

**Amendment 30****Nicola Procaccini**

on behalf of the ECR 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, the death toll in the Mediterranean ***has fallen in the last year (1 041 during the period from 1 January to 2 October 2019, compared with 1 890 during the same period in 2018);***

Or. en

22.10.2019

B9-0154/31

**Amendment 31**

**Nicola Procaccini**

on behalf of the ECR 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 I**

*Motion for a resolution*

*Amendment*

I. whereas *no predictable mechanism for disembarkation and relocation is currently under consideration by the Council despite announcements in July 2019, following a high level meeting in Paris, that 14 Member States had agreed to a new ‘solidarity mechanism’ proposed by Germany and France, and in relation to which* a high-level meeting subsequently took place on 23 September in Malta; *whereas, the joint declaration issued after that meeting highlights the subscribing Member States’ commitment to a more predictable and efficient temporary solidarity mechanism in order to ensure the dignified disembarkation in a place of safety of migrants taken aboard vessels on the high seas; whereas the mechanism would be valid for 6 months, renewable upon further agreement; whereas the declaration does not set up a system of cooperation on SAR among participating Member States; whereas Parliament has not been involved in those discussions;*

I. whereas *the joint declaration issued after* a high-level meeting *which* took place on 23 September in Malta would be valid for 6 months; *whereas it is currently supported by a very limited number of* Member States;

Or. en

22.10.2019

B9-0154/32

**Amendment 32**

**Nicola Procaccini**

on behalf of the ECR 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 safety<sup>10</sup>***;

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;

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

Or. en

22.10.2019

B9-0154/33

**Amendment 33**

**Nicola Procaccini**

on behalf of the ECR 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 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

B9-0154/34

**Amendment 34**

**Nicola Procaccini**

on behalf of the ECR 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 L**

*Motion for a resolution*

*Amendment*

***L.       whereas since the end of the  
operation Mare Nostrum on 31 October  
2014, there has been no proactive state  
operated SAR in the Central  
Mediterranean;***

***deleted***

Or. en

22.10.2019

B9-0154/35

**Amendment 35**

**Nicola Procaccini**

on behalf of the ECR 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 M**

*Motion for a resolution*

*Amendment*

***M.    whereas, on 26 September 2019,  
the Council extended the mandate of  
EUNAVFOR MED (Operation Sophia)  
until 31 March 2020, but continued, as  
was the case with the previous mandate  
extension, to limit it to air operations  
while suspending any maritime operations  
(vessels);***

***deleted***

Or. en

22.10.2019

B9-0154/36

**Amendment 36**

**Nicola Procaccini**

on behalf of the ECR 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 P**

*Motion for a resolution*

*Amendment*

P. whereas migrant smuggling and trafficking are distinct phenomena addressed by distinct legal frameworks at Union and international level; whereas ***human trafficking involves the recruitment, transportation or reception of a person through the use of violent, deceptive or abusive means for the purpose of exploitation, while the smuggling of migrants, according to the UN Anti Smuggling Protocol means the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;***

P. whereas migrant smuggling and trafficking are distinct phenomena addressed by distinct legal frameworks at Union and international level; whereas ***according to EU law, facilitation of illegal migration is not necessarily linked to financial gain;***

Or. en

22.10.2019

B9-0154/37

**Amendment 37**

**Nicola Procaccini**

on behalf of the ECR 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 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



B9-0154/38

**Nicola Procaccini**

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**B9-0154/2019**

**Juan Fernando López Aguilar**

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Search and rescue in the Mediterranean

## Recital S

*Motion for a resolution*

*Amendment*

*S. whereas following the closure of some Mediterranean ports, the Commission has been coordinating an ad hoc disembarkation and voluntary relocation model; whereas since the beginning of 2019, 620 people have been disembarked in Malta, and 718 in Italy; whereas European Asylum Support Office (EASO) has supported 12 disembarkation and subsequent relocation operations in Italy and Malta; whereas the great majority of those disembarked apply for international protection and many of them are vulnerable people such as women and unaccompanied minors in need of immediate protection;*

Or. en

22.10.2019

B9-0154/39

**Amendment 39**

**Nicola Procaccini**

on behalf of the ECR 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 V**

*Motion for a resolution*

*Amendment*

V. whereas *in its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, Parliament took the view that a permanent, robust and effective Union response in search and rescue operations at sea is crucial to preventing an escalating death toll of migrants attempting to cross the Mediterranean Sea; whereas legal and safe pathways should be created in order to reduce irregular migration and the death toll in the Mediterranean;*

V. whereas *national and voluntary resettlement schemes should be enhanced in order to reduce irregular migration and the death toll* in the Mediterranean;

Or. en