

Matthias Oel
Director
European Commission
Directorate-General for Migration and Home Affairs
Directorate B: Borders, Interoperability and Innovation

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Our ref: SAM/FSC/LUBA/12187a/2021
Please quote when replying.

Warsaw, 22/11/2021

Subject: Written question number P-4779/2021: Ruling by a Naples court on the return of migrants to Libya

Dear Mr Oel,

With reference to the Written Question P-4779/2021, submitted by the Members of the European Parliament Erik Marquardt (Verts/ALE), Anne-Sophie Pelletier (The Left), Damian Boeselager (Verts/ALE), Damien Carême (Verts/ALE), Tineke Strik (Verts/ALE), Sira Rego (The Left), and Miguel Urbán Crespo (The Left) to the European Commission, referring to Ruling by a Naples court on the return of migrants to Libya, please find below our reply to the third question.

QUESTION 3

In how many cases has Frontex informed the LCG about a boat carrying migrants or a boat in distress which then led to returns to Libya, and will these cases be retroactively examined?

Before addressing the question in specific it is worth to highlight that Frontex does not coordinate its regular surveillance activity with the Libyan Coast Guard. This Agency only shares information with the internationally recognised Libyan Rescue Coordination Centre, on SAR related events, when its aircrafts detect a distress situation at sea occurring within the Libyan Search and Rescue Region. These communications have the aim to save lives at sea and are based on and follow the related international law and regulations. Over these critical circumstances, when informing the Libyan Rescue Coordination Centre, Frontex shares the same data with all other rescue coordination centres operating in the Central Mediterranean being Italy, Malta, Tunisia. The data that shared comprises all available elements that can support a rescue operation, this includes a reference to the geographical coordinates of the vessel or persons in distress at sea.

During the MAS activities that took place in 2020 over the Central Mediterranean Sea, 175 cases under the legal framework of SAR were detected. From these SAR incidents, 119 were located in the Libyan SRR and according to the explanation above and the relevant SAR regulations, were communicated to Libyan Rescue Coordination Centre, as well as for enhanced situational awareness to the other Rescue Coordination Centres active in the region (namely Tunisia, Malta and Italy). Frontex Surveillance Aircrafts in 2020 helped saving 9760 lives in the central Mediterranean route, 6912 of them related to the 119 SAR events that took place within LBY SRR.

So far (until 7th of November) in 2021 MAS activity that is taking place over the Central Mediterranean Sea, 382 cases were detected under the legal framework of SAR, from which 306 SAR incidents were located in the Libyan Search and Rescue Region being similarly communicated to the responsible Rescue

Coordination Centre as well as to other Rescue Coordinating Centres active in the region (such as Tunisia, Malta and Italy).

Nevertheless, despite the communications made and framework under which they are made (SAR), Frontex does not receive information from the Libyan RCC on the performed SAR operations, to allow a retroactive examination of each case.

At FRONTEX, the European Border and Coast Guard Agency, rescuing people in distress at sea remains a top priority and part of every maritime surveillance activity.

I remain at your disposal should you need any further clarifications.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'F' followed by a horizontal line.

Fabrice Leggeri
Executive Director