



European Contact Group on Search and Rescue Questionnaire for Members

ANSWERS FROM BULGARIA

Since 2014, thousands of people have been attempting to cross the Mediterranean to reach Europe, requiring a multifaceted response by the European Union and its Member States with a view to avert loss of life, improve migration management, address the root causes of irregular migration and disrupt organised crime groups of migrant smugglers and traffickers in human beings.

Providing assistance to any persons found in distress at sea is a legal obligation of Member States established in international customary and conventional law, in particular the International Convention for the Safety of Life at Sea (SOLAS Convention, 1974), the United Nations Convention of the Law of the Sea (UNCLOS, 1979), and the International Convention on Maritime Search and Rescue (SAR Convention, 1979), as well as Union law.

Search and rescue operations in emergency situations require coordination and rapid disembarkation in a place of safety (POS) and respect for the fundamental rights of rescued people, in conformity with the EU Charter of Fundamental Rights obligations, including the principle of non-refoulement, and with customary and conventional international human rights and maritime law.

In the context of the work of the European Contact Group on Search and Rescue, as referred to in the Commission Recommendation (EU) 2020/1365¹, this questionnaire aims at gathering information on rules and practices developed and implemented at national level, in order to contribute to develop common understanding and practices in this field with a view to reducing fatalities at sea, maintaining safety of navigation and ensuring effective migration management, in compliance with relevant legal obligations.

Coordination of SAR operations

1. What national legislative acts regulate the coordination of Search and Rescue (SAR) operations in your country?

¹ Commission Recommendation (EU) 2020/1365 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.

The following legislation regulates Search and Rescue (SAR) operations in Bulgaria:

- Merchant Shipping Code (Title amended, SG No. 113/2002, published in SG No. 55/14.07.1970, last rev. – SG No. 108/ 22.12.2020): Chapter 1 “General Provisions” - Art.7, par. 5; Chapter 5 “Master and Ship Crew” – Art.98 par.1; Chapter 17. “Maritime administration”- Art. 361, par.8; Art. 367;
- Law on the Maritime Spaces, Inland Waterways and Ports of The Republic of Bulgaria (SG No. 12/ 11.02.2000, last rev. – SG No.17/26.02.2021): Chapter 2, Sec. 1, Art. 5 par. 5 Chapter 8, Art. 65;
- National SAR Plan (2004)
- Executive Agency “Maritime Administration” Rules of Procedure (SG No. 33/08.05.2015; last rev. – SG No. 70/24.08.2018): Chapter 1 “General Provisions” Art. 4 par. 6 and 7 Art. 5 par. 2.8 , Chapter 2, Sec.2 “Responsibilities of Executive director”- Art.10. par. 7.; Chapter 3, sec. 3, Art. 23;
- Executive Agency “Maritime Administration” - Quality Management System;
- A separate plan has been developed for acceptance of ships in need of assistance in the inland waters and in the territorial waters of the Republic of Bulgaria.
- Art.3, para. 1, point 5 of Ordinance № I-11/19.11.2005 on the protection of the maritime section of the state border of the Republic of Bulgaria regarding Border police vessels.
- Chapter 5, para.55 of National Defence Strategy (2016) regarding Naval vessels.

2. According to the relevant national legislation, how is the coordination of SAR events organized in your country?

Please provide general information on the Rescue coordination centre and possible rescue sub-centres, the SAR unit, the SAR facilities, the operating procedures, etc. and please explain if a permanent patrol by SAR assets is carried out, regardless of an ongoing SAR event.

MRCC Varna within Executive Agency of Maritime Administration-Ministry of Transport acts as RCC (Rescue Coordination Center) as prescribed in the international legislation e. g. A unit responsible for promoting efficient organization of SAR services and for coordinating the conduct of SAR operations within a SAR region.

Performs distress monitoring, communication, co-ordination and search and rescue functions, including provision of medical advice, initial medical assistance, or medical evacuation, through the use of public and private resources, including co-operating aircraft, vessels and other craft and installations. Duty is performed over IMO adopted Bulgarian SRR (Search and rescue region). An area of defined dimensions, associated with a rescue co-ordination center, within which SAR services are provided. MRCC Varna is Search and rescue point of contact (SPOC).

The developed operational procedures in MRCC Varna are in accordance with IAMSAR Manual recommendations.

