

EN

E-002654/2019

Answer given by Vice-President Borrell  
on behalf of the European Commission  
(8.1.2020)

There is no exchange of information between EUNAVFOR MED Operation SOPHIA<sup>1</sup> and the Libyan Coast Guard with regards to maritime surveillance. Nor is there any agreement in place between the two entities for the exchange of such information.

Through EUNAVFOR MED Force Head Quarters, information or sightings regarding distress situations/potential distress situations at sea (e.g. unseaworthy boat) gained by ships and aircrafts operating within the mandated Area of Operation are shared with all competent Maritime Rescue Coordination Centres (MRCC).

The legal basis for sharing information with competent MRCCs regarding distress situations/potential distress situations at sea are the Safety of Life at Sea (SOLAS)<sup>2</sup> and Search and Rescue (SAR)<sup>3</sup> International Conventions duly referenced by EUNAVFOR MED's operations plan. Search and Rescue operations are not part of EUNAVFOR MED's mandate. Nevertheless, EUNAVFOR MED and its Unit Commanders are still bound to comply with international law (including the SOLAS and SAR Conventions), as stated in Recital 6 of the Council Decision CFSP 2015/778<sup>4</sup> on a Military Operation in the Southern Central Mediterranean Sea (EUNAVFOR MED).

The mandate of EUNAVFOR MED has been extended until 31st March 2020<sup>5</sup>. Following operational guidance by the Political and Security Committee, the Operation is temporarily operating without naval assets at sea, pending a solution on the broader disembarkation issue.

There was no operational information provided by Frontex to the Libyan coastguard in the framework of operations covered by Regulation (EU) No 656/2014 given that it applies to border surveillance operations carried out by Member States at their external sea borders in the context of operational cooperation coordinated by the European Agency. However in the framework of the EUROSUR<sup>6</sup> Fusion Service - Multipurpose Aerial Surveillance (MAS) is performed. During the execution of MAS in the pre-frontier area (since 2017 up to 20 November 2019), when Frontex detected a distress situation in the Libyan Search and Rescue

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<sup>1</sup> <https://www.operationsophia.eu/>

<sup>2</sup> [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\)-1974.aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS)-1974.aspx)

<sup>3</sup> [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-\(SAR\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-(SAR).aspx)

<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015D0778>

<sup>5</sup> <https://www.consilium.europa.eu/en/press/press-releases/2019/09/26/eunavfor-med-operation-sophia-mandate-extended-until-31-march-2020/>

<sup>6</sup> [Regulation \(EU\) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System \(Eurosur\) - https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1052](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1052)

Region, the Agency provided notice in 42 cases to the neighbouring Member State Rescue Coordination Centre, to EUNAVFOR MED as well as to Libyan authorities.