



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels

Fabrice Leggeri
Executive Director
European Border and Coast Guard
Agency

Dear Executive Director,

I would like to thank you for your letter and for the positive developments linked with the renewal of the Operational Plan of the Joint Operation Themis and operational communication in case of SAR related sightings in central Mediterranean area.

Libya has ratified the SAR Convention (Hamburg 1979). In December 2017 the Libyan Ports & Maritime Transport Authority notified the International Maritime Organization (I.M.O.) with the Libyan Search and Rescue Region (SRR). In accordance with the SAR Convention it represents a unilateral declaration with a constitutive effect. So far no objections or reserve was expressed by the international maritime community or specific neighbouring countries.

As you are aware the purpose of having an SRR is to clearly define who has primary responsibility for co-ordinating responses to distress situations.

Relevant information to identify the operational facility responsible for co-ordinating the conduct of SAR operations within the Libyan SRR have been uploaded on the SAR Global Plan managed by the IMO so that publicly available for the maritime stakeholders.

We have been observing the increased performance of the Libyan Coast Guard in the period 2017-2018 as direct consequence of the support EU provided both in terms of training and equipment.

In 2018, in accordance with the data provided by the International Organisation for Migration (IOM), a total of 15.358 migrants were rescued by the Libyan Coast Guard and disembarked in Libya. As of 22 February, the Libyan Coast Guard (LCG) rescued/intercepted 779 persons at sea in 2019.

It is also worth noting that in 2018 the majority of the people rescued were disembarked at the Tripoli Naval Base (62%) followed by Al Khums port (19%) and Azzawya (11%) where cooperation is consolidated at disembarkation points with the IOM for registration and initial screening.

The results of the monitoring mechanism implemented by EUNAVFOR MED Operation Sophia is encouraging and has confirmed the appropriate employment of Libyan personnel trained with the aid of EU assistance as well as an increased amount of activity at sea and a rise in capacities and professionalism of the Libyan Coast Guard.

The EU is engaging with the Libyan Coast Guard which has been recognized by the UN Sanctions Committee as a legitimate structure and is accountable to the Government of National Accord which in turn is recognized by the international community.

However, the Commission does not provide direct funding to the Libyan authorities. Since 2013, cooperation with the Libya has been ongoing in the framework of the EU Trust Fund program on various issues, including activities intended to strengthen the authorities' capacities in maritime surveillance and conducting search and rescue operations at sea.

The procedure outlined in your letter to communicate sightings of, as well as initial actions regarding, "distress" situations directly to the Maritime Rescue Coordination Centre (MRCC) "responsible" for the SAR region, constitutes a procedure that is in line with the provisions of the Hamburg Convention of 1979¹. It is thus in conformity with international law to inform and identify as first MRCC the one which is best placed to assist, so as to avoid delay in actions and minimise loss of life at sea.

With regard to the statement on following procedures and notifying sightings of "distress" at sea to the "Responsible" MRCC (i.e. MRCC Libya) and also to neighbouring MRCCs (i.e. those of Italy and Malta) and EUNAVFOR MED Headquarters, I would like to note that Italy, despite the fact that it cannot be considered a "neighbouring MRCC" because it does not border the Libyan SRR, is supporting the Libyan Coast Guard a lot in particular in acting during the SAR event as a "communication relay". In that regard, together with Malta, and following the standard practice, it would be appropriate to include Tunisia and Egypt as well.

I also take the occasion to highlight that EUNAVFOR MED Headquarter cannot be considered among those bodies recognized by the international legislation with responsibility to exercise SAR services including coordination. EUNAVFOR MED represents a structured response as part of the EU integrated approach to migration in the Central Mediterranean and to contribute to the stabilization of Libya. It has provided nevertheless until now its own valuable contribution "to assist persons in distress at sea and to deliver survivors to a place of safety related duties under the coordination of the competent RCC²". Many of the recent sightings of migrants in the Libyan SRR have been provided by aerial assets of EUNAVFOR MED and were notified directly to the Libyan RCC responsible for its own region.

The Commission has repeatedly recalled that the European Union's action on saving lives at sea has been resolute and will continue to be so. Providing assistance to persons and vessels in distress at sea is an obligation under international law binding upon the EU and its Member States. Early detection of such vessels and timely transmission of the relevant

¹ SAR Convention, paragraph 4.3 "Any search and rescue unit receiving information of a distress incident shall initially take immediate actions if in the position to assist and shall, in any case without delay, notify the *rescue coordination centre or rescue co-ordination sub-centre in whose area the incident has occurred*"

² Council Decision (CFSP) 2015/778 of 18 May 2015, 6th "whereas" n. (6).

information to the responsible RCC are of paramount importance for saving the life of people on board.

Yours sincerely,

(e-signed)

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