIC AND POLICY FRAMEWORK FOR SUBMARINE CABLE SECURITY

Due to the total size of the maritime areas of its member states, which is the largest in the world, the EU has a strategic interest in sea-related matters (EU, 2025b). From the EU's perspective, the significance of seas and oceans is enormous, as they offer a variety of essential resources, services and business opportunities, including digital connectivity and energy supplies. As an illustration, submarine cables support approximately 99% of global internet traffic (EU, 2025b). However, an unstable geopolitical environment disrupts international cooperation and maritime security. Consequently, submarine infrastructure is at risk (EU, 2025b). The EU and its member states have recognized the necessity of adopting comprehensive policies, which resulted in the adoption of the European Ocean Pact in mid-2025. In general, the Pact promotes collaboration between EU member states and other actors, such as various maritime professionals, investors, etc.

The Pact establishes six priorities, including the sustainable growth of the blue economy, strengthened maritime security and resilience, and improved international governance and diplomacy (EU, 2025b). In response to acts of sabotage against submarine infrastructure and the phenomenon of the "shadow" fleet, the Pact calls for coordinated and effective responses. This includes better cooperation among coast guards, enhanced maritime situational awareness, investments in modern technologies and efficient protection of critical infrastructure (EU, 2025b). The remaining priorities include greater military mobility, expansion of naval capabilities and reinforcement of the EU's maritime presence globally, including through partnerships. Among the envisaged investments is the establishment of a European airborne drone fleet (EU, 2025b).

According to the EU's Action Plan on Cable Security, adopted in 2025, submarine cables have "critical and strategic functions for European economies and societies", as they "allow for the integration of Member States' electricity markets, strengthen their security of supply, and bring offshore renewable energy to shore" (EU, 2025a). For these reasons, the EU considers the physical and cyber resilience and security of submarine cables necessary for protecting the EU's key strategic interests and states that they "must be significantly enhanced", especially because "this critical infrastructure is increasingly the target of deliberate hostile acts", as confirmed by several such incidents in the Baltic Sea (EU, 2025a). Although this approach is primarily motivated by the cross-border nature and economic significance of submarine cables, the EU notes that some measures from the Action Plan also apply to pipelines and offshore wind farms (EU, 2025a).

The EU has set four priorities for the security of submarine cables: "prevention, detection, response and repair, as well as deterrence" (EU, 2025a). In realizing its vision, outlined below, the EU considers it necessary to reflect, among other things, "on how to make full use of all possible courses of action in conformity with the International Law of the Sea, including the UN Convention on the Law of the Sea (UNCLOS) with a view to increase the protection of submarine cable infrastructures as well as the promotion of norms and best practices" (EU, 2025a). For example, given the sensitivity of intercepting suspicious ships and conducting boarding operations, coherent interpretation and application of international law is critical. To that end, multilateral diplomatic efforts, particularly within the United Nations (UN), should facilitate the selection of courses of action consistent with UNCLOS.

The EU's multilateral engagement should include cooperation with the International Maritime Organization (IMO) and the International Telecommunication Union (ITU), particularly in legal matters. Furthermore, there is a need for "close cooperation with like-minded partners", as well as for the exchange of information, for example with states from the Indo-Pacific region experiencing incidents related to critical submarine infrastructure (EU, 2025a). Such cooperation should include discussions on challenges related to prescriptive and enforcement jurisdiction outside territorial seas, which states from Southeast Asia also consider important (ICPC and CIL, 2024). In the EU's view, its member states should bear the primary responsibility for protecting submarine cables, while actions taken at the EU level should complement national efforts. Apart from the obligations of its member states, the EU also emphasizes the obligations of digital infrastructure providers and service providers managing submarine cables, such as telecommunications or digital companies.

The EU encourages member states to include companies providing key services for submarine electronic communications and electricity transmission in their strategies for strengthening the resilience of critical entities and in risk assessments, and to qualify entities managing such infrastructure as critical (EU, 2025a). Hence, it is evident that, from the EU's perspective, cooperation and coordination between member states and business entities are essential for achieving resilience and protection of submarine cable infrastructure. To that end, the development of crisis scenarios, implementation of security and coordination exercises, monitoring and protection of the infrastructure, are particularly recommended. However, in the opinion of the present author, certain projects important for resilience and strategic purposes may not be considered profitable by private investors and, consequently, might not be pursued without intervention from the EU or its member states.

Given its "clear civil-military implications", the EU views the Action Plan "as an initiative that will work in full complementarity with ongoing NATO activities" (EU, 2025a). Due to NATO's growing maritime security role in the Baltic Sea, the EU seeks to deepen cooperation and synergy with the Alliance, **in line** with the EU-NATO Structured Dialogue on

Resilience. Back in 2023, NATO established a Critical Undersea Infrastructure Coordination Cell at its Headquarters, and around the same time, NATO and the EU launched the EU-NATO Task Force on the Resilience of Critical Infrastructure, focusing on energy, transport, digital and space sectors (Loik, 2024). The cooperation envisaged in the Action Plan is designed to focus on operational-level activities, including joint exercises, scenario-based planning, and targeted information sharing and coordination during crises (EU, 2025a). Given the “strong civil-military approach” of the Action Plan, the European Commission (EC) advocates for “state-of-the-art naval capabilities”, including submarine sensors, smart buoys, wind farms and other assets, linked with space capabilities, as essential to the effectiveness of necessary detection mechanisms (EU, 2025a). To that end, the EU views the Action Plan as a contribution to the “upcoming Internal Security Strategy, the Preparedness Union Strategy and the White Paper on the Future of European Defence” (EU, 2025a).

