



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) 2020/1365¹, 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

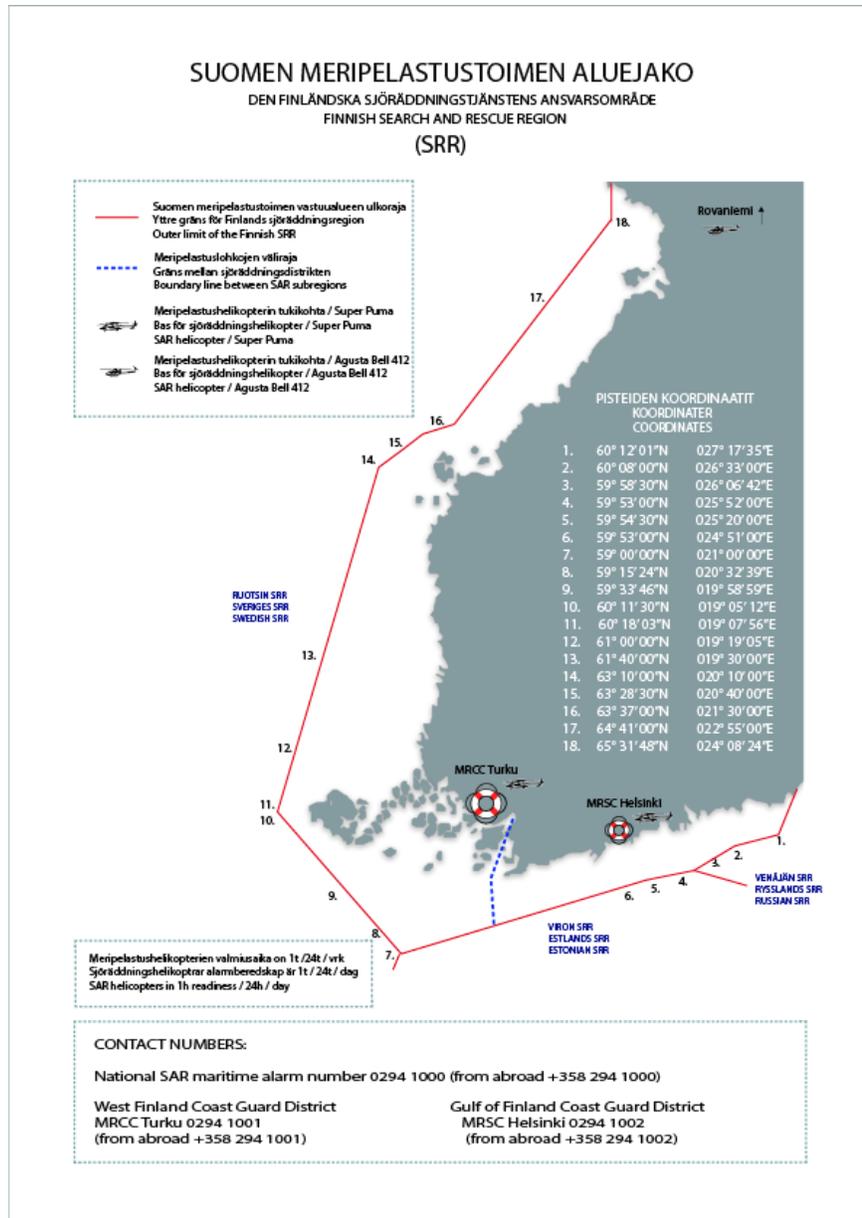
1. What national legislative acts regulate the coordination of Search and Rescue (SAR) operations in your country?
 - Maritime Rescue Act
 - Maritime Rescue Degree

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.

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.

- In Finland Finnish Border Guard is the leading maritime search and rescue authority and responsible for the provision of maritime search and rescue services.
- All maritime SAR cases are led by MRCC Turku or MRSC Helsinki within their Search and Rescue Sub-Regions. Both of them have 24/7 coordination and communication readiness and they act also as a Coast Guard District's command centres.



