



## Migrants: MEPs endorse search and rescue rules to prevent further deaths at sea

Committees Committee on Civil Liberties, Justice and Home Affairs [20-02-2014 - 11:36]

**Binding rules on search and rescue to clarify how border guards serving in Frontex sea operations should deal with migrants and where they should disembark them were approved by the Civil Liberties Committee on Thursday. The rules were informally agreed by Parliament and Council negotiators on 11 February.**

"Our key aims have been met: we have mandatory rules on search and rescue operations and on the identification of migrants intercepted at sea; we have deleted the possibility of 'pushback' on the high seas and we have strengthened the 'non-refoulement' principle. These new rules will enable Frontex to respond more effectively and to prevent deaths at sea", said rapporteur Carlos Coelho (EPP, PT).

### Mandatory rules on search and rescue

The text defines "emergency phases" for search and rescue operations and places a clear duty upon units participating in Frontex operations to engage and to save lives. The rules on search and rescue operations and the disembarkation of migrants will only cover operations that are coordinated by Frontex. This should help to dispel confusion created by EU member states' differing interpretations of international law and practices.

### Identifying intercepted migrants

The "operational plan" governing Frontex-coordinated border surveillance operations must henceforth include procedures to ensure that persons needing international protection, victims of trafficking in human beings, unaccompanied minors and other vulnerable persons are identified and given appropriate help. Only after migrants are identified may possible coercive measures be taken (the identification rules are mandatory, whereas the enforcement ones are optional).

### Fundamental rights and non-refoulement principle

MEPs tightened up the text to ensure compliance with the "non-refoulement" principle, which says that individuals must not be returned to their country of origin or any other country where there is a risk of persecution, torture or other serious harm.

Border guards who consider landing intercepted or rescued people in a third country will have to follow certain procedures (e.g. identification, personal assessment, information on the place of disembarkation, etc). Their actions will be subject to inspection.

"Even though no migrant has so far been disembarked in a third country as part of a Frontex-coordinated operation, it is still very important to lay down tough rules to ensure that if this happens, it is done in full compliance with the 'non-refoulement' principle and respect for the fundamental rights of the migrants concerned", said the rapporteur.

### No "pushbacks" on the high seas

A provision allowing "pushback" operations on the high seas has been deleted from the text. The only possibility that remains is to "warn and order" the vessel not to enter in the territorial waters of a member state.

### Rescuing people in distress should not be a crime

"The shipmaster and crew should not face criminal sanctions for the sole reason of having rescued persons in distress at sea and brought them to a place of safety", says a recital inserted by MEPs in the text.

# Press release

## **Solidarity and responsibility-sharing tools**

As requested by MEPs, the text reiterates that member states facing migratory pressure may activate several solidarity tools (including human, technical and financial resources) in the event of a sudden influx of migrants.

## **Next steps**

The agreement is to be put to a vote by Parliament as a whole in April.

Result of the vote in the committee: 35 votes to 2, with 3 abstentions

*Committee on Civil Liberties, Justice and Home Affairs*

*In the chair: Juan Fernando López Aguilar (S&D, ES)*

*Procedure: ordinary legislative procedure (codecision), first reading agreement*

## **Contact**

**Isabel Teixeira NADKARNI**

BXL: (+32) 2 28 32198

STR: (+33) 3 881 76758

PORT: (+32) 498 98 33 36

EMAIL: [libe-press@europarl.europa.eu](mailto:libe-press@europarl.europa.eu)

TWITTER: EP\_Justice