Currently, there are no integrated surveillance and detection mechanisms at the level of European sea basins. Consequently, fragmentation and insufficient cooperation across national, regional and European levels significantly undermine resilience against threats targeting submarine cables and other offshore infrastructure. As detection is paramount, only rapid, real-time identification of threats can enable effective countermeasures. Incidents of sabotage in the Baltic Sea have demonstrated the consequences for critical infrastructure. To achieve timely and accurate detection and tracking of suspicious maritime activities near critical infrastructure, as well as to facilitate attribution of responsibility, the EC proposes that member states voluntarily establish integrated monitoring mechanisms for each maritime basin (EU, 2025a). The aim is to interconnect and integrate various available systems and consolidate data from various sources (EU, 2025a). To strengthen these measures, the EC also advocates comprehensive mapping of existing and planned submarine cables, prioritization of projects and investments, and thorough risk assessments.

According to the EC’s vision, the centers of regional maritime basins would enable the transboundary sharing and integration of data from multiple sources. The Baltic Sea is planned to host the first dedicated regional center based on this paradigm. These centers could benefit from various EU services and instruments, such as those provided by the European Maritime Safety Agency (EMSA), including its Copernicus program. In addition, other mechanisms and frameworks would also be available, primarily the voluntary Common Information Sharing Environment (CISE) for the maritime domain, the Maritime Surveillance (MARSUR) network under the European Defense Agency (EDA) for a Recognized Maritime Picture, the Single Intelligence Analysis Capacity (SIAC), the EU Satellite Centre (SATCEN), and the European Border Surveillance System (EUROSUR) as Frontex’s and member states’ platform for border and coast guard cooperation (EU, 2025a). Additionally, space-based radiofrequency detection capabilities from the EU Space Programme could be integrated (EU, 2025a). Finally, member states themselves, their international partners, the shipping industry, private operators, so-called smart cables, wind farms and – if agreed by member states – data from their military systems, should also contribute to the common goal of protecting critical maritime infrastructure (EU, 2025a).

However, challenges remain in accurately predicting threats and establishing the intent of perpetrators. On attribution and sanctions, the Action Plan acknowledges that intentional damage is often designed to complicate attribution through covert operations. To address this, the Plan calls for the establishment of an appropriate deterrence posture and timely attribution, to be followed by sanctions. Furthermore, the EU’s Hybrid Toolbox includes measures applicable by member states and partners, including NATO, such as coordinated communications, public statements, and diplomatic actions (EU, 2025a). The objective of all these measures is to raise awareness of threats, identify malicious actors and deter future incidents. Particular attention is given to the so-called “shadow fleet”, i.e. aging ships, often tankers or cargo ships in poor technical condition, with opaque ownership and lacking insurance, frequently used to evade sanctions or perpetrate intentional damage. Similarly, ships disguised as fishing or research vessels conducting surveillance are also of concern (EU, 2025a).

3. EXPERIENCES AND RESPONSES OF BALTIC SEA COASTAL STATES CONCERNING SHIP-RELATED DAMAGE TO SUBMARINE CABLES

Until recently, the challenges related to the protection of critical submarine infrastructure and issues surrounding the Russian “shadow fleet” in the Baltic Sea were generally addressed separately. Although not a new phenomenon, the “shadow fleet” has gained unprecedented prominence and scale amid recent geopolitical instability and related sanctions regimes (Rodriguez-Diaz et al., 2025). However, it has also become evident that many of the same ships, primarily aging oil tankers and bulk carriers used to circumvent sanctions on Russia, are also involved in damaging submarine cables, often through anchor dragging. In addition to the risk of sabotage, these aging ships could harm the environment, for example through oil spills (Brown, 2025). The maritime threats described here prompted the Baltic Sea coastal states (except Russia), all of which are members of both the EU and NATO, to coordinate their responses and identify appropriate actions (Brown, 2025). Nevertheless, some legal ambiguities limit effective state responses and leave open the possibility of further incidents (Brown, 2025).

In October 2023, the Chinese-owned and Hong Kong-flagged container ship “Newnew Polar Bear” damaged two submarine cables and a gas pipeline (Bermingham, 2024). This occurred in Finland’s EEZ (Police of Finland, 2023). However, after the incident, the ship did not communicate with the Finnish authorities (Pihl, 2024). In spite of requests from Finnish and Estonian maritime authorities to stop, “Newnew Polar Bear” proceeded to the Russian coast (Bermingham, 2024). Upon its return, the ship was neither intercepted nor detained, because it sailed outside Finnish and Estonian territorial seas. In this context, the Estonian officials emphasized the importance of respecting international law, primarily the freedom of navigation and flag state jurisdiction. Their concern was that any enforcement action could trigger similar inspections by other states worldwide, challenging the principle of flag state jurisdiction (Pihl, 2024). In Cardillo’s opinion, China could potentially claim a right to intercept and board ships in the South China Sea, even without evidence of damage to submarine communication cables (Cardillo, 2024). In the case of “Newnew Polar Bear”, only after Estonia and Finland jointly submitted a request for legal assistance did Chinese authorities conduct an internal investigation, which concluded that the damage had occurred “by accident” (Bermingham, 2024). These findings were passed to Finland and Estonia, which were conducting a criminal investigation.

Less than a year later, the “Yi Peng 3”, a Chinese-flagged cargo ship, damaged two submarine cables, one linking Germany with Finland and another linking Lithuania with Sweden (Bryant and Sauer, 2024). Sweden led the joint investigation into potential sabotage, deploying naval ships and unmanned submarines to examine the site and gather evidence (Bryant and Sauer, 2024). According to the Swedish Navy, it acted only in support of the prosecutor and police, who were in charge of the investigation. The navy was tasked with determining which ships were present in the area and when (Bryant and Sauer, 2024). Although several days passed before weather conditions improved sufficiently for visual inspection, Marine Traffic data confirmed that the coordinates of the “Yi Peng 3” matched the times and locations of the incidents (Ahlander et al., 2024). However, the ship refused to enter Swedish territorial waters, where Swedish authorities would have had jurisdiction under international law to board and investigate the ship (Breusch Rasmussen, 2024). Following diplomatic negotiations with China, the ship eventually anchored in the Danish EEZ, where it was monitored for nearly a month (Breusch Rasmussen, 2024). China ultimately permitted boarding by representatives of the concerned coastal states, but only in the presence of Chinese investigators. As a result, Swedish police and other officials were allowed to participate only as observers (Ahlander et al., 2024). To date, this incident has not resulted in any legal proceedings in any of the states involved, at least insofar as is publicly known (Ringbom, 2025).

