

EN
E-000621/2026
Answer given by Mr Brunner
on behalf of the European Commission
(19.3.2026)

On 19 May 2025, Lithuania filed an application instituting proceedings against Belarus before the International Court of Justice (the ‘ICJ’) for alleged breaches by Belarus of its obligations under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime (the ‘Protocol’)¹ and (the ‘Convention’)², for the large-scale smuggling of irregular migrants from Belarus into Lithuania (case *Alleged Smuggling of Migrants (Lithuania v. Belarus)*)³.

On 17 July 2025, the Registrar of the ICJ notified the EU pursuant to Article 43, paragraph 2 of the Rules of Court⁴, that the construction of the Protocol and of the Convention – to which the EU is a party – is in question in this case before the ICJ, and invited the EU to indicate as soon as possible whether it intends to submit observations on this case pursuant to Article 43, paragraph 2 of the Rules of Court.

As the EU is a Contracting Party to the Protocol and to the Convention⁵, the interpretation of the provisions in question is also likely to directly affect the EU. On this basis, the Commission decided to submit observations, on behalf of the EU, on this case pursuant to Article 43, paragraph 2 of the Rules of Court.

These observations will be filed in due course in accordance with relevant internal procedures of the EU.

¹ Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime (adopted 15 November 2000, entered into force 28 January 2004), 2241 UNTS 507.

² United Nations Convention against Transnational Organised Crime (adopted 15 November 2000, entered into force 29 September 2003), 2225 UNTS 209.

³ <https://www.icj-cij.org/sites/default/files/case-related/200/200-20250519-pre-01-00-en.pdf>.

⁴ International Court of Justice, Rules of Court (as amended), 1978, <https://icj-cij.org/rules>.

⁵ Council Decision 2004/579/EC of 29 April 2004 on the conclusion, on behalf of the European Community, of the United Nations Convention Against Transnational Organised Crime; Council Decision 2006/617/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community.