Naval and Border Police ships observe their obligation to render assistance to any vessel or person in distress at sea during the operation in accordance with international and national law. In case of SAR operation Regional Coordination Center of Regional Directorate of Border Police Burgas which is within Chief Directorate of Border Police – Ministry of Interior/Duty unit within Navy provides assistance with TE on request from MRCC-Varna in accordance with the joint action procedures between Ministry of Interior/Ministry of Defence and Maritime Administration. Coordination between the SAR assets of Maritime Administration and Border Police/Navy ships during a SAR operation in the Bulgarian area of responsibility is performed by means of constant communication between the abovementioned units and MRCC.

While deployed the Navy/Border Police vessel maintains a constant readiness to provide assistance to vessel and people in distress at sea. The TE Commanding officer should bear in mind that he/she is more likely to be appointed for On-scene coordinator (OSC) by MRCC Varna when the scene of distress is reached. Then TE coordinates the operation with other ships according to the provided search pattern.

3. Can you provide information on the SAR capacities of your country and the relevant assets deployed?

Please also explain how the SAR capacities of your country have evolved over the last years and if you consider them sufficient in view of reducing fatalities at sea and maintaining safety of navigation.

MRCC Varna has established SAR floating units along the Bulgarian coast, availability to use assets of Border police and Naval ships and helicopters as well as civil units to render assistance.

4. Can you provide examples of the most relevant good practices that your country applies or has developed and regularly implements when coordinating a SAR event?

The commander of the Navy/Border police TE is obliged to provide assistance to those in need, regardless of their nationality, position or the circumstances in which they were found. This obligation originates in particular from Art. 98 (1) of the 1982 UN Convention on the Law of the Sea *Each State shall require the captain of a ship flying its flag to the extent that he is able to do so without endangering the ship, crew and passengers.*

In a migrant case, when the rescue operation is over, there may be problems with migrants and refugees coming ashore, especially if they do not have identity documents. Applicants for refugee status and refugees rescued at sea should not disembark where their lives and

freedom would be endangered. The rescued people are handed over to the respective Border Police Station in the designated port.

If people rescued at sea want protection, the procedure for granting protection is followed, by contacting the State Agency for Refugees / Bulgarian Helsinki Committee (BHC) / UNHCR through RCC Burgas (Regional Coordinating Center within RDBP Burgas)

5. Based on the international legal framework, which criteria are applied by your country for determining that a vessel or craft is in a distress situation?

The SAR mission initial evaluation, coordination and planning after receiving distress alert passes through three well established stages: ALERT, UNCERTAINTY and DISTRESS, as prescribed in IAMSAR Manuals.

6. Based on the international legal framework, which criteria are applied by your country for identifying the place of safety (POS) for the disembarkation of rescued people?

The main applicable principle to be observed is that the responsibility to provide a place of safety, or to ensure that a place of safety is provided, falls on the State responsible for the SAR region in which the survivors were recovered, as set in relevant applicable international legal instruments. In Bulgarian SAR Region MRCC Varna should identify a place of safety in case of SAR wherein disembarkation of the rescued persons is carried out rapidly and effectively.

7. How does your country take account of the role of the European Border and Coast Guard Agency (Frontex) on SAR?

Bulgarian border surveillance as a part of European integrated border management complies with Art. 3 of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard consisting a component of search and rescue operations for persons in distress at sea launched and carried out in accordance with Regulation (EU) No 656/2014 and with international law, taking place in situations which may arise during border surveillance at sea.

Article 9 of Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union says that Member States shall observe their obligation to render assistance to any vessel or person in distress at sea and, during a sea operation, they shall ensure that their participating units comply with that obligation, in accordance with international law and

respect for fundamental rights. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

8. How does your country cooperate with other countries within the International Maritime Organization (IMO) on SAR matters?

Please highlight possible relevant practices and agreements in place.

Bulgaria cooperates with Turkey on SAR matters as follows:

Following the provisions stipulated in SAR.6/Circ.24 25 April 2005 AREA SEARCH AND RESCUE PLANS, there is a Notification of Agreement on Search and Rescue Regions and co-ordination of search and rescue services in accordance with paragraph 2.1.4 of the Annex to the International Convention on Maritime Search and Rescue, 1979, as amended between the relevant Maritime administrations of Bulgaria and Turkey.

There is also an Agreement on providing a place of refuge for accommodation of ships in need of assistance between the Bulgarian Executive Agency of Maritime Administration to the Ministry of Transport, Information Technology and Communications and the Romanian Naval Authority.

