



**European Contact Group on Search and Rescue
Questionnaire for Members
Completed by Belgium**

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.

In Belgium, there are several legislative acts regulating the coordination of SAR operations. These legislative acts emanate from the Flemish Region, as the SAR operations are a Regional competence in Belgium. The texts are the following :

- 16 June 2006. — Law (Flemish Region) on the guidance of shipping on the maritime access routes and the organization of the Maritime Rescue and Coordination Centre (MRCC)
http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2006061651&table_name=wet
- 26 October 2007. – Decree of the Flemish Government concerning the Maritime Rescue and Coordination Centre (MRCC)
http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2007102630&table_name=wet
- 14 September 2007 - Decree of the Flemish Government on the training, qualification and liability of personnel charged with supervising shipping on the maritime access routes outside the port area and personnel of the MRCC
http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2007091437&table_name=wet

These texts are available in Dutch and in French.

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.

The coordination of search and rescue in case of maritime incidents is done by MRCC Ostend in the Belgian maritime search and rescue region. This region consists of the Belgian territorial waters and Belgian Exclusive Economic Zone.

SAR units consist of 7 designated rescue vessels and 4 rescue helicopters.

The vessels are owned and managed by the Flemish government (2), the VBZR volunteer organisation (3) and the Ship Support firm (2) . Both VBZR and Ship Support have official agreements with the Flemish government. The 4 rescue helicopters are owned and managed by the Belgian air force.

Other SAR assets are larger vessels of the Flemish government (1 multi-purpose, 4 pilotage, 1 tug), Belgian Navy (2 coastal patrol vessels), maritime police (1) and Customs (1). Most of these SAR units and assets are performing frequent patrols regardless of

incidents. In summer season inland RHIBs of beach rescue and fire department are also available.

The coordination of search and rescue in case of aeronautical incidents is done by RCC Brussels in the Belgian aeronautical search and rescue region. This region is the same as the Brussels flight information region (FIR). RCC Brussels is a part of the Belgian air force but is legally acting on behalf of the federal department of transport. Both MRCC Ostend and RCC Brussels are supported by RSC Koksijde for helicopter operations.

Each plan is based on a multidisciplinary approach with different partners in the command room and on the field.

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.

For units, assets and current capacity, see previous answers. This capacity did not evolve a lot over the last years. At this moment they are sufficient to reduce fatalities and maintaining safety of navigation. Some concerns however exist over future helicopter capacity, heavy tug availability and firefighting capacity.

MRCC Ostend has complete AIS, VHF and RADAR coverage over its area of responsibility. We lack aeronautical radar and are trying to evolve to a joint RCC together with RSC Koksijde. Sadly, without success so far. We are now procuring an integrated SAR incident management system but we are missing international standardisation. We are also working on better data exchange with maritime security authorities (Maritime Information Crosspoint or MIK in Zeebrugge).

If necessary, in addition to the SAR vessels, private vessels can be claimed.

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?

Most good practices are described by IAMSAR manuals.

Furthermore:

- Well written and trained procedures to work together with land based services as fire brigade, police and medical services for incidents along the shoreline.
- Large autonomy of the SMC in conducting medical evacuations. If needed, they can move fast without mandatory doctors advice.
- Use of Monte Carlo models to calculate search area's and patterns since 1,5 years.

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 distress phase exists when there is reasonable certainty that an aircraft, ship, or other craft or persons on board is in danger and requires immediate assistance. For overdue craft, a distress exists when communications searches and other forms of investigation have not succeeded in locating the craft or revising its ETA so that it is no longer considered overdue. If there is sufficient concern for the safety of a craft and the persons aboard to justify search operations, the incident should be classified as being in the distress phase.

For ships or other watercraft, a distress phase is declared when:

- A. positive information (EPIRD, telephone, VHF) is received that a ship or other craft or a person on board is in danger and needs immediate assistance;
- B. following the alert phase, further unsuccessful attempts to establish contact with the ship or other craft and more widespread unsuccessful inquiries point to the probability that the ship or craft is in distress; or
- C. information is received which indicates that the operating efficiency of the ship or other craft has been impaired to the extent that a distress situation is likely.

