



DG Migration and Home Affairs
European Commission

Our ref: [REDACTED] 1516/2019
Please quote when replying.

Warsaw, 22 February 2019

Subject: Operational communication in case of SAR-related sightings/ Central Mediterranean Area

Dear Director General, [REDACTED]

In the context of the European Border Surveillance System (EUROSUR), the European Border and Coast Guard Agency ensures the provision of the common application of surveillance tools. One of these tools of particular relevance for the pre-frontier surveillance, is the Multipurpose Aerial Surveillance (MAS). Using the Agency's own aerial surveillance capacities, Frontex Situation Centre shares the information collected by MAS in real-time with the neighbouring Member States via the official EUROSUR channels. Nevertheless, in case of sighting of a distress situation and to expedite the rescue operation, the SAR Convention adopted in 1979 is applied and the responsible Maritime Coordination Centre (MRCC) is directly notified.

Since the start of MAS service operationalization in 2017, the European Border and Coast Guard Agency has been directly involved in many sightings which saved lives and triggered Search and Rescue (SAR) actions that would otherwise not have taken place because no coastal state was aware of the case. The Central Mediterranean Sea is one of areas currently patrolled by MAS, with daily flights South of Lampedusa. The most recent operational analysis of the above mentioned areas shows a higher risk of loss of lives, mainly due to the increased presence of migrants in Libya and the potential communication delays in case the aerial assets performing SAR sightings do not report directly to the responsible MRCC.

Given the operational risks, potential loss of lives and prosecutions in case of inaction or delays, in case of SAR sighting, Frontex Situation Centre will continue to follow the obligations of SAR Convention. In practice this will mean informing the responsible Maritime Rescue Coordination Centre (i.e. MRCC Libya) as well as the neighbouring MRCCs (i.e. Italy and Malta) and EUNAVFORMED Headquarters.

This approach will increase the situational awareness and support relevant SAR authorities in the coordination of distress situation and saving lives which has always been the priority of the European Border and Coast Guard Agency. I wanted to share with the Commission our analysis of the operational and legal situation as it stands now in the Central Mediterranean Area. With this letter I also wanted to flag that direct exchanges of operational information with the MRCC Libya about SAR cases may trigger interventions of the Libyan Coast Guard. The development of a Libyan Coast Guard is funded as you know by the European Union. Nevertheless, the Commission and in general EU institutions may face questions of a political nature as a consequence of the SAR related operational exchanges of information that are mentioned above.

Yours sincerely,

[REDACTED]
Fabrice Leggeri
Executive Director