Private vessels carrying out SAR activities as their predominant activity

Since the beginning of the migration crisis in the Mediterranean Sea, a number of private vessels have been operating for the specific purpose of carrying out SAR activities and/or rendering assistance to persons in distress at sea.

There are no private vessel carrying out SAR activities in Bulgarian maritime domain, therefore questions 9 to 14 should be deemed as not applicable.

9. Are there any private vessels that carry out SAR activities as their predominant activity, which fly the flag of your country?

9.1 If yes, do the entities operating such vessels declare SAR as their main scope of activity or do they indicate a different type of activity as their main focus?

10. Are there in your legal order rules providing for a specific registration and certification for private vessels carrying out SAR activities as their predominant activity?

10.1 If yes, please, explain how these requirements help to ensure that the vessels are certified to meet the safety and health requirements provided for by your national law, so as not to pose a danger to the crew on board or the persons rescued, while at the same time not being unduly obstructed from carrying out their activity of saving lives at sea.

11. Does your national legislation provide for any specific conditions that apply to private vessels flying your flag and carrying out SAR activities as their main activities?
12. Does your country have an ongoing dialogue at the national level with the organizations that operate these vessels or does it envisage doing so, in order to ensure more coordinated and effective action in the field of SAR?
13. In view of the Commission *Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence*², has your country made any legislative changes or has plans to introduce changes to its legislation to exempt facilitation of unauthorised entry and transit from being criminalised, when carried out for humanitarian assistance?
 - 13.1 In view of the Commission *Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence* does your country have an ongoing dialogue with the organizations that may be concerned, or does it envisage doing so?
14. Please indicate any legal and policy documents relevant to these matters, and where to find them if publicly available.

Challenges and possible steps ahead

15. Based on your experience, what are the main challenges that need to be addressed both at national and European level in the field of international SAR?
 1. Development of EU SAR plan considering by distinguishing the regular SAR from the rescue of illegal migrants, for the latter an unitary procedure is needed to be introduced setting up the actions of all parties involved in a SAR operation and review the national plans according to EU legislation.
 2. Mutual national and international procedures and agreements for interoperable coordination.
 3. Improving situational awareness by building ground-based and satellite communication systems between national and international actors in search and rescue operations.
 4. Access to national and EU central databases, with certain access, security level and independant monitoring systems especially near borders.

² Commission C(2020) 6470, Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence.

5. Establishment of a permanent mechanism for mutual assistance and monitoring of the condition and availability of search and rescue systems at national and European level.

16. How does your country consider that the means of cooperation, especially between flag and disembarkation States, could be improved, in order to reduce fatalities at sea, maintain safety of navigation and ensure effective migration management, in compliance with relevant legal obligations?

The means of cooperation between flag and disembarkation States should be defined in the above-mentioned EU SAR plan in order to reduce fatalities at sea, maintain safety of navigation and ensure effective migration management.

17. Which information does your country consider it would be useful to exchange with other States in order to improve SAR operations management?

It would be useful to exchange information as follows:

- updated national communication plans with the relevant search and rescue authorities;
- updated available resources for search and rescue operations.
- sharing good practices and system solutions in national search and rescue systems with neighboring countries;

18. Does your country cooperate with other countries outside the Contact Group with regard to SAR matters, or does it consider it would be useful to do so? If yes, how?

In the frame of the cooperation among the coast guards/ border police structures of the Black sea countries it's established and adopted specific Action plan for reaction/ response against the different kind of illegal or specific situation which may be arise in Black sea. One of the main issues of this plan is concerning with SAR situations and in accordance with that any Black sea country may alert for SAR case and ask for cooperation the others parties.

19. How does your country consider the Contact Group on Search and Rescue could be further used to improve coordination and cooperation in this field?

The Contact Group on SAR could be further used by giving additional information, by introducing improved forms of coordination and cooperation between the involved countries in a possible SAR operation in the area including the establishment of the above-mentioned EU SAR plan in case of illegal migrants SAR operations.

20. Which other stakeholders does your country consider the Contact Group on Search and Rescue should have a dialogue with?

The Contact Group on SAR should have a dialogue with other stakeholders, such as key experts from third countries (Black sea countries including Turkey, Libya, Morocco, etc.), IMO experts, representatives of shipping associations, representatives of NGOs and others.