

22.10.2019

B9-0154/4

Amendment 4

Annalisa Tardino

on behalf of the ID Group

Motion for a resolution

B9-0154/2019

Juan Fernando López Aguilar

on behalf of the Committee on Civil Liberties, Justice and Home Affairs
search and rescue in the Mediterranean

Motion for a resolution

Recital A

Motion for a resolution

Amendment

A. whereas according to International Organisation for Migration (IOM) figures, in 2019 so far some 933 people are believed to have died or have gone missing in the Mediterranean Sea on their way to Europe; whereas the death toll in the Mediterranean has been on the decline since 2015 (3 771 in 2015, 2 277 in 2018); ***whereas according to the UNHCR, despite the significant drop in arrivals (141 472 in 2018 as opposed to 1 032 408 in 2015), the route from Libya to Europe is still the migration route with the highest death toll in the world (646 deaths so far in 2019) and was five times deadlier in 2018 than in 2015 notably due to a reduction in search and rescue (SAR) activities off the Libyan coast;***

A. whereas according to International Organisation for Migration (IOM) figures, in 2019 so far some 933 people are believed to have died or have gone missing in the Mediterranean Sea on their way to Europe; whereas the death toll in the Mediterranean has been on the decline since 2015 (3 771 in 2015, 2 277 in 2018);

Or. en

22.10.2019

B9-0154/5

Amendment 5

Annalisa Tardino

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Recital B

Motion for a resolution

Amendment

B. whereas ***many vulnerable people such as women and unaccompanied minors are among those*** trying to reach Europe by crossing the Mediterranean; ***whereas many of these are at risk of trafficking and exploitation and are therefore in need of immediate protection (the percentage of unaccompanied minors arriving via the central Mediterranean route in the last 5 years has remained unchanged at 15 %, while more than 1 100 unaccompanied minors reached the Italian coast this year);***

B. whereas ***most people*** trying to reach Europe by crossing the Mediterranean ***are economic migrants***;

Or. en

22.10.2019

B9-0154/6

Amendment 6

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Motion for a resolution

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Recital C

Motion for a resolution

Amendment

C. whereas saving lives is ***an act of solidarity with those at risk, but first and foremost*** a legal obligation under ***both*** international law, ***as Article 98 of the United Nations Convention of the Law of the Sea (UNCLOS) – ratified by all Member States and the Union itself – requires States to render assistance to any person in distress at sea⁶ and Union law;***

C. whereas saving lives is a legal obligation under international law; ***whereas providing a shuttle service for illegal migrants to cross the Mediterranean is not a legal obligation under international law, and creates a pull factor for illegal migrants;***

⁶ See also the obligations laid down in the 1974 International Convention for the Safety of Life at Sea (SOLAS), the 1979 International Convention on Maritime Search and Rescue (SAR) and the 1989 International Convention on Salvage.

Or. en

22.10.2019

B9-0154/7

Amendment 7

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Recital F

Motion for a resolution

F. whereas in the event that the Maritime Rescue Coordination Centre (MRCC) in charge of the SAR region does not assume responsibility for an operation, including cases where a failure to do so is systemic, the 2004 IMO MSC Guidelines on the treatment of persons rescued at sea consider the first Rescue Coordination Centre alerted responsible;

Amendment

F. whereas in the event that the Maritime Rescue Coordination Centre (MRCC) in charge of the SAR region does not assume responsibility for an operation, including cases where a failure to do so is systemic, the 2004 IMO MSC Guidelines on the treatment of persons rescued at sea consider the first Rescue Coordination Centre alerted responsible; ***whereas certain NGO vessels are conducting search and rescue operations in the Mediterranean without coordinating with the relevant coordination centres established under the International Convention on Maritime Search and Rescue;***

Or. en

22.10.2019

B9-0154/8

Amendment 8

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on behalf of the ID Group

Motion for a resolution

B9-0154/2019

Juan Fernando López Aguilar

on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Search and rescue in the Mediterranean

Motion for a resolution

Recital H

Motion for a resolution

Amendment

H. whereas all vessels operating in the Mediterranean, including when engaged in rescue operations, have the obligation to respect the relevant international conventions and other applicable rules;

H. whereas all vessels, ***including NGO vessels***, operating in the Mediterranean, including when engaged in rescue operations, have the obligation to respect the relevant international conventions and other applicable rules;

Or. en

22.10.2019

B9-0154/9

Amendment 9

Annalisa Tardino

on behalf of the ID Group

Motion for a resolution

B9-0154/2019

Juan Fernando López Aguilar

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Search and rescue in the Mediterranean

