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Answer given by Mr Brunner
on behalf of the European Commission
(22.12.2025)

The European Maritime Strategy (EUMSS)¹ commits to enhancing the detection and prevention of unauthorised border-crossings and cross-border crime, as well as deepening cooperation with partner countries. EUMSS promotes the respect of international law and supports combatting illicit sea activities but does not make recommendations regarding Member States' jurisdiction in international waters. The Screening Regulation², which enters into force in June 2026, introduces identity and security checks at the EU external borders of third-country nationals apprehended during an unauthorised border crossing or following a search and rescue operation. The Commission does not have data on the number of criminals crossing EU borders nor on instances of jurisdiction issues over crimes committed in international waters.

The 2023 proposal for a Facilitation Directive³ seeks to establish Member States' jurisdiction over the criminal offences covered therein to offences committed partially or entirely in their territory, or committed by a national or habitual resident, for the benefit of a legal person established in their territory, or on board of ships or aircraft registered in a Member State or flying its flag. It also seeks to establish Member States' jurisdiction over attempts to commit criminal offences as defined by the proposal which cause the death of a migrant (such as in the high seas), where jurisdiction would have been established if the offence had been completed. The text is currently under negotiation with the co-legislators.

¹ <https://data.consilium.europa.eu/doc/document/ST%2011205%202014%20INIT/EN/pdf>.

² Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817.

³ COM (2023)755 final.