



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 **MARITIME** SAR operations

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

Act (2003:778) on protection against accidents

Decree (2003:789) on protection against accidents

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?

Responsibility for SAR in Sweden lies with the Swedish Maritime Administration (SMA), "Sjöfartsverket". The authority enters into cooperation agreements with neighbouring states in areas relating to determination of borders, contact space, resource planning, coordination and cooperation of the SAR system.

SMA is providing a Joint Rescue Coordination Centre (JRCC) at one single site in Gothenburg, which coordinates maritime and aerial SAR. Operations are coordinated by SAR Mission Coordinators and conducted by Search and Rescue Units from SMA as well as the Swedish Sea Rescue Society (SSRS) NGOs /volunteers), Coast Guard, Police, private owned ships etc.

SMA's organisational structure corresponds to the international SAR Convention -79 structure and the SAR manuals;

*IAMSAR; International Aeronautical and Maritime Search And Rescue
vol. 1 Organization & Management (System management at SAR-S)
vol. 2 Mission Coordination (Task Force at JRCC),
vol. 3 Mobile Facilities at the Rescue helicopter unit.*

SMA provides a range of boats, vessels, and vehicles equipped and crewed for SAR, which are used by the task force of the JRCC in connection with rescue missions. In addition, the Swedish Coastguard has a special mission to carry out rescue at sea under the SMA's (JRCC) direction. Sweden also has a special lifeboat organisation "Sjöräddningssällskapet", SSRS, claimed by the JRCC.

The Swedish model is a cooperative organisation including society's available and suitable resources.

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

JRCC has a well-integrated and modern IT-support system for coordination, as well as all kind of relevant communication tools.

SSRS, Coastguard and SMA pilot boats cover adequately all areas along the coast. The northern part of the Baltic Sea has a limited number of units available at winter, but SAR missions are seldom required.

Ref: Swedish program for Sea and flight rescue:

<https://sjofartsverket.se/contentassets/14b02cd8257d444c87e191ede0e13e8d/svenskt-program-for-sjo--och-flygraddningstjanst-2019.pdf>

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.

Primarily the SSRS have rapidly increased their capacity the last 15 years increasing from 64 stations/141 surface rescue units to 74 stations/260 surface rescue units.

Helicopter availability is provided from five sites, by seven AW139 SAR. From time to time the readiness is limited due to lack of available helicopters.

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 well-functioning cooperation between different civil and military government entities and civil society organizations is a key aspect. Close cooperation with neighboring countries is another relevant good practice.

Ratification of IMO SAR 79, active participation in the global SAR system with national assets, solidarity support to neighbouring states in system planning and at request of support in connection with missions, common interpretation of "Place of safety" etc.

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 legal criteria applied for determining if a vessel or craft is in a distress situation are "people who are or are believed to be in distress at sea". See Act (2003:778) on protection against accidents.

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?

According to JRCC routines/Handbook: reference is made to when persons are no longer at distress or in a critical state...when the person has reached a safe harbour or when the person reaches land after evacuation.

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

The Swedish Coast Guard Agency is involved in Frontex tasks at sea. The agency has participated in Frontex missions during several years in the Mediterranean with a focus on border management tasks which have included SAR activities.

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

*UN IMO NCSR Navigation Communication SAR,
World Maritime University föreläsning och fältstudier,
ICAO/IMO Joint Working Group for SAR,
Bilateral SAR-agreements,
Crew Exchange, international exercises,
Evaluation of SAR-missions of common interest*

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?

NGOs, SSRS but also the Swedish Auxiliary Naval Corps ("Sjövärnskåren Roslagen AB").

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.

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?

Yes - a well-developed dialogue exists with SSRS

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 changes or proposals for amendments are on-going or foreseen.

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.

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Challenges and possible steps ahead

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.

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?

Coordination of available airborne SAR resources and transparency of their readiness. Mostly coastal maritime SAR-units. Few SAR-units in mountain areas.

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?

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

Fixed-wing and rotor-wing SAR resources readiness and capabilities.

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?

Within IMO, cooperation is ongoing with more or less all countries. Other than that, bilateral agreement with Russia but with more limited dialogue than with other neighbouring countries.

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?

By organising physical seminars and workshops inviting relevant policy makers and experts from MS authorities active in SAR in the Mediterranean. Important that content of individual meetings have a clearly defined scope to facilitate and deepened discussions.

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

UNHCR, IOM , IGOs and NGOs active in SAR activities. ICRC for example have developed routines for identification and tracing of deceased persons and their relatives.