

**Question for written answer E-003768/2022  
to the Commission**

Rule 138

**Erik Marquardt** (Verts/ALE)

Subject: SAR: CJEU judgment on arbitrary port State control in Italy

Pursuant to a case brought by the non-profit association Sea-Watch e.V. before an Italian administrative court, on 1 August 2022 in preliminary ruling proceedings the Court of Justice of the European Union (CJEU) ruled that the number of persons transported during rescue operations is not in itself sufficient to justify unscheduled port State control<sup>1</sup>. Nevertheless, on 21 September 2022, the Italian authorities blocked the vessel Sea-Watch 3 in the port of Reggio Calabria. Once again, the number of persons on board was given as the grounds for port State control, without the specific circumstances of the individual case being examined and weighed up<sup>2</sup>.

1. Does the Commission agree that the Italian authorities have thus breached the CJEU judgment?
2. What steps will it take against the Italian authorities to protect non-profit organisations from the illegal actions of national supervisory authorities in this area?
3. In its recommendation (EU) 2020/1365 of 23 September 2020<sup>3</sup>, the Commission stressed the importance of non-governmental organisations rescuing people at sea, stating that 'there is a need to avoid criminalisation of those who provide humanitarian assistance to people in distress at sea'. To what extent do the actions of the Italian authorities run counter to that recommendation?

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<sup>1</sup> CJEU judgment of 1 August 2022: <https://curia.europa.eu/juris/document/document.jsf?text=&docid=263730&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=1999522>

<sup>2</sup> Sea Watch e.V. press release of 23 September 2022: <https://sea-watch.org/sea-watch-3-blockade/>

<sup>3</sup> Commission Recommendation (EU) 2020/1365 of 23 September 2020 on cooperation among Member States concerning operations carried out by vessels owned or operated by private entities for the purpose of search and rescue activities, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020H1365&from=EN>