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P-000353/2017  
Answer given by Mr Avramopoulos  
on behalf of the Commission  
(28.3.2017)

The Commission would like to refer the Honourable Member to its reply to the major interpellation on the cooperation between human traffickers and NGOs engaged in search and rescue in the Mediterranean that was debated during the plenary session on 16 March 2017.

The duty to render assistance to persons or vessels in distress at sea is an obligation under international law<sup>1</sup>. International law is binding on States, who are obliged to subject shipmasters of private, commercial or military vessels to the corresponding duty to render assistance. The shipmasters of vessels of non-governmental organisations (NGO) are therefore bound to respect the same obligations of international law as shipmasters of State vessels.

European Border and Coast Guard's Risk Analysis 2017 does not constitute evidence of NGOs having cooperated or colluded with criminal smuggling networks to intentionally facilitate unauthorised entry to the EU. This shall however be seen as a reminder that close coordination between all participants in the International Convention on Maritime Search and Rescue (SAR) operations in the Mediterranean is key to the effective implementation of the existing rules and to ensure the safety of all concerned, migrants and crews alike.

The Commission has not received any official information from the competent national authorities about investigations or prosecution of NGOs involved in search and rescue activities for having cooperated with criminal smuggling networks. It is for the national authorities to assess whether the conduct of any NGO or other legal or natural person that rescue people in a concrete case can be sanctioned under EU or national law as a criminal activity.

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<sup>1</sup> This principle is enshrined in the UN Convention on the Law of the Sea (UNCLOS) (Art. 98) as well as the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention on Maritime Search and Rescue (SAR). In addition, the applicable legal framework includes additional treaties related to maritime traffic, salvage and International Maritime Organization (IMO) resolutions.