On Christmas Day 2024, Finnish authorities responded swiftly after private cable operators reported damage to a submarine electricity cable (Brown, 2025). The “Eagle S”, a tanker flagged to the Cook Islands, was identified as responsible and pursued by the Finnish coast guard, which ordered it to enter Finnish territorial sea (Brown, 2025). Upon entering Finnish territorial sea, Finnish special forces boarded the ship and Finnish authorities seized it, also imposing travel bans on its crew (Minchin and Wiese Bockmann, 2025). Although the ship complied with the coastal state’s requests, the lawyers of the ship owners challenged Finland’s jurisdiction, citing Article 27(5) of UNCLOS (Minchin and Wiese Bockmann, 2025). Article 27 of UNCLOS limits the criminal jurisdiction of the coastal state over foreign ships in innocent passage through coastal state’s territorial sea. Paragraph 5 of this article precludes the coastal state from taking steps on board in respect of crimes committed prior to the ship’s entry into the territorial sea, provided the ship merely transits the territorial sea without entering the internal waters of the coastal state (UNCLOS, 1982). As the case of the “Eagle S” is considered a legal precedent in the Baltic Sea regarding the detention of ships suspected of damaging critical infrastructure within the EEZ and violating international sanctions, it will be analyzed in greater detail later in this paper from both factual and legal perspectives.

On 13 May 2025 in the Baltic Sea, the Estonian Navy attempted to inspect the oil tanker “Jaguar” for its registration and insurance documentation, as it was subject to Western sanctions related to Russian oil exports (Brown, 2025). Estonian authorities pursued the tanker because it was considered a potential threat to Estonia’s submarine infrastructure (Brown, 2025). The tanker was flying the flag of Gabon, but according to Lloyd’s List its registration was invalid. Hence, Estonia had a legal foundation for the inspection in accordance with Article 110 of UNCLOS, which allows a warship to inspect a ship’s right to fly its flag if suspected of lacking nationality (UN, 1982). Because of invalid registration, “Jaguar” was suspected of belonging to Russia’s “shadow fleet”. However, when the Estonian Navy attempted to inspect the ship, a Russian fighter jet overflowed the area and effectively protected the tanker. Thus, the Estonian Navy only followed the tanker as it continued its voyage to Russian waters (Brown, 2025). On this occasion, the Russian aircraft mentioned above violated Estonian airspace (Brown, 2025).

On 21 May 2025, the Polish Navy undertook preventive action concerning the oil tanker “Sun”, which was sailing under the flag of Antigua and Barbuda. The tanker was suspected of being part of Russia’s “shadow fleet” (Erling and Strzelecki, 2025). During its voyage, the “Sun” performed suspicious maneuvers near the submarine power cable laid between Poland and Sweden. As a result, the Swedish maritime authorities were put on alert (Erling and Strzelecki, 2025). After the tanker left the area and continued towards Russian waters, interception was considered unnecessary (Erling and Strzelecki, 2025). Polish officials reported that a Polish military patrol aircraft and the Polish hydrographic survey ship “Heweliusz” took part in monitoring the “Sun” (Erling and Strzelecki, 2025). Obviously, in both the “Jaguar” and the “Sun”

cases, Estonian and the Polish authorities acted preemptively to prevent possible damage to critical submarine infrastructure. These actions reflect the concern of both states following earlier incidents of damage to submarine cables in the Baltic Sea.

After the “Eagle S” incident in December 2024, which damaged several submarine cables in the Baltic Sea, senior officials from the Baltic Sea region gathered at a summit in January 2025. As security of the Baltic Sea and its submarine infrastructure is of interest to both NATO and the EU, the NATO Secretary-General and a senior EU representative also attended the summit (NATO, 2025a). The participants committed to work both individually and collectively under the NATO framework, with commitment to NATO-EU cooperation mechanisms. The overarching goal declared at the summit was to protect submarine infrastructure from intentional damage or negligent actions at sea. The summit also referenced the freedom to lay submarine cables and pipelines, as well as to preserve the marine environment (NATO, 2025a). Although states remain primarily responsible for action, the summit participants also called for partnership between states and the private sector, including submarine infrastructure operators and business entities specializing in innovative technologies, such as new surveillance technologies, tracking and monitoring of suspicious ships and submarines, etc. Cooperation should also include information exchange, incident analysis, identification of operational trends and patterns, as well as sharing of best practices in responses to incidents (NATO, 2025a). Another important topic was the extent to which states are willing to exercise their jurisdiction (NATO, 2025a). Regarding that, the summit reached the consensus that Finland’s actions against the “Eagle S” were decisive, legally based, and set a precedent to be commended and followed (NATO, 2025a).

At the summit, the NATO Secretary-General reiterated the Alliance’s respect for international law of the sea, especially UNCLOS. He emphasized that the existing legal framework should be fully implemented rather than attempting to negotiate new rules (NATO, 2025b). Simultaneously, states were encouraged to enact national legal rules that criminalize damage to submarine cables and other infrastructure in their EEZ or on the high seas, whether by ships flying their flag or by their nationals. They were also invited to ensure appropriate prosecution of offenders (NATO, 2025a). Furthermore, summit participants agreed to prepare a Memorandum of Understanding (MoU) on Critical Infrastructure Protection in the Baltic Sea region (NATO, 2025a). Given that intentional or negligent actions against critical submarine infrastructure are not confined to this region, such a MoU could serve as a model for other NATO coastal member states in other sea basins (NATO, 2025a). The MoU was signed in May 2025 by Baltic Sea EU member states, along with Norway, Iceland and the EU. It specifically addressed increased information sharing, improved situational awareness and the exchange of best practices and response measures. It also included cooperation within the frameworks of the EU, NATO and other organizations (Government Offices of Sweden, 2025). Enforcement was declared to remain the responsibility of national authorities, while complementarity between NATO’s detection and deterrence efforts and the enforcement actions of member states was deemed essential (NATO, 2025b).