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 Finnish Border Guard (FBG) is the leading maritime search and rescue authority and responsible for the provision of maritime search and rescue services. All FBG maritime assets are used also for the maritime search and rescue tasks, including helicopters. According to the Maritime Rescue Act all other maritime authorities have the duty to participate free of charge in maritime search and rescue operations where this is justifiable. This includes also the air and maritime traffic service providers.

- Maritime rescue operations can use the assistance of voluntary associations and other organizations with the exception of tasks involving significant use of public authority. The Finnish Border Guard can delegate tasks falling within the sphere of maritime rescue operations and training and information tasks to a voluntary association or other organization operating within the sphere of maritime rescue
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?
- Finland has national level Mass Rescue Operational plan. All relevant authorities and volunteer organizations (Finnish Life Boat Society and Red Cross) have been engaged for the maritime search and rescue operations through this plan and they have been engaged also in the planning process.
 - Co-operation between authorities - we share the situational picture (real time location of units), common communication network, through the national level SAR plans all authorities knows their role and duties
 - Co-operation with volunteer organisations: meetings on regular bases, volunteers are engaged for the maritime SAR planning process, agreed roles for volunteers in SAR cases, all volunteer´s SAR units are audit by Finnish Border Guard on regular basis.
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 Act applies to the search and rescue of **persons in distress**
 - Emergency phases are divided in three different categories:
 - o a) a situation in which there is uncertainty about a person's safety at sea or otherwise reason to take measures to assess whether there is any need for assistance;
 - o b) a situation in which a person's safety at sea can be assumed to have been compromised or in which inquiries made to assess the situation have been unsuccessful;
 - o c) a situation where it is apparent that a person is in danger at sea and in need of immediate assistance
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?
- There are pre planned evacuation centres along the coastline. These are planned in co-operation with Finnish Border Guard, social and healthcare authorities, police and rescue department. Also, volunteers (Red Cross) are engaged for this planning process. If needed evacuation centres can be also established on ad hoc bases where ever it is reasonable.

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

- At the moment there are no Frontex assets operating in the Finnish SRR. In case there would be Frontex assets, these would be considered as a SR/SRU.

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.

- Finland has representatives in IMO MSC, IMO JWG and IMO NSCR. Finland has also SAR agreements, regular meetings and SAR exercises with neighbouring countries: Sweden, Estonia and Russia.

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?

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?

- There are operating two maritime SAR volunteer organisations in Finnish SRR: Finnish Life Boat Society and Åland Search and Rescue Society. Both of them indicate maritime SAR 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.

- According to the Maritime Rescue Act maritime rescue operations can use the assistance of voluntary associations and other organizations with the exception of tasks involving significant use of public authority.
- All volunteer's SAR units (including the crew) are audit by Finnish Border Guard on regular basis

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?

- According to the Maritime Rescue Act: Maritime rescue operations can use the assistance of voluntary associations and other organizations with the exception of tasks involving significant use of public authority
- According to the Government Degree on Maritime Search and Rescue: Search and Rescue Units must without delay notify the Maritime Search and Rescue Command Centre in question about their receipt of an alert, their embarkment upon the task as well as the launch and termination of search and rescue action.

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?

- Finnish Border Guard meets regular on basis (several times in a year) the representatives of volunteer organizations and all their search and rescue units are audit by FBG
- Volunteer organisations are also engaged in the national SAR planning process
- Volunteer organisations have important role as a part of the Finnish maritime search and rescue system. Every year they execute hundreds of SAR tasks under the command of MRCC/MRSC.

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?

Negative.

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?

Negative.

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

- Maritime Rescue Act
- Government Degree on Maritime Search and Rescue

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.

- Maritime Search and Rescue Manual

All these can be found on the [www-page raja.fi](http://www.raja.fi)

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?

From national perspective, there are no actual problems at the moment in FI search and rescue region.

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?

There should be permanent working structure between neighbouring / involved countries in order to have constant discussion and possibly agreements on practical implementation of international SAR procedures.

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

Participation and management of third sector to planning procedures before actual rescue operations.

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, by executing SAR exercises related to international coordination of SAR cases and also with practical exercises of SAR techniques.

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?

See answer below.

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

Dialogue with third sector stakeholders is vital for effective SAR, but this should be done outside the contact group, or for example in separate meetings organized by contact group.