



SAVING LIVES AT SEA: TOWARDS A COMMON EUROPEAN APPROACH TO SEARCH AND RESCUE IN THE MEDITERRANEAN

POLICY DIALOGUE

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KEY TAKEAWAYS

1. Underscoring SAR as a Humanitarian Imperative. Search and Rescue (SAR) should be framed primarily as a **humanitarian imperative**, rather than a component of migration governance. SAR should be understood as a continuum encompassing prevention and cooperation across routes, rescue, dignified recovery and identification, and support to families of missing migrants. Participants stressed that **empirical evidence does not support the "pull factor" narrative** and that SAR policies should reflect this reality. **Institutional actors**, including national authorities, the European Commission and Frontex, have a key role to play in shifting narratives and reframing SAR as a humanitarian imperative.

2. Clarifying and Consistently Applying Legal Obligations. Member States have **clear legal obligations** under international law to save lives at sea and uphold the principle of non-refoulement. As States Parties to the relevant international conventions, Member States have committed to these obligations without reservations and should apply them consistently in practice. **Greater convergence in the interpretation and implementation of SAR obligations** based on existing legal frameworks and obligations would strengthen legal certainty, predictability, and the effectiveness of rescue operations. The **European Commission** would be well placed to support such convergence, by facilitating exchanges among duty bearers and stakeholders, for example, through the Commission-led SAR Contact Group.

3. Enhancing the Precautionary Approach. A humanitarian and precautionary approach should guide SAR operations in all circumstances. Evidence on deaths, disappearances and risks along migration routes should inform such approach, helping to identify emerging protection concerns and strengthen prevention efforts. **Earlier identification of potential distress situations** could in particular help prevent emergencies from escalating. This could be achieved through the systematic transmission of information on vessel sightings before a formal distress situation has been established, particularly where vessels depart from locations or circumstances associated with heightened protection risks. Such information-sharing should be used to facilitate timely rescue and protection responses, in full compliance with international human rights, refugee and maritime law obligations. Building on existing good practices, **strengthened information-sharing and early coordination mechanisms among competent authorities, Frontex and NGO SAR actors** should be further explored, which may require clarifications regarding the legal basis for concluding working arrangements with organizations not covered by Article 68 of the EBCG Regulation. A humanitarian approach should also be accompanied by **balanced migration partnerships centered on protection and shared responsibility for SAR** with actors that can provide safety and ensure compliance with international human rights and maritime law obligations, with the activation of mitigation measures and suspension clauses where serious concerns over the conduct of partner countries arise, alongside efforts to expand safe legal pathways.

4. Improved National SAR Protocols. **Member States** should review and strengthen their national SAR protocols to better reflect operational realities and international standards. The **European Commission** could consider providing **financial incentives** to that effect, for example by integrating SAR as a necessary component of any projects on integrated border management under the Border Management and Visa Instrument. Improved practices could also be supported through **common guidance, training and capacity building**, building on the development of shared standard operating procedures (SOP). The **European Commission** could facilitate this process by promoting exchanges of good practices and the possible development of an EU-wide SAR SOP, for example through the Commission-led SAR Contact Group. Efforts could be supported by a mapping and guidance provided by the **EU Agency for Fundamental Rights**. In parallel, **Frontex** could further enhance the offer of quality training and capacity building initiatives on SAR for national authorities and other actors at sea, with contributions from humanitarian actors and independent experts.

5. Building Convergence on the Notion of Distress. Divergent understandings of when a vessel should be considered in distress continue to undermine timely and effective rescue efforts. Greater convergence is therefore needed on the **interpretation of "distress" and the operational indicators that trigger SAR responses**. Developing a **common operational understanding**, including shared indicators and guidance for the transmission of Mayday alerts, would enhance consistency, predictability, and legal certainty. To promote such an objective, an expert exchange could be organized between SAR actors on indicators for when a Mayday alert is transmitted, for example by the **European Commission** within the Commission-led SAR Contact Group or at the initiative of **Frontex**.

