Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

Articles

Studia Iuridica Lublinensia vol. 35, 2, 2026
DOI: 10.17951/sil.2026.35.2.11-28

Fátima Castro Moreira
Portucalense University, Portugal
ORCID: 0000-0001-9788-6394
fcmoreira@upt.pt

Protecting the Rule of Law in the Ocean: The EU's Role in Transitioning from Policy to Legal Obligation*

Ochrona praworządności na oceanach. Rola Unii Europejskiej w przekształcaniu polityki w zobowiązanie prawne

ABSTRACT

The protection of the oceans has emerged as a strategic priority at the turn of the 21st century. The article analyses the role of the European Union in the sustainable management of the oceans, structured around four axes: the legal and strategic framework governing European environmental action; the EU's engagement in global ocean governance and its articulation with international commitments; the regulation of the blue economy and marine sustainability instruments; and the influence of recent international jurisprudence on the densification of climate and marine obligations applicable to the Union and its Member States. The analysis demonstrates that the normative architecture of the EU – from the European Green Deal to the Common Fisheries Policy, and from the Marine Strategy Framework Directive to the BBNJ Agreement – is formally robust, but its effectiveness remains contingent on coherent implementation and binding enforcement. The recent advisory opinions of the International Tribunal for the Law of the Sea (2024) and the International Court of Justice (2025), together with the European Court of Human Rights Grand Chamber judgment in *KlimaSeniorinnen* (2024), have significantly densified climate and marine obligations, transforming programmatic aspirations into justiciable legal duties. The article concludes that the

CORRESPONDENCE ADDRESS: Fátima Castro Moreira, PhD, Associate Professor, Portucalense University, Portucalense Institute for Legal Research (IJP), Rua Dr. António Bernardino de Almeida, 541, 4200-072 Porto, Portugal.

* This work is funded by national funds through FCT – Fundação para a Ciência e a Tecnologia, I.P., under the support UID 04112-IJP – Instituto Jurídico Portucalense.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

sustainable management of the oceans is no longer a policy preference but a multilevel legal obligation, operationalised through norms, institutions and accountability mechanisms that project the rule of law onto the ocean.

Keywords: European Union law of the sea; ocean governance; blue economy; climate obligations; international jurisprudence

INTRODUCTION

The protection of the oceans and marine ecosystems has emerged as a strategic priority of the international community at the beginning of the 21st century. The climate crisis, the accelerated loss of biodiversity, ocean acidification, the overexploitation of resources and diffuse pollution have placed the seas at the centre of scientific, legal and political agendas, revealing a degree of vulnerability that threatens global ecological stability and the well-being of present and future generations. The ocean is no longer perceived merely as a source of resources and a route of communication; it is now recognised as an essential legal good and a structural element of climate security, ecological resilience and sustainable development.

In this context, the European Union (EU) plays a significant role. Its maritime geography – spanning several ocean basins and combining spaces of sovereignty and jurisdiction – confers upon it heightened responsibilities in the definition and implementation of ocean policies. The historical evolution of European maritime policies reveals a process of integration marked by tensions between the diversity of national trajectories and the need for a common strategic vision. Maritime Europe has traditionally been fragmented by competing national interests, distinct cultural models of engagement with the sea, and varying levels of economic dependence on ocean activities. This plurality impedes the emergence of a truly integrated policy but also explains the growing search for instruments to orient the EU's action towards governance based on cooperation, solidarity and the rationalisation of maritime uses. Building a "maritime Europe" requires constant articulation between the European political matrix and the historical heritage of its coastal states, failing which the EU's action will remain conditioned by uncoordinated national approaches.

The centrality of the EU derives above all from the density of its legal and institutional acquis, its normative and diplomatic capacity at the multilateral level, and the coherence it seeks to establish between internal policies and international obligations assumed under the United Nations Convention on the Law of the Sea (UNCLOS). As a regional economic integration organisation, the EU asserts itself externally as a normative actor in ocean governance, influencing international dynamics through legal instruments, concerted action and financial capacity. Analysing

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

its role requires, therefore, an integrated approach that articulates international law of the sea, international environmental law and emerging multilateral processes.[1]

European responsibilities are further deepened by the entrenchment, in the Treaties, of structuring principles – in particular the principle of environmental integration and the objectives defined in Article 191 TFEU[2] – which require the transversal consideration of environmental impacts across all policies. These principles combine with international obligations binding the EU as a party to UNCLOS, subjecting it to demanding standards of marine environmental protection and shaping both its internal action and its external engagement.

The growing densification of environmental obligations at the international level reinforces this framework. Recent case law from international and regional tribunals – including the International Tribunal for the Law of the Sea (ITLOS), the International Court of Justice (ICJ), and the European Court of Human Rights (ECtHR) – has expanded the legal scope of the principles of precaution, prevention and due diligence, recognising positive duties of environmental and climate protection. This evolution requires coherent policies, concrete measures and planning informed by the best available scientific evidence, driving a logic of responsibility and accountability that transcends borders.

The present study analyses the role of the European Union in the sustainable management of the oceans along four structuring axes: (1) the legal framework and environmental strategies that guide European action; (2) the Union's integration into global ocean governance and the articulation between international commitments and internal policies; (3) the regulation of the blue economy and marine sustainability instruments; and (4) the influence of international jurisprudence on the densification of climate and marine obligations applicable to the Union and its Member States.

THE GREEN BLUEPRINT: EUROPE'S LEGAL PATH TO SUSTAINABILITY

The primary legal basis for EU environmental intervention is found in Article 191 TFEU, which establishes the objectives of preserving, protecting and improving the quality of the environment, the prudent and rational utilisation of natural resources, and the promotion of international measures to address global environmental challenges. This provision is linked to the principle of environmental

[1] J.L. Suárez de Vivero, *A European Maritime Policy? Coastal States, Interests and Strategies*, "Marine Policy" 2007, vol. 31, pp. 426–430.

