



## European Contact Group on Search and Rescue Questionnaire for Members

*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) 2020/1365<sup>1</sup>, 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?

[Polish Act of 18 August 2011 on Maritime Safety](#)

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<sup>1</sup> 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.

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.*

According to the Act of 18 August 2011 on Maritime Safety, Polish Maritime Search and Rescue Service (Polish SAR Service) is the governmental unit responsible for maritime search and rescue operations. Polish SAR Service consists of:

Maritime Rescue Coordination Center in Gdynia

Maritime Rescue Sub-center in Świnoujście

The SAR units:

3 x SAR rescue cruiser type SAR - 3000;

7 x SAR rescue vessels type SAR - 1500;

1 x Rescue boat type Baltic Parker 900;

1 x Multipurpose/ pollution combating vessel "Kapitan Poinc";

1 x Pollution combating vessel "Czesław II"

8 x Coastal Rescue Station equipped with: terrain tracks, rescue boats type RIB 650, rescue jet skis and others rescue equipment.

Operating procedures contained in the Maritime SAR Plan are in accordance with SAR Convention and IAMSAR Manual.

Polish SAR Service vessels do not carry out permanent patrols.

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.*

Polish SAR capacity consists of the assets provided by the Polish SAR Service (see par. 2 above) and the assets provided by Polish Navy, Marine Unit of the Border Guard, maritime administration and other players listed in the Maritime SAR Plan:

Navy:	Vessels - 26, Aircraft - 3
Border Guard:	Vessels - 12, Aircraft - 3
Maritime Office in Gdynia:	Vessels - 4
Maritime Office in Szczecin:	Vessels - 1
National Fire Service:	RIB / motor boat - 30
PETROBALTIC:	Vessels - 5, drilling rigs - 2

Polish SAR capacities are considered sufficient in view of the current SAR related tasks. In recent years the Polish SAR capacity has been increased due to investments in the assets of both the Polish SAR Service and the maritime administration, taking into consideration the changing characteristics of the SAR operations in the recent years and the general development in the maritime transport domain. For example in 2018 eight of the Coastal Rescue Stations of the Polish SAR Service have been equipped with terrain tracks and rescue jet skis due to the increase of rescue operations on the shallow coastal waters and near the underwater artificial reefs constructed along the Polish shoreline in order to prevent the coastal erosion. In 2020 Polish maritime administration (directors of the maritime offices in Gdynia and Szczecin) obtained two new multipurpose ships with firefighting and rescue capacities. The general capacity of the Polish SAR system is regularly improved thanks to the investments in the assets of all players included in the Maritime SAR Plan.

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?

Polish SAR Service implements all recommendations contained in IAMSAR Manual.

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?

Maritime Rescue Coordination Center or Maritime Subcenter must receive distress signal or information about that a vessel or craft is in a distress situation.

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 nearest harbour is the place of safety for the disembarkation of rescued people.

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

The role of FRONEX in the field of maritime SAR is considered by Poland mainly in terms of cooperation of the Polish Border Guard with the Polish SAR Service in SAR related activities (SAR operations and exercises) and cooperation with the maritime administration (i.e. maritime surveillance, safety related communications).

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.*

On the operational level the Polish SAR Service cooperates with other countries accordingly to the provisions of the SAR Convention and the bilateral operational agreements with the competent SAR authorities of the Kingdom of Denmark, Kingdom of Sweden, Federal Republic of Germany and Russian Federation.

Poland actively participates in the works of the SAR working group of the IMO Subcommittee for Navigation, Communications and Search and Rescue (NCSR). Poland is also a member of the International Maritime Rescue Federation (IMRF).

## 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.*

9. Are there any private vessels that carry out SAR activities as their predominant activity, which fly the flag of your country? **No**

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? **No**

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? **No**

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? **No**

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*<sup>2</sup>, 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.

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

## 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?

On the national level Poland is considering adequate changes in the national maritime SAR system in order to face the new challenges related to the planned construction of the maritime wind farms within the vast area of the Polish exclusive economic zone. Other challenges in the field of SAR which have not been yet addressed sufficiently by Poland concern the underwater SAR operations, open sea firefighting and mass rescue operations.

There is a lack of adequate regulative framework and operational arrangements in the aforementioned SAR-related aspects also on the 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?

Taking into account Poland's perspective on the possible challenges related to the management of migration via Baltic Sea, the current means of cooperation in the field safety of navigation are considered adequate and sufficient.

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

SAR operations management could be improved by exchanging the national data obtained through the relevant surveillance systems (i.e. fisheries control and border control) and providing it to SAR services of the EU countries by means dedicated tools.

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?

The operational cooperation between SAR services on basis of the SAR Convention and bilateral agreements is considered effective.

There is a need for a dedicated EU forum for considering the SAR related issues.

Also there is a lack of EU legislation dedicated to the SAR related matters which would initiate improvements to the national SAR services and consequently to the EU integrated SAR system.

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 to develop adequate legislative tools aiming to address the current and new challenges in the maritime safety field and to improve the SAR services assets and procedures, taking into account the technological development in the maritime field and the changes to the activities carried out in the maritime areas.

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