Motion for a resolution

Recital J

Motion for a resolution

Amendment

J. whereas Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence lays down minimum rules regarding criminal penalties for facilitating irregular entry as defined in Council Directive 2002/90/EC even if said facilitation is not arranged for financial gain and extends the rules to irregular transit, instigators and accomplices; whereas shipmasters and crews should not face criminal penalties for the sole reason of having rescued persons in distress at sea and brought them to a place of safety¹⁰;

J. whereas Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence lays down minimum rules regarding criminal penalties for facilitating irregular entry as defined in Council Directive 2002/90/EC even if said facilitation is not arranged for financial gain and extends the rules to irregular transit, instigators and accomplices; whereas shipmasters and crews should not face criminal penalties for the sole reason of having rescued persons in distress at sea and brought them to a place of safety¹⁰, ***but should face criminal penalties if they provide a shuttle service for migrants to illegally cross the Mediterranean;***

¹⁰ Recital 14 of Regulation (EU) No 656/2014 (OJ L 189, 27.6.2014, p. 93).

¹⁰ Recital 14 of Regulation (EU) No 656/2014 (OJ L 189, 27.6.2014, p. 93).

Or. en

22.10.2019

B9-0154/10

Amendment 10

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Motion for a resolution

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Recital K

Motion for a resolution

Amendment

K. *whereas in its resolution of 5 July 2018 on guidelines for Member States to prevent humanitarian assistance from being criminalised, Parliament noted that the humanitarian assistance exemption should be implemented as a bar to prosecution, to ensure that prosecution is not pursued against individuals and civil society organisations assisting migrants for humanitarian reasons and urged the Commission to adopt guidelines for Member States specifying which forms of facilitation should not be criminalised; whereas criminalisation might discourage private shipmasters from providing assistance; whereas 10 NGOs/vessels/individuals are under criminal investigation for saving lives; whereas NGOs saving the lives of migrants in the Mediterranean were nominated for the European Parliament's Sakharov Prize in 2018;* **deleted**

Or. en

22.10.2019

B9-0154/11

Amendment 11

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Recital O

Motion for a resolution

Amendment

O. whereas migrants have been a profitable business for smugglers and traffickers; whereas the latter's business models have been very reactive to the evolution of the situation on the ground and at sea; ***whereas it is important that the EU steps up the fight against smuggling;***

O. whereas migrants have been a profitable business for smugglers and traffickers; whereas the latter's business models have been very reactive to the evolution of the situation on the ground and at sea; whereas ***these smugglers and traffickers profit from the EU's open door policy and count on NGOs to assist them in transporting migrants across the Mediterranean, thereby creating an additional pull factor;***

Or. en

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B9-0154/12

Amendment 12

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Motion for a resolution

B9-0154/2019

Juan Fernando López Aguilar

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Search and rescue in the Mediterranean

Motion for a resolution

Recital Q

Motion for a resolution

Amendment

Q. whereas the Libyan authorities notified the International Maritime Organisation of a Libyan SAR area in June 2018; whereas, according to the Commission¹², the Libyan coast guard continues to intercept or rescue a large number of persons at sea – around 15 000 in 2018; ***whereas on several occasions the Joint Rescue Coordination Centre in Libya has failed to fully meet its obligations under international maritime law to coordinate rescue operations, is often unresponsive to distress calls, has hindered NGO vessels from saving lives and has put lives at risk when rescuing or intercepting persons at sea***¹³; whereas Frontex assets have been transmitting information ***to the Libyan Maritime Rescue Coordination Centre*** about people in distress at sea;

Q. whereas the Libyan authorities notified the International Maritime Organisation of a Libyan SAR area in June 2018; whereas, according to the Commission¹², the Libyan coast guard continues to intercept or rescue a large number of persons at sea – around 15 000 in 2018; whereas Frontex assets have been transmitting information, ***as required by international and EU law, to all competent Maritime Rescue Coordination Centres*** about people in distress at sea;

¹² Commission Communication of 6 March 2019 entitled ‘Progress report on the Implementation of the European Agenda on Migration’ (COM(2019)0126).

¹³ *Recommendation of the Council of Europe Commissioner for Human Rights, ‘Lives saved. Rights protected – Bridging the protection gap for refugees and migrants in the Mediterranean’, p. 21.*

¹² Commission Communication of 6 March 2019 entitled ‘Progress report on the Implementation of the European Agenda on Migration’ (COM(2019)0126).

Or. en

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B9-0154/13

Amendment 13

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Recital R

Motion for a resolution

Amendment

***R. whereas people intercepted by the deleted
Libyan coast guard are transferred to
detention centres where they are
systematically exposed to arbitrary
detention in inhumane conditions, and
where torture and other ill-treatment,
including rape, as well as arbitrary
killings and exploitation are endemic;
whereas the UNHCR takes the view that
Libya does not meet the criteria for being
designated as a place of safety for the
purpose of disembarkation following
rescue at sea;***

Or. en