[2] Treaty on the Functioning of the European Union (consolidated version, OJ C 202/47, 7.6.2016).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

integration, enshrined in Article 11 TFEU, which requires the European Union to consider environmental impacts across all its sectoral policies, including maritime and ocean management policies.[3]

The strategic architecture that operationalises this normative framework has as its central element the European Green Deal,[4] conceived as an integrated plan for ecological transition and structural transformation of the European economy.[5] The Green Deal inserts the ocean within the targets for carbon neutrality by 2050, promoting the blue transition and orienting the development of a sustainable maritime economy. Regulation 2021/1119 (the Climate Law)[6] gives binding force to this objective, directly conditioning the planning and execution of maritime activities liable to impact the marine environment.

The EU Biodiversity Strategy for 2030[7] complements this framework by establishing binding targets to protect, restore and sustainably manage European biodiversity, including the commitment to protect 30% of EU marine areas and to restore degraded coastal ecosystems. At the operational level, the Mission "Restore our Oceans and Waters by 2030", integrated into the Horizon Europe programme, prioritises depollution, ecological restoration and participatory governance of river basins and marine ecosystems.[8]

These strategic instruments relate to structuring directives and regulations, among which the Marine Strategy Framework Directive[9] remains the central normative framework for the protection of the marine environment. The Habitats and

---

[3] Cf. J.H. Jans, H.H.B. Vedder, *European Environmental Law after Lisbon*, Groningen 2012; L. Krämer, *EU Environmental Law*, London 2012.

[4] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – The European Green Deal, Brussels, 11.12.2019, COM/2019/640 final.

[5] For analysis, see A. Goucha Soares, *The European Green Deal*, "Revista Jurídica Portucalense" 2024, no. 35, pp. 44–67.

[6] Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No. 401/2009 and (EU) 2018/1999 (European Climate Law) (OJ L 243/1, 9.7.2021).

[7] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – EU Biodiversity Strategy for 2030 Bringing nature back into our lives, Brussels, 20.5.2020, COM/2020/380 final.

[8] European Commission, *EU Mission: Restore our Ocean and Waters: Restoring the Health of the Ocean, Seas, and Inland Waters by 2030*, https://research-and-innovation.ec.europa.eu/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe/eu-missions-horizon-europe/restore-our-ocean-and-waters_en (access: 30.10.2025).

[9] Directive 2008/56/EC f the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164/19, 25.6.2008). On its operative effectiveness, see S.-T. Puharinen, *Achieving Good Marine Environmental Status in the EU*, "Marine Policy" 2023, vol. 155, pp. 3–6.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

Birds Directives establish the Natura 2000 network,[10] extending legal protection to coastal and marine areas of relevant ecological interest. Additional instruments consolidate the scientific information base essential for adaptive management of marine ecosystems.[11]

Despite this extensive normative framework, the legal effectiveness of EU environmental strategies has been subject to criticism, in part due to the recourse to soft law instruments. These mechanisms, while useful for orienting policies and aligning priorities, do not create strict legal obligations – or do so only in a very limited manner – leaving Member States a wide margin of appreciation as to their implementation.[12]

Structural tensions also persist between environmental objectives and entrenched economic interests in other areas of European policy. The transversal integration of climate and biodiversity targets frequently collides with deeply rooted sectoral regimes – such as agricultural and energy policy – where subsidies, infrastructure and economic incentives continue to favour intensive production models or those dependent on fossil fuels.[13]

The expansion of offshore renewable energies – promoted under the Offshore Renewable Energy Strategy[14] – also raises complex questions about maritime spatial planning and biodiversity protection, requiring a balance between technological development and ecological integrity. The Directive on Maritime Spatial Planning[15] was precisely designed to harmonise these competing uses, but practical implementation still reveals significant asymmetries between Member States.[16]

---

[10] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206/7, 22.7.1992); Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive) (OJ L 20/7, 26.1.2009).

[11] Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No. 199/2008 (OJ L 157/1, 20.6.2017). See also European Marine Observation and Data Network (EMODnet), operated by DG MARE, https://emodnet.ec.europa.eu (access: 30.10.2025).

[12] Cf. C. Coglianese, *Environmental Soft Law as a Governance Strategy*, "Michigan Journal of International Law" 2020, vol. 41(2), pp. 283–356.

[13] Cf. N. de Sadeleer, *Environmental Principles: From Political Slogans to Legal Rules*, Oxford 2020.

[14] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future, Brussels, 19.11.2020, COM/2020/741 final.

[15] Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (OJ L 257/135, 28.8.2014).

[16] For analysis of implementation, see J. Zaucha, K. Gee, E. Ramieri, L. Neimane, N. Alloncle, N. Blažauskas, H. Calado, C. Cervera-Núñez, V. Marohnić Kuzmanović, M. Stancheva, J. Witkowska, S.E. Schütz, J.R. Zapatero, C.N. Ehler, *Implementing the EU MSP Directive: Current Status and*

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

The precautionary principle, enshrined in Article 191(2) TFEU, plays a decisive role in the assessment of these tensions. The Court of Justice of the European Union (CJEU) has applied this principle consistently, emphasising that the absence of absolute scientific certainty cannot justify inaction in the face of serious or irreversible environmental risks. The logic of cases such as *Pfizer* and *Artegodan* is fully applicable to the protection of marine ecosystems, legitimising measures such as moratoria on extractive activity, restrictions on high-impact infrastructure, or the creation of ecological exclusion zones.[17]

THE BLUE DEAL: THE EUROPEAN UNION AS A GLOBAL ANCHOR FOR OCEAN SUSTAINABILITY

The European Union has played a central role in constructing an international legal regime for the oceans based on legality, multilateralism and ecological sustainability. The International Ocean Governance Agenda articulates with UNCLOS, which has been integrated into the EU's legal order since Council Decision 98/392/EC.[18]

As we have demonstrated in earlier work, the articulation between the global level (UNCLOS, the Convention on Biological Diversity,[19] the BBNJ Agreement), the regional or continental level (the European Union and the OSPAR Convention) and the national or local level constitutes a multilevel governance model in which the protection and preservation of the marine environment requires a holistic and

Lessons Learned in 22 EU Member States, "Marine Policy" 2025, vol. 171, pp. 2–5; W. Flannery, *Making Marine Spatial Planning Matter*, [in:] *Ocean Governance*, eds. S. Partelow, M. Hadjimichael, A.K. Hornidge, Berlin 2023.

