

CODE OF CONDUCT FOR NGOs INVOLVED IN MIGRANTS' RESCUE OPERATIONS AT SEA

Migration pressure on Italy does not seem to diminish and indeed is even more impressive than last year, as recognized by the institutions of the European Union and its Member States.

In this context, the protection of human life and the rights of the people is the main objective of the Italian Authorities in rescuing migrants, in the full respect of international conventions and, nevertheless, the rescuing activity cannot be separated from a reception path, sustainable and shared with other Member States, in accordance with the principle of solidarity referred to in art. 80 of the TFEU.

The Italian Authorities and the signatory NGOs carrying out SAR activities thus share the need to provide for a specific regulation of complex rescue operations in the Mediterranean Sea, in compliance with this Code of Conduct, also to safeguard the security of migrants and operators.

Therefore, the signatory NGOs undertake to respect the following requirements, as also shared at EU level:

- **absolute ban on the entry by NGOs into Libyan waters:** *in this regard, reference should be made to Libyan territorial waters which can only be reached if there is an evident danger to human life at sea;*

- **obligation not to turn off on-board transponders;**
- **obligation not to make telephone communications or send light signals** to facilitate the departure and embarkation of vessels carrying migrants: *with the obvious intention not to facilitate contacts with traffickers;*
- **obligation not to make trans-shipments on other vessels, either Italian or belonging to international naval assets,** except in the event of an emergency situation: *after the possible rescue, NGO vessels shall have to complete the operation by carrying them in a safe harbor.*
- **obligation not to obstruct the search & rescue operations by the Libyan Coast Guard:** *with the obvious intention of leaving the control of those waters to the responsibility of the competent territorial authorities;*
- **obligation to receive on board judicial police officers for investigation related to trafficking in human beings:** *allowing access on board of their naval assets of police personnel who will conduct preliminary inquiries and investigations, also following specific indications by the Judicial Authority;*
- **obligation to declare,** in accordance with the principles of transparency, sources of financing for rescuing activity at sea;
- **obligation to notify to the MRCC of their own flag State the sighting and subsequent intervention,** *so that this State is informed*

of the activities carried out by the vessel and can take on the responsibility even for the purposes of maritime security;

- **obligation to hold a certification** attesting technical suitability for rescuing activities: *it is a class certification for special services under the relevant regulations of recognized organizations - as also required to the Italian flag vessels, for commercial and non-commercial ships, not occasionally dedicated to the search and rescue service - as well as the certificates provided for by their national legislation in addition to the one envisaged by maritime security under the ISPS CODE;*

- **obligation to cooperate loyally with the Public Security Authority of migrants' landing location:** *such an obligation will result , by way of example and not limited to, in a commitment to provide - at least two hours before the arrival at the port - the documents that should be completed during the phases of rescue and journey to the port, after the primary assistance activities - i.e. the "maritime incident report" (summary document of the event) and the "sanitary incident report" (summary document of health situation on board);*

- **obligation to transmit all information of info-investigative interest to the Italian Police Authorities,** while simultaneously delivering, on their own initiative or upon request, any object that could constitute proof or evidence of an illegal act.

Failure to sign this Code of Conduct or failure to comply with its obligations may result in the refusal by the Italian State to authorize the access to national ports, subject to compliance with the existing international conventions.