For an aircraft, a distress phase is declared when:

- A. following the alert phase, the further unsuccessful attempts to establish communication with the aircraft and more widespread unsuccessful inquiries point to the probability that the aircraft is in distress;
- B. the fuel on board is considered to be exhausted, or to be insufficient to enable the aircraft to reach safety;
- C. information is received which indicates that the operating efficiency of the aircraft has been impaired to the extent that a forced landing is likely;
- D. information is received or it is reasonably certain that the aircraft is about to make or has made a forced landing, except when there is reasonable certainty that the aircraft and its occupants do not require immediate assistance; or

E. a downed aircraft is inadvertently located as the result of a sighting or of homing on an ELT transmission.

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 place of safety (POS) is a location :

- where rescue operations are considered to terminate;
- where the survivors' safety of life is no longer threatened
- where their basic human needs (such as food, shelter and medical needs) can be met;
- and, a place from which transportation arrangements can be made for the survivors' next or final destination.

Additionally, the ports of safety are predefined in the emergency plans.

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

At the EU level, there is a tri-agency approach on SAR by EMSA, FRONTEX and EFCA.

The Belgian maritime police collaborates in border control organised by Frontex.

A closer EU cooperation on SAR is always welcome, especially in harmonisation of training, incident management systems, standards, procedures and wider framework (joint EU SAR agreement instead of bilateral SAR agreements)....

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.

There is a Joint Responsibility Zone with UK, France and the Netherlands from the maritime police perspective.

On a day to day basis, MRCC Ostend cooperates closely with UK (NMOC and Dover CG), France (Cross Gris Nez) and the Netherlands (JRCC Den Helder).

MRCC Ostend has a signed bilateral SAR agreement with the UK Coast Guard.

MRCC Ostend is represented in NCSR, NACGF, EUCGFF, EU correspondence group on SAR, EMSA, EU high level steering group on Places of Refuge, AFATG.

MRCC Ostend is working on a COSPAS SARSAR SPOC agreement with FMCC Toulouse.

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?

Yes but under contract with the government and coordinated by MRCC Ostend.

This are dedicated rescue vessels managed by private company Ship Support in Nieuwpoort and volunteer organisation VBZR in Blankenberge.

(This are not organisations that are operating independent and they are not specifically organised to render assistance to illegal immigrants)

- 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?

Yes they also perform commercial activities like assistance to vessels with engine failure and towage services.

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?

Only for small rescue boats. Not for the vessels of the organisations mentioned in previous answers. They are registered as commercial leisure craft or non-SOLAS work boats.

- 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?

Only on a regional (Flemish) level.

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?

No.

- 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?

No, there is no incoming migration in Belgium from the North Sea.

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?

- *System-to-system transmission of search boxes from MRCC to units using m-ATON's (AIS).*
- *Use of Whatsapp to localise migrants in trouble.*
- *Future goals: use of cell phone signals and/or smart phone data to localise persons at sea (onboard small boats).*
- *Have access to heavy emergency tug capacity, maritime incident response groups (firefighting) and ACO aircraft.*
- *Organise and maintain proper training for SAR mission coordinators (in a small organisation)*
- *Standardisation of incident management systems*
- *Mobile data exchange between (M)RCC' and Search and Rescue Units in remote locations (sea)*
- *Integration of ARCC/ARSC and MRCC into a JRCC*

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.

- *The establishment of bilateral (or joint EU) SAR agreements, Cospas Sarsat SPOC agreements and GDPR agreements*
- *Organisation of a 24/7 SAR fleet,*
- *Predefinition of ports of safety.*

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?

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

Lessons learned related to real incidents

Annual training schedules for SMC's

Test results of new technology (drones, incident management systems,...)

Near border capacity and availability of search and rescue units

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?

Yes, mainly with the UK in but within NACGF also with the US and Canada

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?

To work together on handling or main challenges (answer question 15), and for benchlearning / benchmarking.

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

Large lifeboat organisations like RNLI, SNSM...

International chamber of shipping

International governmental organisations like NCSR (IMO), NACGF, EUCGFF, EMSA, EU high level steering group on Places of Refuge, AFATG, COSPAS SARSAT, ICAO, GSA, NATO, DG ECHO

NGOs, Defense, Doctors without borders,...