Within the framework presented above, NATO established operation “Baltic Sentry”, to enhance situational awareness and deter intentional or reckless damage to submarine infrastructure or harm to the marine environment by state or non-state actors (NATO, 2025a). From NATO’s perspective, Operation “Baltic Sentry” is also important for sending a message to ship captains that making threats will result in boarding and inspection of registration and insurance documents, or even seizure and arrest, as well as liability for damage and compensation claims (NATO, 2025b). To that end, “Baltic Sentry” contributes to unity and solidarity with Estonia and Finland following the suspected sabotage incidents, possibly acts of hybrid warfare (NATO, 2025b). The operation is part of NATO’s wider presence in the Baltic Sea, which includes warships, submarines, aircraft, drones, satellites and advanced maritime surveillance technologies (NATO, 2024). There are also regular patrols and joint exercises that contribute to an appropriate level of vigilance and operational readiness (NATO, 2025b). Within this framework, there is an ambition to achieve regional situational awareness capability concerning critical submarine infrastructure in the Baltic Sea, augmented by a rapid repair capacity (NATO, 2025a). The approach described above closely resembles the previously described EU vision for the protection of submarine cables and other submarine infrastructure, including the EU’s plans to establish the regional mechanism in the Baltic Sea as an example applicable in other European sea basins if necessary. As a further step, Kraska and Pedrozo discuss operations targeting the seabed as potential as “seabed warfare”. In their opinion, coordinated efforts by states to ensure the protection of submarine infrastructure are of strategic importance (Kraska & Pedrozo, 2022).

The maritime intelligence company Windward identified several patterns of behavior associated with unlawful activities at sea, including damage to submarine cables and other submarine infrastructure (Windward, 2025). The most common is disabling AIS transponders to avoid detection, for example close to critical infrastructure at sea. Suspicious behaviors can also include prolonged stationing of ships near submarine infrastructure, which could indicate reconnaissance or preparation for sabotage. Likewise, repeated visits to such maritime areas may be indicative of ongoing involvement in damaging submarine infrastructure. Sudden or unusual changes in routes can also suggest attempts to evade surveillance. Similarly, the grouping of ships near submarine infrastructure may indicate coordinated operations against the infrastructure (Windward, 2025). From a legal perspective, the behavioral patterns listed above cannot provide conclusive evidence of breaches of international law. However, they can be useful to coastal states in preparing risk assessments, as well as in making decisions to enhance monitoring or conduct boarding or inspection actions.

4. LIMITS OF COASTAL STATE JURISDICTION OVER SUBMARINE CABLES IN THE EEZ AND CS

Sovereignty is the territorial supremacy of a state over persons and objects located on its territory. Essentially, sovereignty refers to the power of the state to exercise authority over people, objects and events within its territory (Shaw, 1997). This supremacy is exclusive and therefore prevents other states from exercising sovereignty within the same area (Rudolf, 1985). However, a state may also exercise certain authority over persons and objects situated outside its national territory, which derives not from territorial sovereignty but from the legal connection of such persons and objects to the state. Specifically, a state always possesses personal supremacy over its citizens and ships flying its flag, regardless of their location. This can lead to conflicts of jurisdiction may arise with another state that possesses territorial sovereignty or certain sovereign rights over the area where the citizens or ships of the first state are located (Papastavridis, 2023).

At sea, the sovereignty of a coastal state exists only in its internal waters and territorial sea, whereas the high seas cannot be subject to the sovereignty or the sovereign rights of any state. Between the territorial sea and the high seas lie the CS and the EEZ, and it is possible, particularly in enclosed or semi-enclosed seas, that no high seas exist at all. In these two maritime zones, the coastal state enjoys certain sovereign rights and jurisdiction, while all other states retain specific freedoms of the seas and related rights. If sovereignty is understood as a bundle of sovereign rights, individual rights may be extracted from that bundle – for example, on the CS, the sovereign right to explore and exploit natural resources (Rudolf, 1985).

Unlike sovereignty, which may belong to only one state in a particular area, jurisdiction within the same area may be exercised by two or more states, although the scope of their powers may differ (Rudolf, 1989). The concept of jurisdiction refers to the attribute of a state that defines the internationally recognized application of its domestic legal order, generally to the exclusion of the authority of other states. A distinction must be made between legislative jurisdiction, which is the authority to enact legal norms applicable to natural and juridical persons, and enforcement jurisdiction, which is the authority to implement such norms, including the initiation of investigations, adjudication by courts or administrative bodies, and the execution of judgments and administrative decisions.

In accordance with Article 56(1) of UNCLOS, coastal states possess sovereign rights in their EEZ for the purposes of exploring, exploiting, conserving and managing natural resources. These sovereign rights also include activities to produce energy from water, currents and winds (UN, 1982). In addition to these sovereign rights, coastal states have jurisdiction over marine scientific research, the protection and preservation of the marine environment, and the establishment and use of artificial islands, installations and structures (UN, 1982). Simultaneously, however, coastal states must have due regard for the rights and duties of other states and must act in accordance with UNCLOS (UN, 1982). As drafted, Article 56(1) does not expressly address submarine cables. Therefore, by itself, it cannot provide a legal basis for coastal state jurisdiction over them.

