



## 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?**

The coordination of SAR operations is regulated by the Maritime Code of the Republic of Croatia and National Maritime Search and Rescue Plan.

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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.**

The coordination is organised through the Maritime Rescue Coordination Centre (MRCC) located in Rijeka and 8 sub-centres located in Pula, Rijeka, Senj, Zadar, Šibenik, Split, Ploče and Dubrovnik. SAR vessels are distributed among sub-centres area. MRCC maintains permanent control 24/7 and operational units are deployed on demand of MRCC.

**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.**

The Ministry of the Sea, Transport and Infrastructure deploys 38 vessels for SAR activities in its internal seawaters, territorial sea and exclusive economic zone. Over the last few years one important asset has been added to Zadar area, which is a new 14 metres SAR boat. Integrated operational tools based on IAMSAR and metocean data in real time have been used for SAR operations over the past several years. In the next few years, the plan is to renew the SAR fleet with vessels for general SAR purposes and medevac purposes. A New National Maritime Search and Rescue Plan is almost completed and, once in force, it should include volunteer organisations to SAR at sea.

In addition to the vessels of the Ministry of the Sea, Transport and Infrastructure, vessels of the Ministry of the Interior and vessels and aircraft of the Coast Guard also participate in search and rescue operations. The vessels of the Ministry of the Interior perform regular tasks 24/7. If necessary, upon the request of the MRCC, they are immediately included in the SAR.

The maritime police has 54 vessels and all of them can participate in SAR operations on request. The procurement process of two more vessels is in progress.

**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?**

All SAR related incidents and accidents at sea are stored in electronic logbook. Further analysis of the coordination and execution of SAR actions leads to improvement of procedures.

**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?**

According to the National Maritime Code, SAR Plan is based on SAR Convention and 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?**

Determination of POS is based on the type of SAR incident and its relation to the other authorities with jurisdiction at sea.

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

Until now, the Republic of Croatia has not had any SAR activity in which the involvement of Frontex was necessary. In any case, we will accept any possible support by Frontex should it be necessary in the future.

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

Cooperation is carried through the International Maritime Rescue Federation membership and bilateral agreement with the Republic of Italy on SAR.

*Please highlight possible relevant practices and agreements in place.*

**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?**

Not applicable (N/A)

**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.

N/A

**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?**

At the moment there are no private vessels that carry out SAR activities as their predominant activity, but a future plan is to include volunteers and their crafts in SAR.

**13. In view of the Commission *Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorized 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 unauthorized entry and transit from being criminalized, when carried out for humanitarian assistance?**

Yes, since 2017 in the Aliens Act.

**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

**14. Please indicate any legal and policy documents relevant to these matters, and where to find them if publicly available.**

Aliens Act (OJ 130/2020)

### **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?**

Main challenges to be addressed are related to mass rescue operations.

**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,**

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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.

**maintain safety of navigation and ensure effective migration management, in compliance with relevant legal obligations?**

The cooperation is carried out through consistent observance and application of all relevant international conventions and rules related to safe navigation. We strongly condemn the abuse of the institute of rescuing people at sea for the purpose of helping illegal migrants to arrive to the EU. This has been incorporated into the Croatian legal system as the offense of aiding unauthorized entry, transit and residence. It is transposed into the Aliens Act. 90 / EC of 28 November 2002 defining assistance to unauthorized entry, transit and residence and the Framework Decision on Sanctions (Council Framework Decision 2002/946 / JHA of 28 November 2002 on strengthening the penal framework to prevent unauthorized entry, transit and residence).

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

Exchange of information on new technologies in SAR operations, SAR vessel information and SAR crew training information.

**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?**

With regards of SAR matters, the Republic of Croatia cooperates with countries within Contact Group, while MRCC may cooperate with countries in the region under SAR Convention.

**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 coordination and cooperation could be improved through exchange of best practices and sharing experiences regarding SAR actions, funding and training of SAR personnel.

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

In the Republic of Croatia a high level of cross-sectoral cooperation in the field of SAR is achieved.