

From: [REDACTED] (HOME)
Sent: lundi 9 avril 2018 11:16
To: CYGAN Marta (HOME); MUSCHEL Laurent (HOME); [REDACTED]
[REDACTED]
Cc: MORDUE Simon (HOME); [REDACTED]
Subject: MSF meeting with DDG Mordue - Flash Report

Dear colleagues,

Please find below short flash of a meeting between MSF Brussels and DDG Simon Mordue on 6 April 2018.

Participants:

MSF - [REDACTED]
DG HOME - DDG Simon Mordue, [REDACTED]
[REDACTED]

In the aftermath of the seizure by the Italian authorities of the ProActiva Open Arms vessel, MSF published a statement and wrote a letter to DDG Mordue on 29/03/2018 expressing their concern on the criminalisation of NGOs carrying-out SAR in the Central Mediterranean. While a response to the letter is still being drafted by DG HOME, DDG SM offered MSF Brussels to discuss issues upfront.

MSF expressed the following points:

- * The IT Code of Conduct is non-legally binding and cannot be used as a basis to incriminate NGO vessels
- * The seizure of a vessel implies high costs (legal; technical) that have to be incurred by the NGOs
- * MSF fears being "the next on the list" as they are the only remaining organisation operating in the Central Mediterranean and have not signed the CoC
- * The IT MRCC is favouring SAR by the Libyan Coast Guard, which itself does not yet have a functional MRCC, which has created a "grey area" for SAR in the Central Mediterranean
- * This lack of clarity as regards coordination of SAR combined with a single vessel left (their own) is currently putting lives at risk in the Central Mediterranean
- * The increase of SAR carried out by the Libyan Coast Guard and decrease in lives lost in the Mediterranean does not factor in the increase of lives lost in Libyan territory itself. Migrants brought back to Libya by the Libyan Coast Guard are returned to a country

where their safety
cannot be ensured

DDG Mordue explained that:

* The Commission never implied that the Code of Conduct was a legally binding document. The Commission provided legal and technical support to the IT authorities to drafting the Code which was then presented by the IT Minister of Interior to other EU MS and received broad support

* EU law (the Facilitators Package) does not aim to criminalise humanitarian assistance to vulnerable migrants in distress - DG HOME will engage further with civil society to ensure clarity on this aspect

* The project implemented by the IT MoI aims to establish a functional Libyan MRCC precisely to avoid discoordination in SAR events and end the current "grey area" referred to by MSF

* The Commission is fully engaged to improve the situation in Libya not only through funding and projects but also politically through a senior officials mission to Libya in February and a follow-up letter to the Libyan Minister of Foreign Affairs. In addition, the training provided by Operation Sophia to the Coast Guard and the newly established monitoring mechanism was aimed at increasing the professionalism and accountability of the Libyan Coast Guard which already undergoes a robust vetting procedure before they begin trainings. Key was to ensure full registration and traceability of anybody disembarked and to see an end to the detention in unacceptable conditions

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