Pursuant to Article 58, within coastal state's EEZ, both the coastal state and all other states have the freedom to lay and operate submarine cables and pipelines. In exercising this freedom, other states must have due regard for the coastal state's rights and duties in its EEZ, and comply with the coastal state's laws and regulations adopted in accordance with UNCLOS (UN, 1982). Article 56(1) is inapplicable as a sole basis for coastal state jurisdiction because submarine cables and pipelines are distinct legal concepts and cannot be easily subsumed under the category of artificial islands, installations or structures that fall within the coastal state's sovereign rights in its EEZ. However, under Article 79(4), the coastal state has jurisdiction over cables constructed or used in connection with the exploration of its CS or the exploitation of its resources or the operations of artificial islands, installations and structures under its jurisdiction.

It should be noted that, according to Article 92 of UNCLOS, the flag state has exclusive jurisdiction over its ships on the high seas (UN, 1982). Article 110 prescribes that the only explicit exceptions on the high seas include crimes such as piracy, slave trading, unauthorized broadcasting, etc. These exceptions are not relevant in cases of intentional or negligent damage to submarine cables. Article 94 establishes that flag states are responsible for their ships and must ensure compliance with international rules on safety, navigation, pollution, and labor conditions. These duties apply wherever the ship sails and are especially important on the high seas, although the flag state remains responsible in territorial seas and the EEZ, even if coastal states may also exercise jurisdiction (UNCLOS, 1982). According to Article 113, all states are required to adopt the necessary laws and regulations to make the willful or culpably negligent damaging of submarine cables by their ships or nationals punishable offenses (UN, 1982).

In Kaye's view, the primary purpose of this legal obligation is to ensure that flag states pursue individuals under their jurisdiction who damage submarine cables and pipelines (Kaye, 2007). However, Kaye acknowledges that for ships flagged in states "with an open registry", the prospects for appropriate enforcement are limited or, more likely, nonexistent (Kaye, 2007). In this regard, Zhang and Li criticize the practice of "flags of convenience", as states such as Panama and Liberia simplify registration procedures and regulations, but lack the willingness, resources, and legal framework to

effectively investigate and prosecute cases of damage to submarine cables. Consequently, ships registered in such states can relatively easily evade responsibility (Zhang and Li, 2025).

Davenport concludes that international law does not adequately support the protection of submarine cables beyond the territorial sea of coastal states, particularly against intentional damage (Davenport, 2012). Halog, Margat and Stadermann find that beyond its territorial sea the coastal state has no criminal jurisdiction as only the ship's flag state and the state of the offender's nationality can enforce criminal procedures. In Zhang's and Li's opinion, over-reliance on the jurisdiction of the flag state and the state of nationality of the individual responsible, is the most significant legal deficiency in the protection of international submarine cables (Zhang and Li, 2025). Halog, Margat and Stadermann acknowledge that such a system must be modified when the flag state is unwilling or unable to prosecute offenders (Halog et al., 2023). In other words, the lack of explicitly stated enforcement powers of coastal states does not necessarily imply the absence of such powers (Ringbom, 2025).

Nevertheless, it is reasonable to expect that coastal and other interested states could take measures against ships causing damage to submarine cables on the CS (Halog et al., 2024). Apart from cases of damage to submarine cables, Papastavridis generally observes a noticeable tendency of coastal states to extend their jurisdiction, including criminal jurisdiction, over the activities of foreign-flagged ships in their EEZ (Papastavridis, 2023). Regarding intentional acts of damage to submarine cables and pipelines that transit coastal states' EEZ and CS, the International Law Association's recent findings note limited practice of those states in conducting certain investigative activities (International Law Association, 2025). In the Association's opinion, such practice suggests that nothing prevents coastal states from investigating such acts, provided there is due regard for the freedoms of other states in these zones under UNCLOS (International Law Association, 2025).

In the opinion of the author, if a submarine cable laid on the coastal state's CS is damaged, either by sabotage, such as intentional anchor dragging, or by negligent conduct, the coastal state's national legal framework must first criminalize such acts. This includes prescribing appropriate penalties and the possible arrest of perpetrators, etc. (International Law Association, 2025). Accordingly, the coastal state must regulate the conduct of investigations in cases of incidents affecting its specific sovereign rights and jurisdiction, as enumerated in Article 79(4) of UNCLOS. The International Law Association also analyzed the positions of states concerning the draft resolution of the UN Security Council for the establishment of an international, independent investigation commission regarding the sabotage of the Nord Stream pipelines. The Association concluded that there was implied support for coastal states conducting investigations of acts of damage to submarine cables and pipelines that transit their EEZ and CS, "which is reasonable given the location of the incident" (International Law Association, 2025).

As boarding a ship and, if necessary, arresting individuals usually cannot be postponed or made dependent on the flag state's willingness or ability to respond promptly, particularly in cases with serious consequences, the coastal state should carry out such actions, inform the flag state, and invite it to participate in or observe the investigation. However, it is conceivable that the flag state may lack interest in doing so, particularly if it covertly instigated the act of damaging the submarine cable as part of a hybrid operation (Kinder, 2025). The coastal state's actions could also include collecting publicly available or remotely obtained evidence, such as sonar imaging, underwater footage, anchor marks and AIS data. Furthermore, issuing public statements regarding preliminary investigative findings and making a preliminary attribution of responsibility based on the evidence collected, without prejudice to subsequent prosecutorial and judicial proceedings, could also be practiced in the absence of the flag state's cooperation.

Such an exercise of the coastal state's jurisdiction would enable it to take necessary measures to protect its rights under UNCLOS without seeking to diminish the flag state's nominal authority. Claiming such jurisdiction without notifying the flag state and without attempting to cooperate and coordinate with that state would risk infringing upon its rights. For that reason, a coastal state should intensify diplomatic efforts, both in relation to the flag state and through international organizations such as the IMO, UN and Interpol (particularly in cases involving sabotage where attribution is strong). Engagement with regional organizations such as the EU or NATO may also be appropriate, especially in the context of sanctions or the application of security and solidarity instruments. Without the actions described above, the coastal state could only invoke the dispute settlement mechanisms provided under UNCLOS against the flag state post festum.

