



EU Cooperation with the International Criminal Court

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For years, the EU has consistently supported the International Criminal Court (ICC), considering it one of the key elements in promoting human rights, humanitarian law and justice around the world. The uneven commitment of states to cooperation with the Court, successive decisions to denounce its Statute, and the sanctions imposed on the ICC by Donald Trump's administration are all hampering its functioning, but have not been met with a firm response from the EU.

Cooperation with the ICC. The EU cannot accede to the ICC on its own because it is not a state. However, all its members have joined: Italy was the first in 1999, and Czechia was the last in 2009. Ratification of the Rome Statute, on which the Court operates, is taken into account when assessing candidate countries, although it is not a formal criterion for accession. However, the level of support for the Court among EU members is not uniform. The most supportive are the Scandinavian countries and the Netherlands, where the Court is based. Hungary, on the other hand, announced its withdrawal in April this year (which will become effective on 2 June 2026) during a visit by [Israeli Prime Minister Benjamin Netanyahu](#) and refused to execute the ICC arrest warrant issued against him. [Italy also showed a lack of cooperation with the Court by deporting the detained Osama Almasri to Libya](#), while France, Germany, Poland and Romania announced that they would not execute certain arrest warrants.

The EU also seeks to cooperate with the ICC on its own. In 2006, it concluded an agreement on cooperation and assistance with the ICC, concerning, among other things, the dissemination of provisions and values of its Statute (raising awareness of it, encouraging states to accede to it) and the sharing of information. It has also set up a special centre for cooperation with the Court to facilitate regular contact, committed itself to cooperating with the ICC Prosecutor and providing, as far as possible, the facilities and services needed by the ICC, and even support in the field. The EU also funds programmes and projects to strengthen the ICC's capacity, e.g. in 2022 it provided the ICC with €7.25 million in connection with Russia's aggression against Ukraine.

The EU and its Member States have also concluded ad hoc arrangements with the ICC to improve its functioning. Examples include those between the Court and EU agencies – Eurojust (2007 and [2022 on a joint investigation team](#)) and Europol (2023 and 2024) – concerning, among other things, the exchange of information and expertise.

Activities supporting the ICC. The EU is steadily, albeit slowly, developing its cooperation with the ICC, as reflected in successive Council documents. These include the 2003 Common Position, the 2004 Action Plan and the 2011 Decision. Therein, the EU set itself the goal of supporting the widest possible application of the ICC Statute worldwide. Its institutions and members are to do so in the context of negotiations on agreements with third countries (EU international agreements sometimes contain declarations of support for the ICC) and political dialogues. EU members are also to share their experiences of implementing the Statute with third countries, provide them with technical assistance and, with possible EU support, financial assistance in reforming their national legislation.

The 2011 decision emphasises the support of the EU and its members for the independence of the ICC. It encourages states to pay their contributions promptly and to ratify the agreement on the privileges and immunities of the ICC, as well as to support training and assistance for officials and lawyers whose work is related to the ICC. In addition, the European External Action Service (EEAS) has emphasised that "EU action in support of the ICC focuses on helping to counter external attacks against the Court, its judges, and

staff, including threats to impose sanctions ". In this regard, however, the EU has acted less decisively.

EU Reactions to Actions Against the ICC. Hungary's announcement that it would leave the ICC was condemned by some EU countries, such as Ireland and Germany, but the reaction by EU institutions was less clear-cut. In May, High Representative Kaja Kallas stated that the Commission (EC) was examining their decision in the light of EU law, avoiding giving a definite answer to the European Parliament's (EP) question about the EC's reaction to Viktor Orbán's government's actions. The EU did not officially comment on the [plans to hold a Trump-Putin summit in Budapest](#), which ultimately did not take place. Hungary's policy put it in the difficult position of reconciling its support for ending the war in Ukraine with the hosting [of the Russian president, who is wanted by the ICC](#).

In many cases, the EU has been critical of non-EU countries' decisions to leave the ICC. It condemned such moves by Burundi (2017) and the Philippines (2019), as well as the ultimately unrealised announcements by Gambia (2016) and South Africa (2023), and attempted to engage in dialogue with them on this issue. It imposed sanctions on Burundi, but these were linked to the broader political crisis in that country. In the case of the Philippines, MEPs unconvincingly suggested to the authorities that abandoning plans to leave the Court would result in, among other things, preferential treatment in trade with the EU. However, the EU did not meaningfully react to the withdrawal from the Statute in September this year by Burkina Faso, Mali and Niger. The differing approaches towards these countries may result from their internal situations, affecting the shape of their overall relations with the EU. For example, in the case of the latter three, this event took place in the context of the EU's efforts to renew working relations with the military juntas ruling them.

The EEAS also noted violations of the Rome Statute by Mongolia and Tajikistan, which hosted Putin in September last year and October this year, respectively, and assured them of its support for the Court's actions. However, it did not exert any significant pressure on them, for example, by imposing sanctions.

The EU responded to [the sanctions imposed on the ICC by Donald Trump's administration in 2020](#) and [2025](#) mainly with statements by high-ranking officials expressing their rejection of attacks on the Court, its staff and associates, and their continued support for the ICC. Although in 2020 Josep Borrell emphasised the EU's readiness to defend it against external interference and called on the US (which is not a party to the Statute) to lift the restrictions, in August this year Kallas merely expressed the EU's "strong support" for the ICC, already declared in June by EC President Ursula von der Leyen. Kallas also called on states to cooperate fully with

the ICC, including the efficient execution of arrest warrants, and announced possible further action after assessing the impact of these sanctions (e.g. the European Parliament and Slovenia encouraged the use of the [blocking statute](#) against them). However, these announcements have not yet been implemented, which may be due to the weighing of political interests (EU cooperation with the US and the ICC) and differences in the approach of EU countries to the Court. For example, in February this year, Czechia, Hungary, and Italy did not support a joint statement by 79 States Parties to the ICC Statute condemning the US sanctions, which was endorsed by the other EU Member States.

Conclusions and Outlook. Supporting the ICC is in line with the EU's values and external action objectives. However, the goal of extending its jurisdiction to the whole world is impracticable due to the attitude of the EU's partners (e.g. the US) and its own members (e.g. Hungary).

The EU is lobbying for support for the ICC, but it does not have the instruments to respond effectively to actions against the Court. For example, it cannot force its member states to remain in the ICC. It can initiate another [procedure against Hungary for violating EU values under Article 7 of the Treaty on European Union](#), but its effectiveness will be questionable given the limited impact of previous proceedings on the decisions of the Hungarian authorities and the lack of a binding obligation in EU law to remain a party to the Rome Statute. Therefore, adding such an obligation in the event of a possible amendment to the EU treaties would close the loophole.

Similarly, the EU may seek to introduce explicit commitments to support the ICC by third countries in agreements concluded with them. However, there is a risk that this would slow down negotiations and, in the case of some partners, it would already be too late. If such agreements have already been concluded, it would be necessary to amend them, a lengthy procedure in which the EU would most likely have to make concessions to its partners on other issues in order to persuade them to become more involved in the work of the ICC.

Despite these difficulties, it is in the interest of the EU, including Poland, to support the ICC's activities, especially as a potential venue for bringing Russian criminals to justice. The need to prosecute their acts against Ukraine can be used by the EU and its individual member states in their communication with the US to explain why they want to maintain their support for the ICC. This message may also be positively received by partners from the Global South, who have often accused [the ICC of focusing too much on criminals from Africa](#) and, currently, of not being active enough in bringing to justice those responsible for crimes in the Gaza Strip.