[17] Judgment of the CJEU of 11 September 2002, T-13/99, *Pfizer Animal Health SA v Council*, ECLI:EU:T:2002:209; judgment of the CJEU of 26 November 2002, T-44/00, *Artegodan GmbH and Others v Commission*, ECLI:EU:T:2002:283, §§ 184–199; S. van Hees, *Increased Integration between Innovative Ocean Energy and the EU Habitats, Species and Water Protection Rules through Maritime Spatial Planning*, "Marine Policy" 2019, vol. 100, pp. 27–30.

[18] United Nations Convention on the Law of the Sea, Montego Bay, 10.12.1982; Council Decision 98/392/EC of 23 March 1998 on the conclusion by the European Community of UNCLOS and the Agreement relating to the implementation of Part XI (OJ L 179/1, 23.6.1998); Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – International ocean governance: An agenda for the future of our oceans, Brussels, 10.11.2016, JOIN(2016) 49 final; Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Setting the course for a sustainable blue planet: Joint Communication on the EU's International Ocean Governance agenda, Brussels, 24.6.2022, JOIN/2022/ 28 final.

[19] Convention on Biological Diversity, Rio de Janeiro, 5.6.1992, in force since 29 December 1993.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

ecosystem-based approach, sustained by genuine coordination among the various actors involved at each level of decision-making.[20]

The European Union is a party to UNCLOS as a regional economic integration organisation, exercising the rights and fulfilling the duties of the Convention in matters covered by its competences. In this framework, particular prominence is given to the obligation arising from Article 192 UNCLOS, which binds both the European Union and the Member States within the scope of their respective competences, as declared under Annex IX.[21]

As M.C. Ribeiro and J.J. Urbina have stressed, Article 192 UNCLOS establishes a positive duty covering the entire marine ecosystem, including its abiotic and biotic components, and extending to all maritime spaces from internal waters to the high seas. This duty encompasses both the preventive dimension – averting existing, imminent or future negative consequences, and the proactive dimension – ensuring the maintenance and improvement of the environmental condition and ecological balance of the oceans.[22]

The negotiation and recent adoption of the BBNJ Agreement, formally integrated within the UNCLOS framework, represents a structural advance in global ocean governance, establishing binding rules for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.[23]

---

[20] F.C. Moreira, *Governance of the Portuguese Sea – from Political Actors to Intergovernmental and Sectorial Coordination: A Legal Approach*, "Studia Iuridica Lublinensia" 2023, vol. 32(3), pp. 308–311. On the broader challenges of intergovernmental coordination across European governance, see also F.L. Ghencea, A.M.D. Murphy, *Crossing the Floor in the Name of Intergovernmental Coordination: The Legislative Response to Party Switching in Romania*, "Studia Iuridica Lublinensia" 2024, vol. 33(4), pp. 131–144.

[21] The European Union is a party to UNCLOS as a regional economic integration organisation under Article 305(1)(f) and Annex IX. Accession was approved by Council Decision 98/392/EC. Article 192 UNCLOS ("States have the obligation to protect and preserve the marine environment") is applicable to the EU in areas covered by its competences under Annex IX. For a doctrinal commentary, see V. Becker-Weinberg, *Section 7 on the Protection and Preservation of the Marine Environment*, [in:] *United Nations Convention on the Law of the Sea*, eds. W. Brito, F.C. Moreira, Coimbra 2022, pp. 451–47. On the dual character of EU competences under UNCLOS and the binding effect of the Convention within the EU legal order, see judgment of the CJEU of 30 May 2006, C-459/03, *Commission v Ireland*, ECLI:EU:C:2006:345, § 82; judgment of the CJEU of 3 June 2008, C-308/06, *Intertanko*, ECLI:EU:C:2008:312, § 64. On the broader constitutional implications of EU representation under mixed agreements, see F.R. Arga e Lima, F. Pereira Coutinho, *Who Speaks on Our Behalf? National Identity and Constitutional Adjudication in the European Union*, "Revista Jurídica Portucalense" 2025, vol. 1(38).

[22] M.C. Ribeiro, J.J. Urbina, *The Protection and Preservation of the Marine Environment*, [in:] *Commentaries on the United Nations Convention on the Law of the Sea…*, pp. 412–418.

[23] Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement), adopted 19 June 2023.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

The EU Maritime Security Strategy, revised in 2023, reflects this framework by designating environmental protection, the fight against illegal, unreported and unregulated fishing, and the safeguarding of the resilience of marine ecosystems as external security priorities.[24]

THE BLUE FRONTIER: BALANCING PROFIT AND PROTECTION IN THE DEEP

The promotion of a sustainable blue economy constitutes one of the central vectors of the EU's environmental and maritime strategy, reflecting an approach that encompasses economic growth, social cohesion and ecological resilience. The blue economy, as defined by the European Commission, encompasses all economic activities related to oceans, seas, and coastal zones, and aims to ensure the sustainable, long-term use of marine resources.[25]

Priority areas include offshore renewable energies, marine biotechnology, sustainable aquaculture, green coastal tourism and environmentally responsible fishing. These activities must meet requirements of low environmental impact, technological innovation and socioeconomic justice, supported by programmes such as the European Maritime, Fisheries and Aquaculture Fund (EMFAF), and guided by the targets of the European Green Deal.[26]