6. Strengthening Cooperation Across the SAR Ecosystem. Effective SAR requires **stronger multi-stakeholder cooperation** and clearer operational responsibilities. SAR operations are inherently complex and involve EU Member States, EU agencies and third-country partners, as well as humanitarian, civil society and private actors. Until there is no convergence over the development of a fully integrated EU SAR model, steps towards the **progressive development of a hybrid model based on existing frameworks** would be a viable alternative to improve operational effectiveness and facilitate timely responses. Efforts should focus on strengthening coordination mechanisms, systematic information-sharing, alignment in the interpretation of the rules and cooperation across all actors who act in compliance with international human rights and maritime law – including through **greater recognition of NGOs as legitimate SAR actors**. To build the grounds for such enhanced cooperation, EU-level resources such as a **guidance document** could be developed, for example within the Commission-led SAR Contact Group, to clarify responsibilities based on existing legal instruments, and avenues for closer cooperation among different actors. Such guidance could be then disseminated through **awareness raising and capacity building** activities. **Frontex** could also consider reviewing/adopting a consolidated standard operating procedure or any other related document applicable to both Frontex and the Member States requesting pre-frontier aerial surveillance services, to define legal obligations and actions to take when a Frontex asset spots a vessel in a distress situation, including procedures to ensure information sharing on SAR and disembarkation operations.

7. Protecting Humanitarian Actors. The **criminalization of NGOs engaged in SAR operations** continues to undermine humanitarian action and trust among SAR actors. The continued application of facilitation provisions against organizations providing life-saving assistance hampers effective rescue efforts and weakens trust and cooperation. In accordance with recommendations by EU, regional and international bodies, including international human rights mechanisms, **Member States** should ensure that humanitarian assistance at sea is recognized as a legitimate expression of solidarity and organizations acting in accordance with international and EU law are not prosecuted under facilitation laws. EU co-legislators should also integrate a clearly worded **humanitarian assistance exemption clause** in the revised EU Facilitation Directive, currently under discussion.

8. Clarifying and Strengthening the Role of Frontex. Participants highlighted the **potential to further develop Frontex's contribution** to situational awareness, risk assessments, coordination, information-sharing, monitoring and support to SAR actors and Member States, while fully respecting Member States' primary responsibility for SAR. Member States could consider **enhancing structured cooperation** with Frontex on SAR, including by enabling the expansion of its **operational capacity at sea**. Clarifying the Agency's mandate and strengthening cooperation with other SAR actors could also enhance coherence, operational effectiveness and fundamental rights compliance across the European SAR system. To that effect, **Frontex** could consider developing **resources** such as an info sheet to clarify its role, tools and responsibilities and addressing frequent questions including on avenues for cooperation with the Agency for effective SAR operations. Frontex could also hold **regular exchanges** with Member States and other SAR actors to gather feedback on SAR cases where Frontex has been involved. The European Commission and EU co-legislators could further reflect on how to leverage the **ongoing revision of Frontex Regulation** as an opportunity to clarify and strengthen the Agency's role within the SAR framework.

9. Reinforcing Accountability and Human Rights Safeguards. Effective oversight and accountability are essential to ensure that SAR operations fully respect international and human rights obligations. **Risk assessments, independent monitoring and robust accountability mechanisms** at EU and national level, as well as in partner countries, are essential to prevent human rights violations and ensure that failures are identified, investigated and addressed. To that effect, **institutional actors** should embed **rights-based conditionality in cooperation with third countries**, establish safe and accessible complaint mechanisms and robust independent monitoring frameworks, alongside efforts to improve the prompt and transparent handling of complaints and procedures to follow-up to incidents. Enhanced due diligence should also be applied on the side of **Frontex** as regards information sharing on vessel sightings and distress cases in particular with third countries. **EU Member States** could further consider expanding the monitoring mandate of the new **Independent Monitoring Mechanisms** at borders, established pursuant to the **new Screening Regulation**, to SAR operations, including disembarkations. Institutional actors could also enhance **cooperation with civil society** on documentation and investigation of incidents – for example, by expanding opportunities for civil society to input into Serious Incidents investigation handled by Frontex Fundamental Rights Officer. Systematic recording of SAR incidents would also help to strengthen accountability. This could be facilitated, for example, through the development of an **EU-wide recording / reporting system** for all SAR-cases handled, or partly handled, by EU actors – an initiative that could be pursued by the European Commission or Frontex.

10. Ensuring Protection Beyond Rescue. A comprehensive European approach to SAR cannot end with the rescue itself. Equal attention must be given to **disembarkation in a genuine place of safety**, interpreted consistently with international refugee law, human rights law and the law of the sea, as well as **robust and protection-oriented post-disembarkation procedures**, including vulnerability assessments, prompt and appropriate protection for those rescued at sea and shared responsibility for timely access to asylum procedures among EU Member States. In order to promote such an approach, **EU Member States** should systematically consider persons disembarked to be treated by default as an **additional category of persons in a vulnerable situation**, including for the purpose of the implementation of the **new Screening Regulation**. This could be reflected in guidance and tools developed by the European Commission, Frontex, the EU Asylum Agency, and the EU Agency for Fundamental Rights to support Member States' implementation efforts.