Regarding the EEZ, the present author supports a teleological and systemic interpretation of UNCLOS, consistent with Article 31 of the 1969 Vienna Convention on the Law of Treaties, which requires that treaty provisions be interpreted in light of their object and purpose and within their broader legal context (UN, 1969). First, doctrinally, the CS generally comprises the seabed and subsoil underlying the EEZ (Halog et al., 2023). In the opinion of the present author, where submarine cables or pipelines are functionally integrated with artificial islands, installations or structures located on the coastal state's CS, the coastal state should be considered entitled to exercise jurisdiction over them in its EEZ. For example, this applies to cables connecting seabed sensors of the Lofoten-Vesterålen Ocean Observatory on the Norwegian CS.

Therefore, if submarine cables are components of communications or energy infrastructure over which the coastal state holds jurisdiction under UNCLOS (artificial islands, installations and structures), then damage to such cables placed on or below the seabed should fall within the same jurisdictional framework.

Offshore renewable energy projects, for instance, may involve not only the construction and operation of artificial islands, installations, and structures, but also include submarine power cables and pipelines as essential components of such infrastructure. These transmit the generated electricity and fuels from artificial islands, installations and structures to the mainland. Submarine communications cables may also form part of a broader network of high-tech cables and sensors used for scientific research and maritime surveillance (Coventry, 2024). According to Korontzis, the coastal state's exclusive criminal jurisdiction over artificial islands, installations, and structures extends not only to offenses committed on these structures, but also to those resulting in damage to them (Korontzis, 2014). Nevertheless, other states, particularly flag states, may argue that even in the scenarios described above submarine cables do not qualify as installations or structures, and that UNCLOS does not clearly confer criminal enforcement jurisdiction over them to coastal states. Considering all the arguments presented above, flag states unwilling or unable to act could not legitimately invoke such an argument.

5. THE “EAGLE S” CASE STUDY – FACTUAL AND LEGAL ASPECTS

The “Eagle S” is a twenty-year-old crude oil tanker sailing under the flag of the Cook Islands (MarineTraffic, n.d.). It is the only ship operated by a company registered in the United Arab Emirates (Feoktistov, 2024). Throughout its operational history under different owners, the ship was involved in two notable incidents – a collision with a mobile drilling rig in the United States in 2012 (Maritime Executive, 2013) and an oil spill in Chile in 2014 (Arnold, 2018). In 2023, the “Eagle S” was temporarily detained following a port inspection in Ghana due to numerous technical and operational deficiencies (Yleisradio Oy, 2025). Additionally, suspicions arose regarding its involvement in electronic surveillance of NATO naval operations (Wiese Bockmann, 2024b). In December 2024, the “Eagle S” damaged the Estlink 2 electricity cable within the Finnish EEZ, as reported by Fingrid, Finland's national electricity transmission grid operator (Police of Finland, 2025). During the same voyage, the tanker also damaged several telecommunication cables in the Finnish EEZ (Feoktistov, 2024). In response, Finnish authorities directed the “Eagle S” to enter the Finnish territorial sea, where it was boarded by the police and the Finnish Border Guard, taken under control and escorted to port (Police of Finland, 2024).

While the lead Finnish authority was the Helsinki Police Department, the preliminary criminal investigation into the crime of sabotage was delegated to the Criminal Police (Police of Finland, 2025). The Border Guard and the Armed Forces provided support during the operation (Police of Finland, 2025). From the outset, Finnish authorities established cooperation and facilitated the exchange of information and documentation with the flag state (Police of Finland, 2025). Inspection of the ship revealed that one of its anchors was missing, and its insurance policy had expired (Wiese Bockmann, 2024a). The investigation established that drag marks on the seabed extended over dozens of kilometers. The missing anchor was finally found by the Swedish Navy at a depth of 80 meters and passed to Finnish authorities (Police of Finland, 2025). Finnish authorities also found numerous deficiencies concerning the ship's fire safety and alarm systems, radar, ventilation, doors, etc. (Daily Finland, 2025). However, surveillance equipment was not found (Karvinen, 2024). Due to these deficiencies, the ship was prevented from leaving the port (Wiese Bockmann, 2024b). Its cargo was seized by Finnish customs authorities because of violations of EU sanctions against Russia (Police of Finland, 2024). In addition to criminal investigation, the affected companies initiated civil litigation, seeking financial compensation for the costs of repairing cables, and requested seizure of the ship as a security measure (Maritime Executive, 2025b).

The shipowner contested the detention of the ship claiming that daily costs were approximately €15,000 and requested reimbursement, as well as the return of the anchor (Alanne et al., 2025). The Finnish court rejected these requests and extended travel restrictions for crew members suspected of criminal offenses (Lehto, 2025). Subsequently, the shipowner's legal adviser indicated the possibility of abandoning the ship due to increasing daily costs during the ship's detention (Minchin and Wiese Bockmann, 2025). Additionally, the legal adviser argued that the incident had occurred outside the Finnish territorial sea, and therefore the Finnish authorities violated international law (Minchin and Wiese Bockmann, 2025). These aspects will be additionally examined in this paper. Although investigations established that the crew may have intended to damage additional cables, the ship was released in March and departed from the Baltic Sea once the criminal investigation no longer required its presence (Xinhua, 2025). The criminal procedure continued, with some crew members remaining in custody to face trial. Similarly, compensation claims by affected companies continued (Xinhua, 2025).