---

[24] Joint Communication to the European Parliament and the Council on the update of the EU Maritime Security Strategy and its Action Plan, Brussels, 10.3.2023, JOIN(2023) 8 final; Council of the European Union, *Maritime Security: Council Approves Revised EU Strategy and Action Plan*, 24.10.2023, https://www.consilium.europa.eu/en/press/press-releases/2023/10/24/maritime-security-council-approves-revised-eu-strategy-and-action-plan/?utm_source=chatgpt.com (access: 30.10.2025). On the legal challenges of EU multilateralism in the current international context, see H. Neves Pérez, *Cohesion and Territorial Solidarity as a Legal Response to the Crisis of Multilateralism: The Challenge of the European Union in the New International Governance*, "Revista Jurídica Portucalense" 2026, vol. 1(39). On the intersection between environmental obligations and armed conflict, with relevance to maritime security, see V. Strelnyk, N. Volchenko, N. Bondar, M. Kuznetsova, *Legal Liability for Environmental Damage Caused by Armed Conflict: International and National Legal Aspects (the Case of Ukraine)*, "Revista Jurídica Portucalense" 2026, vol. 1(39).

[25] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new approach for a sustainable blue economy in the EU Transforming the EU's Blue Economy for a Sustainable Future, Brussels, 17.5.2021, COM/2021/240 final.

[26] Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ L 247/1, 13.7.2021); Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Setting the course for a sustainable blue planet: Joint Communication on the EU's International Ocean Governance agenda, Brussels, 24.6.2022, JOIN/2022/ 28 final. See European Commission, *Sustainable Blue*

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

The Common Fisheries Policy, established by Regulation 1380/2013, is the EU's main legal instrument for ensuring the rational management of fishery resources. It is founded on the principle of maximum sustainable yield (MSY), requiring Member States to adopt catch limits (TACs) based on independent scientific advice.[27]

The transition to a low-carbon blue economy gains special traction with the EU Offshore Renewable Energy Strategy, which sets the ambitious target of multiplying installed capacity twenty-five-fold by 2050. The European Union also promotes blue biotechnology, a rapidly growing sector with high-technology applications in pharmaceuticals, food and cosmetics, framed by norms of bioethics, biosafety, biodiversity protection and environmental risk assessment.[28]

Externally, the EU's maritime policy rests on a model of multifaceted ocean diplomacy, visible in the conclusion of Sustainable Fisheries Partnership Agreements with third countries, active participation in Regional Fisheries Management Organisations, and the financing of marine conservation initiatives in areas beyond national jurisdiction. The use of the Global Europe Instrument (NDICI) translates into an integrated strategy that articulates development cooperation, environmental responsibility and normative projection in global ocean governance.[29]

Economy, https://oceans-and-fisheries.ec.europa.eu/blue-economy/sustainable-blue-economy_en (access: 30.10.2025).

[27] Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 and repealing Council Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 and Council Decision 2004/585/EC (OJ L 354/22, 28.12.2013). Cf. Article 1(2) of Regulation 1380/2013. On the legal framework of the Common Fisheries Policy in the post-2013 reform, see judgment of the CJEU of 30 April 2019, C-611/17, *Italy v Council*, ECLI:EU:C:2019:332, §§ 55–57. See also International Council for the Exploration of the Sea, *ICES Advice on Fishing Opportunities, Catch, and Effort (Annual)*, https://www.ices.dk/advice/Pages/Latest-Advice.aspx (access: 30.10.2025).

[28] European Commission, by the EU Strategy to harness the potential of offshore renewable energy for a climate neutral future (COM/2020/741 final), established the target of multiplying installed offshore renewable energy capacity twenty-five-fold by 2050. On the regulatory framework for blue biotechnology and risk assessment, see Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new approach for a sustainable blue economy in the EU Transforming the EU's Blue Economy for a Sustainable Future, Brussels, 17.5.2021, COM/2021/240 final, point 4. See also European Commission, *The EU Blue Economy Report 2023*, Luxembourg 2023.

[29] See European Commission, *Sustainable Fisheries Partnership Agreements (SFPAs)*, https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en (access: 30.10.2025); Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No. 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No. 480/2009 (OJ L 209/1, 14.6.2021).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

Critical perspectives have questioned the official narrative of the blue economy, noting that the emphasis on modernisation and growth may conceal the persistence of extractivist practices with negative impacts on marine ecosystems and the resilience of coastal communities. Empirical studies indicate that Sustainable Fisheries Partnership Agreements have in some contexts favoured industrial fleets at the expense of local fishers, accentuating socioeconomic and environmental pressures in coastal areas.[30]

JUDGING THE FUTURE: THE CONSOLIDATION OF CLIMATE DUTIES IN INTERNATIONAL LAW

The contemporary consolidation of international environmental and climate law has direct repercussions on the role of the European Union in the sustainable management of the oceans. Recent jurisprudential evolution has densified the content of obligations of prevention, precaution, due diligence, cooperation and responsibility, converting structuring principles into operative standards that determine the normative and administrative action of European institutions and Member States.

Three jurisprudential landmarks are especially relevant for the EU's action. The judgment in *KlimaSeniorinnen*, complemented by the decisions in *Carême v France* and *Engels and Others v Germany* (2025), affirms positive obligations of protection against climate risks before the ECtHR. The Advisory Opinion of the ITLOS of 21 May 2024 qualifies greenhouse gas emissions as marine pollution under Part XII of UNCLOS. The Advisory Opinion of the ICJ of 23 July 2025 confers an *erga omnes* character on climate obligations and accepts the 1.5°C threshold as an operative legal parameter.[31]

[30] See M. Hadjimichael, *A Call for a Blue Degrowth: Unravelling the European Union's Fisheries and Maritime Policies*, "Marine Policy" 2018, vol. 94, pp. 158–164; F. Le Manach, M. Andriamahefazafy, S. Harper, A. Harris, G. Hosch, G.-M. Lange, D. Zeller, U.R. Sumaila, *Who Gets What? Developing a More Equitable Framework for EU Fishing Agreements*, "Marine Policy" 2012, vol. 36, pp. 760–769.

