

(English version)

**Question for written answer E-002898/26
to the Commission
Arkadiusz Mularczyk (ECR)
(13 July 2026)**

Subject: EU founding membership of the International Claims Commission for Ukraine — legal basis and the principle of aggressor-state responsibility

On 15 May 2026, the EU ratified the Convention establishing the International Claims Commission for Ukraine ⁽¹⁾, becoming a founding member of a body deciding claims for damage caused by a war of aggression.

In accordance with Article 3(4) of the Convention ⁽²⁾, the Claims Commission works on the basis that the Russian Federation ‘is responsible for all damage, loss, or injury caused by its internationally wrongful acts in or against Ukraine’. The Convention’s preamble affirms that its temporal scope (covering acts taking place on or after 24 February 2022) ‘does not absolve’ Russia of responsibility for acts taking place on or after 20 February 2014.

The Commission maintains that compensation for Polish victims of the war of aggression initiated by Germany in 1939, as recognised by the Nuremberg Tribunal, is a bilateral matter outside EU competence (P-002838/2024 ⁽³⁾, P-000819/2025 ⁽⁴⁾).

1. On which Treaty provision(s) was the EU’s ratification of the Convention establishing the International Claims Commission for Ukraine based?
2. Does the Commission regard aggressor-state responsibility for all damage caused by internationally wrongful acts, consistent with Article 31 of the articles on Responsibility of States for Internationally Wrongful Acts, as universal, or limited to aggression after a specific date? If so, which date, and on what legal basis?

Submitted: 13.7.2026

**Answer given by High Representative/Vice-President Kallas on behalf of the European Commission
(23 September 2026)**

Following Russia’s illegal aggression against Ukraine, the UN General Assembly adopted Resolution ES-11/5 on 14 November 2022, declaring that Russia must bear the legal consequences of its internationally wrongful acts, including reparation for resulting injury and damage.

Pursuant to that Resolution, the international community has pursued a stepwise compensation mechanism: a Register of Damage, then a Claims Commission, and ultimately a Compensation Fund.

The EU joined the Register as an Associate Member ⁽¹⁾ in 2023, then as full Participant in July 2024 ⁽²⁾. The Council subsequently adopted three Decisions ⁽³⁾ authorising the EU’s negotiation, signature and conclusion of the Convention establishing the International Claims Commission for Ukraine.

Those Decisions were adopted under Article 212 of the Treaty on the Functioning of the European Union (TFEU), relating to the EU’s economic, financial and technical assistance to third countries, and align with the external-action objectives in Article 21 of the Treaty on European Union (TEU).

In cooperation with Ukraine, the Council of Europe and the G7, the EU has engaged in outreach to like-minded states to maximise international support for these accountability measures.

The principle that States must make reparation for internationally wrongful acts is part of customary international law and is reflected in Article 31 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts.

¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1087.

² Convention establishing an International Claims Commission for Ukraine, OJ L, 2026/1327 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202601327); authentic text also at <https://rm.coe.int/488029d633>.

³ https://www.europarl.europa.eu/doceo/document/P-10-2024-002838_EN.html.

⁴ https://www.europarl.europa.eu/doceo/document/P-10-2025-000819_EN.html.

⁽¹⁾ Commission Decision C(2023)/3241, https://www.parlament.gv.at/dokument/XXVII/EU/142506/imfname_11253806.pdf.

⁽²⁾ Council Decision (EU) 2024/2045, <https://eur-lex.europa.eu/eli/dec/2024/2045/oj/eng>.

⁽³⁾ Council Decision (EU) 2025/702, <https://eur-lex.europa.eu/eli/dec/2025/702/oj>; Council Decision (EU) 2025/2655, <https://eur-lex.europa.eu/eli/dec/2025/2655/oj/eng> and Council Decision (EU) 2026/1328, <https://eur-lex.europa.eu/eli/dec/2026/1328/oj/eng>.

It applies generally and it is not limited, as a matter of international law, to aggression committed after a specific date. Under Article 3(5) TEU and Article 21 TEU, the EU is bound by customary international law in its external action. However, the EU lacks competence to enforce that principle between, or on behalf of, its Member States.