According to the criminal prosecution, the offense committed by the “Eagle S” took place in Finland's EEZ and elsewhere in the Gulf of Finland outside Finland's territorial sea, but its consequences materialized in Finland as electricity and telecommunication services could not be supplied to and from Finland (Helsinki District Court, 2025). The cable owners reported losses of at least 60 million euros (Helsinki District Court, 2025). The ship's master and first and second officers were charged with intentional damage to property, which caused “serious danger to energy supply and other similar important societal functions” (Helsinki District Court, 2025). The danger was assessed as particularly serious due to its long

duration and wide impact. Thus, when assessed as a whole, the offense was classified as aggravated (Helsinki District Court, 2025). In the prosecutor's view, the defendants neglected to investigate why the ship's speed and engine revolutions dropped significantly. Otherwise, they would have discovered that the anchor had dropped to the seabed (Helsinki District Court, 2025). Furthermore, after Finnish authorities contacted the ship following the notification of the damage, the defendants falsely reported that the anchors were in place (Helsinki District Court, 2025). The prosecutor noted that the anchor weighed more than ten tons and was dragged for hours over a distance of approximately 90 kilometers (Helsinki District Court, 2025).

Here, it is useful to examine how Finland has organized its national legal framework to protect its EEZ. First, according to Chapter 1, Section 1 of the Criminal Code of Finland (39/1889), the application of Finnish law to an offense committed in Finland's EEZ is subject to the Act on the Exclusive Economic Zone of Finland (1058/2004) and the Act on Environmental Protection in Navigation (300/1979) (Ministry of Justice, Finland, 2012). An offense is deemed to have been committed both where the criminal act was committed and where the consequences occurred, while an offense of omission is deemed to have been committed both where the perpetrator should have acted and where the consequences occurred (Chapter 1, Section 10). For its part, the Act on the Exclusive Economic Zone of Finland operationalizes Finland's sovereign rights and jurisdiction regarding the exploitation of natural resources, the installation and use of artificial structures and the protection and preservation of the marine environment. Thus, Chapter 5, Section 10 of that Act provides that "crimes committed on artificial islands, installations, or other structures referred to in Section 7 within the exclusive economic zone, as well as crimes directed against them and punishable attempts of such crimes, are considered to have been committed in Finland" (Ministry of Justice, Finland, 2004b). Likewise, crimes committed "elsewhere in the economic zone" and punishable attempts of such crimes are deemed to have been committed in Finland (Ministry of Justice, Finland, 2004b). If a foreign ship commits an offense in Finland's EEZ, the Act on the Exclusive Economic Zone of Finland requires authorization from the Prosecutor General before enforcement measures are taken (Ministry of Justice, Finland, 2004b). Furthermore, Finland has adopted the Act on the Protection of Certain Submarine Cables (145/1965), which prohibits the intentional or negligent damage to submarine telecommunication and energy cables (Ministry of Justice, Finland, 2004a). This Act applies not only within Finland's territorial sea, but also in its EEZ and on its CS (Ministry of Justice, Finland, 2004a). However, according to Article 2 of that Act, outside Finland's territorial sea it applies only to ships flying the Finnish flag, Finnish citizens, and Finnish legal entities (Ministry of Justice, Finland, 2004a).

Following the criminal investigation, the above-enumerated defendants were primarily charged with aggravated criminal mischief, as prescribed by the Criminal Code of Finland, Chapter 34, Section 3, Subsection 1 (Helsinki District Court, 2025). The prosecutor argued that, if not found guilty of aggravated criminal mischief, the defendants must at least be found guilty of criminal mischief, as prescribed in Chapter 34, Section 1, Subsection 2 (Helsinki District Court, 2025). Alternatively, the prosecutor brought a charge of aggravated criminal damage, in accordance with Chapter 35, Section 2 of the Criminal Code of Finland (Helsinki District Court, 2025). In the prosecutor's view, at a minimum, the defendants should have been found guilty of negligent endangerment, prescribed in Chapter 34, Section 7 of the Criminal Code of Finland (Helsinki District Court, 2025). The secondary charge was aggravated interference with communications (Chapter 38, Section 6, Subsection 1, Paragraphs 1 to 6). As far as civil claims arising from the defendants' actions were concerned, the companies Fingrid Oyj, Elering AS, and Elisa Corporation asked the Court to order the defendants to pay compensation for the cost of repairing the cables, loss of profit, and legal costs, all with interest calculated from the day of the incident. (Helsinki District Court, 2025).

The defendants' defense argued that the indictment and claims for damages should have been dismissed because Finland did not have jurisdiction in the matter (Helsinki District Court, 2025). Specifically, the scope of application of Finnish criminal law was deemed restricted by UNCLOS regardless of the provisions of the Act on the Exclusive Economic Zone of Finland (Helsinki District Court, 2025). Therefore, the defense maintained that Finnish courts did not have jurisdiction (Helsinki District Court, 2025). Moreover, it was stated that the damage occurred by accident, i.e. not intentionally or through neglect of duties (Helsinki District Court, 2025). The Helsinki District Court concluded that, in theory, Finnish criminal law can be applied to acts committed outside Finland's territory, but "the consequences of the offense in question as specified in its statutory definition must have materialized in Finland" (Helsinki District Court, 2025). However, the Court noted that the applicability of Finnish criminal law outside Finland can be restricted by an international treaty binding on Finland (Helsinki District Court, 2025). Namely, the Court observed that the Finnish government's proposal for the enactment of the Criminal Code of Finland mentioned, as an example, the Convention on the High Seas and Contiguous Zones, "which is effectively the predecessor of the United Nations Convention on the Law of the Sea" (Helsinki District Court, 2025).