[31] For a parallel treatment of these themes in Portuguese, within the framework of the RECMAR research project on Spanish fisheries and extended continental shelf law, see F.C. Moreira, *O Papel da União Europeia na Gestão Sustentável dos Oceanos*, [in:] *Sostenibilidad Ambiental y Aprovechamiento de los Recursos Marinos*, eds. C. Teijo García, J.J. Urbina, Cizur Menor 2026, pp. 195–224. See also judgment of the ECtHR (Grand Chamber) of 9 April 2024, *Verein KlimaSeniorinnen Schweiz and Others v Switzerland*, no. 53600/20; ITLOS, Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, Case No. 31, 21 May 2024; ICJ, Obligations of States in respect of Climate Change (Request for Advisory Opinion), Advisory Opinion, I.C.J. Reports 2025, 23 July 2025, Case No. 187.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

1. The International Tribunal for the Law of the Sea and the COSIS Advisory Opinion of 2024

The ITLOS Advisory Opinion, requested by the Commission of Small Island States on Climate Change and International Law, represents an inflection point in the interpretation of UNCLOS. The Tribunal affirmed categorically that atmospheric GHG emissions that deteriorate the ocean fall within the definition of marine pollution for the purposes of Part XII of UNCLOS.[32]

From this qualification flows a reinforced due diligence obligation. State action must materialise in effective legislative, administrative and technical measures, in transparent monitoring and reporting mechanisms, in impact assessments that consider cumulative effects, and in participation in multilateral arrangements for mitigation and adaptation. Precaution emerges as an operative canon: a deficit of certainty does not legitimise inaction when the plausibility of risk is high, and the potential for harm is serious or irreversible.[33]

2. The International Court of Justice and the Advisory Opinion of 2025

The ICJ Advisory Opinion on the obligations of States in matters of climate change systematises, with breadth and density, the duties of mitigation, prevention and cooperation, elevating the stabilisation of GHG concentrations to the status of a teleological objective of the climate regime. The Court accepts the 1.5°C limit as an operative legal parameter – not as a numerical fetish, but as an instrument for assessing the sufficiency of national policies in light of the material objective of preventing dangerous anthropogenic interference.[34]

The ICJ also qualifies climate obligations as *erga omnes*, allowing any State to invoke the responsibility of another for an omission or insufficiency of action affecting the climate system, regardless of direct harm. This conclusion produces constitutive effects for an international environmental public order, in which climate

[32] Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, Case No. 31, 21 May 2024, §§ 161–179. On the institutional background of the COSIS request, see Agreement for the Establishment of the Commission of Small Island States on Climate Change and International Law, signed at COP26 in Glasgow on 31 October 2021.

[33] ITLOS, Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, Case No. 31, 21 May 2024, §§ 233–243 on the content of due diligence obligations under Articles 192 and 194 UNCLOS, and also §§ 213–221 on the precautionary approach as an operative element of due diligence.

[34] ICJ, Obligations of States in respect of Climate Change (Request for Advisory Opinion), Advisory Opinion, I.C.J. Reports 2025, 23 July 2025, Case No. 187, §§ 188–215.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

protection moves away from bilateral relations and is inscribed in a universalist logic of common interest.[35]

3. The European Court of Human Rights and the Emergence of Climate Protection

In the judgment *Verein KlimaSeniorinnen Schweiz and Others v Switzerland*, the ECtHR concluded that there had been a violation of Article 8 of the European Convention on Human Rights[36] in the face of the inadequacy of the mitigation framework, affirming that the right to respect for private and family life encompasses effective protection against the serious effects of climate change on life, health, well-being and quality of life. This recognition integrates climate risks into the sphere of protection of conventional rights, converting international targets – notably those of the Paris Agreement[37] – into interpretive references for legality.[38]

Read together with the ITLOS and ICJ opinions, the Strasbourg jurisprudence reinforces the following conclusions: state omission in the face of the climate crisis may violate human rights; the 1.5°C targets and international commitments function as criteria of reasonableness and sufficiency of policies; and due diligence requires coherence, consistency and updating with science. The ECtHR reaffirms the European Convention on Human Rights as a "living instrument", functional to the protection of fundamental goods in the face of global risks.[39]

---

[35] *Ibidem*, §§ 376–404 on the *erga omnes* character of climate obligations and the standing of all States to invoke responsibility.

[36] Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005), as amended by Protocols Nos. 11 (ETS No. 155), 14 (CETS No. 194), and 15 (CETS No. 213), and supplemented by Protocols Nos. 1 (ETS No. 009), 4 (ETS No. 046), 6 (ETS No. 114), 7 (ETS No. 117), 12 (ETS No. 177), 13 (ETS No. 187), and 16 (CETS No. 214)

[37] Paris Agreement, adopted under the United Nations Framework Convention on Climate Change at Paris on 12 December 2015, entered into force on 4 November 2016, T.I.A.S. No. 16-1104.

[38] Judgment of the ECtHR (Grand Chamber) of 9 April 2024, *Verein KlimaSeniorinnen Schweiz and Others v Switzerland*, no. 53600/20, §§ 538–574.

