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Section 2.4.2. Search and research activities

In 2022, the EU and its Member States continued to render assistance through search and rescue (SAR) operations to people and vessels in distress in the Mediterranean Sea. These included migrants and refugees trying to reach Europe, embarking on life-threatening journeys organised by smugglers who used increasingly dangerous tactics to cross the Mediterranean Sea.[173],[174],[175]

Currently four EU operations are patrolling the Mediterranean Sea to rescue migrants at risk, while securing the EU's borders and targeting migrant smugglers: Operation Indalo, Operation Themis, Operation Poseidon and Operation Sophia. NGOs also contribute to this effort by operating private vessels for the purpose of SAR activities. In the period 2015-January 2023, 632,455 lives were saved on the Mediterranean and Western African routes. During the same period, 25,595 fatalities were registered.[176] Rescue operations and disembarkation to a place of safety are complex and different stakeholders may have different obligations under international law.[177]

SAR activities are not covered by a common EU legal framework. In accordance with the relevant provisions of Regulation (EU) 2019/1896 and Regulation (EU) No 656/2014, all vessels and other assets deployed in the operational activities of Frontex are at the disposal of the competent Maritime Rescue Coordination Centres which coordinate SAR interventions and render assistance to any vessel in distress at sea. In the absence of an EU-wide, commonly-accepted and predictable mechanism for SAR events, the limitations of current arrangements and practices continued to be the target of criticism. For those voices, a lack of coordination in SAR activities, solitary action by individual countries and the criminalisation of NGOs involved in SAR activities in the Mediterranean Sea have often led to migrants being forced to stay for several days on boats.[178],[179],[180] EU Member States and EU agencies (Frontex) have also been accused of pushbacks of migrants to the high seas and towards Libya and Türkiye.[181] For such critical voices, there seems to have been a shift toward prioritising enforcement against migrants at sea and cooperation with third countries to intercept and return smugglers and migrants.[182],[183]

FRA regularly collects data on the operations of NGO vessels involved in SAR activities in the Mediterranean Sea, including information on legal proceedings against them and difficulties in disembarking migrants in safe ports.[184] In December 2022, UNHCR issued a note with legal

considerations on the roles and responsibilities of states in relation to rescues at sea, *non-refoulement* and access to the asylum procedure. The note summarises key legal principles and state obligations under different bodies of international law in situations affecting people in distress at sea who seek or may be in need of protection.185

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