Furthermore, the Court established that Finland also enacted the Act on the Protection of Certain Underwater Cables, which resulted from the implementation of Article 113 of UNCLOS. Thus, cutting or damaging of a submarine cable is punishable in all maritime zones, but outside the Finnish territorial sea, it applies only to ships flying the Finnish flag, Finnish nationals, and Finnish business entities (Helsinki District Court, 2025). Moreover, the Court found that the government's proposal for the Act on the Protection of Certain Underwater Cables stated that this limitation derives from Article 113 of UNCLOS. Therefore, the Court concluded that the application of Finnish criminal law in the case in question would be

possible only if the perpetrators were Finnish citizens or a Finnish ship. The Court also established that the event in question “constituted an incident of navigation within the meaning of Article 97 of UNCLOS”. That article governs penal jurisdiction for collisions or navigation incidents on the high seas and confers jurisdiction only on the flag state or the state whose national was involved. Hence, the Court did not find that the “Eagle S” anchor had been used to intentionally damage submarine cables in the Finnish EEZ (Helsinki District Court, 2025). Ultimately, the Court dismissed both the indictment and the claims for damages (Helsinki District Court, 2025).

6. CONCLUSION

The EU has adopted a comprehensive approach to maritime resources in Europe, focusing primarily on economic development, improved living standards, and environmental protection. Within this framework, the EU recognized risks generated by strategic competition in maritime domains, including the complexities of hybrid threats, and the associated risk of intentional attacks on submarine cables. Thus, the protection of submarine cables has become a strategic priority due to their importance for the functioning of modern states, societies, and economies, all of which rely on digital connectivity. Due to the significant civil-military implications of such threats and risks, the EU decided to apply a civil-military approach in developing protection mechanisms relying on advanced naval capabilities as a key element.

In the opinion of the present author, the EU’s policy and strategy framework for protecting submarine cables provides clear and substantive guidance to EU member states. However, the primary responsibility for protecting submarine cables rests with the states. Simultaneously, cooperation with private companies, as cable owners and operators, is necessary. The “Eagle S” perfectly illustrates this paradigm, as private companies were the first to detect and report the damage to state authorities. In partnerships between states and private companies, designating submarine cables as critical infrastructure is a crucial measure. Finally, the EU’s cooperation with NATO contributes to both situational awareness and overall resilience by relying on military deterrence.

As states are the principal lawmaking and law-enforcing actors under both international and national legal frameworks, enforcement at sea remains an exclusive state competence. In this context, the EU should complement member states’ efforts by facilitating their coordination, including harmonization of international and national legal frameworks. So far, the EU has identified a coherent understanding of the international legal framework as a crucial precondition for effective protection of submarine cables. Hence, EU member states need a shared understanding of the relevant international legal framework. Given the growing number of incidents in the Baltic Sea, that sea basin is a logical testing ground for the implementation of the presented paradigm, which could also apply in other European seas. The legal aspect is particularly important and sensitive.

Although the EU has identified response to threats as one of its main priorities, it recognizes the sensitivity of interception and boarding operations. Accordingly, diplomatic efforts and the promotion of information exchange with partners, including those in the Indo-Pacific region, are intended to complement the lawmaking and law-enforcement efforts of EU and NATO member states. Effective threat prediction and timely operational responses depend mainly on operational capabilities but are also indirectly influenced by a strong consensus on the interpretation of UNCLOS provisions and the jurisdiction of coastal states. In this regard, the EU’s policy and strategic framework, which is primarily political and strategic in nature, does not propose concrete or innovative solutions for interpreting existing international law.

Currently, the ability of coastal states to respond effectively remains constrained by legal ambiguities, particularly under UNCLOS. While UNCLOS provides for shared jurisdiction between flag states and coastal states within the EEZ, prevailing legal doctrine and practice continue to offer limited support for the enforcement powers of coastal states. The “Newnew Polar Bear” and “Yi Peng 3” incidents illustrate how a ship’s refusal to comply with coastal state authorities may seriously undermine an adequate response. These cases reveal a significant reliance on the cooperation, or at least the goodwill, of the flag state, exposing deficiencies in the mechanisms available to coastal states for immediate enforcement action in the absence of such cooperation. As a result, coastal states hesitated to implement enforcement measures in the EEZs, although they did conduct criminal investigations following the incidents of damage. Moreover, some officials of coastal states publicly stated that interception or detention outside the territorial sea would not conform with UNCLOS.

The “Eagle S” incident further illustrates these limitations. Despite Finland’s comprehensive legal framework, which both the EU and NATO commend as a model for the other member states, this framework prioritizes flag state jurisdiction. Consequently, the effectiveness of Finland’s practical response (though limited to its territorial sea), and the prosecutor’s legal reasoning, did not receive judicial support from the Helsinki District Court. This, in turn, raised the question of how Finnish authorities would have responded operationally and legally had the “Eagle S” refused to comply with the request to enter Finland’s territorial sea, as the “Yi Peng” when asked to enter Swedish territorial sea. Hence, when a foreign ship refuses to comply with requests from coastal state authorities, the affected state may be effectively prevented from responding, even in cases of intentional or negligent damage to submarine cables. While China demonstrated a cooperative

approach in incidents involving its ships, a passive or uncooperative flag state would further weaken the UNCLOS-based legal paradigm, leaving coastal states with limited options.

Moreover, neither the EU nor NATO currently supports a formal revision of the international legal framework. Therefore, the teleological and systemic (re)interpretation of UNCLOS appears to be the most viable option. This underscores the clear need to balance the freedom of navigation, the rule of flag state jurisdiction, and the freedom to lay submarine cables and pipelines with coastal states' right to effectively protect submarine cables in their EEZ and CS. In this sense, EU and NATO member states should seek to develop a common interpretation of UNCLOS provisions relevant to the protection of submarine cables in the EEZ and on the CS. They should then promote this approach through coordinated diplomatic efforts with like-minded non-European states. Without such interpretative convergence, existing legal ambiguities will continue to hinder timely and effective responses, while flag state jurisdiction could remain an artificial shield for ships engaging in malicious or reckless conduct within a coastal state's EEZ and CS.

CONFLICT OF INTEREST

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