[39] See also decision of the ECtHR of 9 April 2024, *Carême v France*, no. 7189/21, inadmissible; decision of the ECtHR of 7 May 2025, *De Conto v Italy and 32 Others*, no. 14620/21, inadmissible; decision of the ECtHR of 7 May 2025, *Uricchio v Italy and 31 Others*, no. 14615/21, inadmissible; decision of the ECtHR of 28 August 2025, *Engels and Others v Germany*, no. 46906/22, inadmissible. For analysis of the post-KlimaSeniorinnen inadmissibility decisions, see P. Rundel, *Inadmissibility Decisions after KlimaSeniorinnen: Hope Remains for Müllner v Austria as the Next Successful Climate Case before the ECtHR*, 26.9.2025, https://www.ejiltalk.org/inadmissibility-decisions-after-klimaseniorinnen-hope-remains-for-mullner-v-austria-as-the-next-successful-climate-case-before-the-ecthr (access: 30.10.2025). On the EU's normative influence on global ocean governance and its capacity to project standards externally, see A. Ospina-Alvarez, S. de Juan, C. Cáceres, U.R. Sumaila, G. Sant, N.K. Dulvy, C.A. Simpfendorfer, R. García, S. Niedermüller, S. Villasante, *Ocean Leadership: Can the European Union Influence the Global Shark Meat Trade?*, "Marine Policy" 2025, vol. 177.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

CONCLUSIONS

A cross-reading of the recent case law of the ECtHR, ITLOS, and the ICJ demonstrates the consolidation of a common normative core that transcends sectoral legal regimes and increasingly shapes EU action in the field of environmental and marine protection. That core develops along five structuring elements: precaution, as an operative decision-making criterion in conditions of scientific uncertainty; prevention, as a legal imperative to avoid significant harm, including diffuse and transboundary harm; due diligence, understood as a standard of concrete, measurable and updatable action based on the best available science; cooperation, as a legal duty of coordination and sharing of responsibilities; and intergenerational equity, as a temporal parameter of justice.

In terms of EU law, this jurisprudential convergence directly shapes the configuration and implementation of ocean and climate policies. Article 3(5) TEU[40] and Article 191 TFEU provide the teleological framework for environmental obligations, while the Marine Strategy Framework Directive, the Integrated Maritime Policy, the Common Fisheries Policy and the European Green Deal constitute the pillars of sustainable management. The novelty lies not only in the political ambition of these instruments, but in the legal density that now structures them.[41]

The ITLOS Advisory Opinion of 2024, by qualifying GHG emissions as marine pollution, imposes a reinterpretation of energy, port and nature protection policies in light of the duties of Part XII of UNCLOS. The ICJ Advisory Opinion of 2025 – by transforming the 1.5°C limit into an operative legal parameter and conferring an *erga omnes* character on climate obligations – reinforces the requirement of internal coherence of European policies: national targets must be technically adequate to the collective objective, fossil fuel subsidies require justification in light of the duty of prevention, and impact assessments must capture cumulative and systemic risks.

The practical consequence is unequivocal: the sustainable management of the oceans ceases to be a programmatic preference and becomes a multilevel legal duty. The European Union, bound by the United Nations Framework Convention on Climate Change,[42] the Paris Agreement and UNCLOS, must ensure that its actions – internal and external – contribute in an adequate and measurable manner to climate mitigation, to the protection of the marine environment, and to the preservation of biodiversity. This adequacy is assessed through effective decarbonisation, ecosystem resilience, the extension and robustness of marine protected areas, the

[40] Treaty on European Union (consolidated version, OJ C 202/13, 7.6.2016).

[41] On the convergence of climate, marine and human rights obligations in the EU legal order, see again the cross-reading of ITLOS, ICJ, and ECtHR jurisprudence, which provides the doctrinal background for the conclusions developed in this section.

[42] United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992, entered into force on 21 March 1994, 1771 UNTS 107.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

reduction of pollution sources and the existence of solid mechanisms of enforcement, public participation and transparency.

The ocean emerges, therefore, as a material axis of convergence between climate, fundamental rights and European integration. The sustainable management of the oceans is no longer a voluntary political commitment; it is a structuring legal duty, multilevel in nature, whose violation may trigger international responsibility and domestic litigation. It is in this light that the future of European ocean governance must be understood and evaluated.

REFERENCES

Literature

Arga e Lima F.R., Pereira Coutinho F., *Who Speaks on Our Behalf? National Identity and Constitutional Adjudication in the European Union*, "Revista Jurídica Portucalense" 2025, vol. 1(38). **DOI: https://doi.org/10.34625/issn.2183-2705(38)2025.jur-02**

Becker-Weinberg V., *Section 7 on the Protection and Preservation of the Marine Environment*, [in:] *United Nations Convention on the Law of the Sea*, eds. W. Brito, F.C. Moreira, Coimbra 2022.

Coglianese C., *Environmental Soft Law as a Governance Strategy*, "Michigan Journal of International Law" 2020, vol. 41(2).

European Commission, *The EU Blue Economy Report 2023*, Luxembourg 2023. **DOI: https://doi.org/10.2771/7151**

Flannery W., *Making Marine Spatial Planning Matter*, [in:] *Ocean Governance*, eds. S. Partelow, M. Hadjimichael, A.K. Hornidge, Berlin 2023. **DOI: https://doi.org/10.1007/978-3-031-20740-2_5**

Ghencea F.L., Murphy A.M.D., *Crossing the Floor in the Name of Intergovernmental Coordination: The Legislative Response to Party Switching in Romania*, "Studia Iuridica Lublinensia" 2024, vol. 33(4). **DOI: https://doi.org/10.17951/sil.2024.33.4.131-144**

Goucha Soares A., *The European Green Deal*, "Revista Jurídica Portucalense" 2024, no. 35. **DOI: https://doi.org/10.34625/issn.2183-2705(35)2024.ic-03**

Hadjimichael M., *A Call for a Blue Degrowth: Unravelling the European Union's Fisheries and Maritime Policies*, "Marine Policy" 2018, vol. 94. **DOI: https://doi.org/10.1016/j.marpol.2018.05.007**

Hees S. van, *Increased Integration between Innovative Ocean Energy and the EU Habitats, Species and Water Protection Rules through Maritime Spatial Planning*, "Marine Policy" 2019, vol. 100. **DOI: https://doi.org/10.1016/j.marpol.2018.10.006**

Jans J.H., Vedder H.H.B., *European Environmental Law after Lisbon*, Groningen 2012.

Krämer L., *EU Environmental Law*, London 2012.

Le Manach F., Andriamahefazafy M., Harper S., Harris A., Hosch G., Lange G.-M., Zeller D., Sumaila U.R., *Who Gets What? Developing a More Equitable Framework for EU Fishing Agreements*, "Marine Policy" 2012, vol. 36.

Moreira F.C., *Governance of the Portuguese Sea – from Political Actors to Intergovernmental and Sectorial Coordination: A Legal Approach*, "Studia Iuridica Lublinensia" 2023, vol. 32(3). **DOI: https://doi.org/10.17951/sil.2023.32.3.305-324**

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

Moreira F.C., *O Papel da União Europeia na Gestão Sustentável dos Oceanos*, [in:] *Sostenibilidad Ambiental y Aprovechamiento de los Recursos Marinos*, eds. C. Teijo García, J.J. Urbina, Cizur Menor 2026.

Neves Pérez H., *Cohesion and Territorial Solidarity as a Legal Response to the Crisis of Multilateralism: The Challenge of the European Union in the New International Governance*, "Revista Jurídica Portucalense" 2026, vol. 1(39). **DOI: https://doi.org/10.34625/issn.2183-2705(39.1)2026.ic-8**

Ospina-Alvarez A., Juan S. de, Cáceres C., Sumaila U.R., Sant G., Dulvy N.K., Simpfendorfer C.A., García R., Niedermüller S., Villasante S., *Ocean Leadership: Can the European Union Influence the Global Shark Meat Trade?*, "Marine Policy" 2025, vol. 177. **DOI: https://doi.org/10.1016/j.marpol.2025.106659**

Puharinen S.-T., *Achieving Good Marine Environmental Status in the EU*, "Marine Policy" 2023, vol. 155. **DOI: https://doi.org/10.1016/j.marpol.2023.105712**

Ribeiro M.C., Urbina J.J., *The Protection and Preservation of the Marine Environment*, [in:] *Commentaries on the United Nations Convention on the Law of the Sea*, eds. W. Brito, F.C. Moreira, Coimbra 2022.

Sadeleer N. de, *Environmental Principles: From Political Slogans to Legal Rules*, Oxford 2020. **DOI: https://doi.org/10.1093/oso/9780198844358.001.0001**

Strelnyk V., Volchenko N., Bondar N., Kuznetsova M., *Legal Liability for Environmental Damage Caused by Armed Conflict: International and National Legal Aspects (the Case of Ukraine)*, "Revista Jurídica Portucalense" 2026, vol. 1(39). **DOI: https://doi.org/10.34625/issn.2183-2705(39.1)2026.ic-11**

Suárez de Vivero J.L., *A European Maritime Policy? Coastal States, Interests and Strategies*, "Marine Policy" 2007, vol. 31. **DOI: https://doi.org/10.1016/j.marpol.2006.10.005**

Zaucha J., Gee K., Ramieri E., Neimane L., Alloncle N., Blažauskas N., Calado H., Cervera-Núñez C., Marohnić Kuzmanović V., Stancheva M., Witkowska J., Schütz S.E., Zapatero J.R., Ehler C.N., *Implementing the EU MSP Directive: Current Status and Lessons Learned in 22 EU Member States*, "Marine Policy" 2025, vol. 171. **DOI: https://doi.org/10.1016/j.marpol.2024.106425**

Online sources

Council of the European Union, *Maritime Security: Council Approves Revised EU Strategy and Action Plan*, 24.10.2023, https://www.consilium.europa.eu/en/press/press-releases/2023/10/24/maritime-security-council-approves-revised-eu-strategy-and-action-plan/?utm_source=chatgpt.com (access: 30.10.2025).

European Commission, *EU Mission: Restore our Ocean and Waters: Restoring the Health of the Ocean, Seas, and Inland Waters by 2030*, https://research-and-innovation.ec.europa.eu/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe/eu-missions-horizon-europe/restore-our-ocean-and-waters_en (access: 30.10.2025).

European Commission, *Sustainable Blue Economy*, https://oceans-and-fisheries.ec.europa.eu/blue-economy/sustainable-blue-economy_en (access: 30.10.2025).

European Commission, *Sustainable Fisheries Partnership Agreements (SFPAs)*, https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en (access: 30.10.2025).

European Marine Observation and Data Network (EMODnet), operated by DG MARE, https://emodnet.ec.europa.eu (access: 30.10.2025).

International Council for the Exploration of the Sea, *ICES Advice on Fishing Opportunities, Catch, and Effort (Annual)*, https://www.ices.dk/advice/Pages/Latest-Advice.aspx (access: 30.10.2025).

Rundel P., *Inadmissibility Decisions after KlimaSeniorinnen: Hope Remains for Müllner v Austria as the Next Successful Climate Case before the ECtHR*, 26.9.2025, https://www.ejiltalk.org/inadmis-

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

sibility-decisions-after-klimaseniorinnen-hope-remains-for-mullner-v-austria-as-the-next-successful-climate-case-before-the-ecthr (access: 30.10.2025).

Documents

Agreement for the Establishment of the Commission of Small Island States on Climate Change and International Law, signed at COP26 in Glasgow on 31 October 2021.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – The European Green Deal, Brussels, 11.12.2019, COM/2019/640 final.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions – EU Biodiversity Strategy for 2030 Bringing nature back into our lives, Brussels, 20.5.2020, COM/2020/380 final.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future, Brussels, 19.11.2020, COM/2020/741 final.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new approach for a sustainable blue economy in the EU Transforming the EU's Blue Economy for a Sustainable Future, Brussels, 17.5.2021, COM/2021/240 final.

Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – International ocean governance: An agenda for the future of our oceans, Brussels, 10.11.2016, JOIN(2016) 49 final.

Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Setting the course for a sustainable blue planet: Joint Communication on the EU's International Ocean Governance agenda, Brussels, 24.6.2022, JOIN/2022/ 28 final.

Joint Communication to the European Parliament and the Council on the update of the EU Maritime Security Strategy and its Action Plan, Brussels, 10.3.2023, JOIN(2023) 8 final.

Legal acts

Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement), adopted 19 June 2023.

Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005), as amended by Protocols Nos. 11 (ETS No. 155), 14 (CETS No. 194), and 15 (CETS No. 213), and supplemented by Protocols Nos. 1 (ETS No. 009), 4 (ETS No. 046), 6 (ETS No. 114), 7 (ETS No. 117), 12 (ETS No. 177), 13 (ETS No. 187), and 16 (CETS No. 214).

Convention on Biological Diversity, Rio de Janeiro, 5.6.1992, in force since 29 December 1993.

Council Decision 98/392/EC of 23 March 1998 on the conclusion by the European Community of UNCLOS and the Agreement relating to the implementation of Part XI (OJ L 179/1, 23.6.1998).

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206/7, 22.7.1992).

Directive 2008/56/EC f the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164/19, 25.6.2008).

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive) (OJ L 20/7, 26.1.2009).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (OJ L 257/135, 28.8.2014).
Paris Agreement, adopted under the United Nations Framework Convention on Climate Change at Paris on 12 December 2015, entered into force on 4 November 2016, T.I.A.S. No. 16-1104.
Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 and repealing Council Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 and Council Decision 2004/585/EC (OJ L 354/22, 28.12.2013).
Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No. 199/2008 (OJ L 157/1, 20.6.2017).
Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No. 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No. 480/2009 (OJ L 209/1, 14.6.2021).
Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No. 401/2009 and (EU) 2018/1999 (European Climate Law) (OJ L 243/1, 9.7.2021).
Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ L 247/1, 13.7.2021).
Treaty on European Union (consolidated version, OJ C 202/13, 7.6.2016).
Treaty on the Functioning of the European Union (consolidated version, OJ C 202/47, 7.6.2016).
United Nations Convention on the Law of the Sea, Montego Bay, 10.12.1982.
United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992, entered into force on 21 March 1994, 1771 UNTS 107.

Case law

Decision of the ECtHR of 9 April 2024, *Carême v France*, no. 7189/21, inadmissible.
Decision of the ECtHR of 7 May 2025, *De Conto v Italy and 32 Others*, no. 14620/21, inadmissible.
Decision of the ECtHR of 7 May 2025, *Uricchio v Italy and 31 Others*, no. 14615/21, inadmissible.
Decision of the ECtHR of 28 August 2025, *Engels and Others v Germany*, no. 46906/22, inadmissible.
ICJ, Obligations of States in respect of Climate Change (Request for Advisory Opinion), Advisory Opinion, I.C.J. Reports 2025, 23 July 2025, Case No. 187.
ITLOS, Request for an Advisory Opinion submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, Case No. 31, 21 May 2024.
Judgment of the CJEU of 11 September 2002, T-13/99, *Pfizer Animal Health SA v Council*, ECLI:EU:T:2002:209.
Judgment of the CJEU of 26 November 2002, T-44/00, *Artegodan GmbH and Others v Commission*, ECLI:EU:T:2002:283.
Judgment of the CJEU of 30 May 2006, C-459/03, *Commission v Ireland*, ECLI:EU:C:2006:345.
Judgment of the CJEU of 3 June 2008, C-308/06, *Intertanko*, ECLI:EU:C:2008:312.
Judgment of the CJEU of 30 April 2019, C-611/17, *Italy v Council*, ECLI:EU:C:2019:332.
Judgment of the ECtHR (Grand Chamber) of 9 April 2024, *Verein KlimaSeniorinnen Schweiz and Others v Switzerland*, no. 53600/20.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 06:34:26

ABSTRAKT

Ochrona oceanów stała się strategicznym priorytetem na przełomie XX i XXI w. W artykule analizie poddano rolę Unii Europejskiej w zrównoważonym zarządzaniu oceanami w ujęciu opartym na czterech osiach: ramach prawnych i strategicznych regulujących europejskie działania w dziedzinie ochrony środowiska; zaangażowaniu Unii w globalne zarządzanie oceanami oraz jego powiązanie ze zobowiązaniami międzynarodowymi; regulacji niebieskiej gospodarki oraz instrumentach zrównoważonego rozwoju środowiska morskiego; wpływie najnowszego orzecznictwa międzynarodowego na konkretyzację zobowiązań klimatycznych i morskich obciążających Unię oraz jej państwa członkowskie. Analiza wykazała, że architektura normatywna Unii Europejskiej – obejmująca instrumenty od Europejskiego Zielonego Ładu po wspólną politykę rybołówstwa oraz od dyrektywy ramowej w sprawie strategii morskiej po porozumienie w sprawie morskiej różnorodności biologicznej obszarów poza jurysdykcją krajową – jest formalnie spójna, lecz jej skuteczność pozostaje uzależniona od ich konsekwentnego wdrażania i wiążącego egzekwowania. Niedawne opinie doradcze Międzynarodowego Trybunału Prawa Morza (2024) oraz Międzynarodowego Trybunału Sprawiedliwości (2025), a także wyrok Wielkiej Izby Europejskiego Trybunału Praw Człowieka w sprawie *KlimaSeniorinnen* (2024) w istotny sposób skonkretyzowały zobowiązania klimatyczne i morskie, przekształcając programowe aspiracje w podlegające ochronie sądowej obowiązki prawne. W artykule sformułowano wniosek, że zrównoważone zarządzanie oceanami nie jest już preferencją w zakresie polityki, lecz wielopoziomowym zobowiązaniem prawnym, urzeczywistnianym za pośrednictwem norm, instytucji oraz mechanizmów odpowiedzialności, które rozciągają zasadę praworządności na obszary morskie.

Słowa kluczowe: prawo morza Unii Europejskiej; zarządzanie oceanami; niebieska gospodarka; zobowiązania klimatyczne; orzecznictwo międzynarodowe