

Brussels, 7 October 2020

Dear President Von der Leyen, Dear Vice President Schinas,  
Dear Commissioner Johansson, Dear Commissioner Vălean,

**Open Letter: Shipping industry calls on Commission to ensure the EU Migration Pact is complemented by measures to ensure merchant vessels are guaranteed prompt and predictable disembarkations for persons rescued at sea by merchant vessels**

We write on behalf of the European and International Shipowners' Associations and European and International Seafarers' Unions, to express our deep disappointment and concern that the European Commission's new migration pact fails to deliver any reassurances to merchant vessels and their crews. We urge the European Commission to remind EU Member States of their responsibilities to ensure prompt and predictable disembarkations when merchant ships have rescued persons in distress.

The recent cases of the Talia and Maersk Etienne saw merchant ships denied their right to disembark rescued persons in EU Member States, resulting in humanitarian crises onboard. These cases demonstrated that there is still no guarantee that merchant ships will receive prompt and adequate assistance when fulfilling their humanitarian responsibilities, despite there being clear requirements under international law. We believe that the absence of a reference to these obligations in the Migration Pact is a missed opportunity to deliver important reassurances to seafarers and the wider industry that pragmatic and swift solutions will be found, and safe ports provided to conclude rescues safely, promptly and predictably.

We recognise that the Commission issued a *recommendation concerning operations carried out by vessels owned or operated by private entities for the purpose of SAR activities* proposing a coordination framework laying down 'specific rules for solidarity between Member States and reinforced cooperation among in particular the flag and coastal Member States' for rescues conducted by humanitarian organisations and national SAR services. However, in concentrating solely on NGO operations, it failed to recognise that merchant vessels and their crews have played a significant role in providing search and rescue to those in distress in the central Mediterranean in recent years in accordance with moral grounds and with the obligations placed upon them by international conventions.

We therefore urgently call on the European Commission to complement its Migration Pact with specific measures to ensure Member States fulfil their corresponding international legal obligations, provide that the rights of merchant ships are respected and coordinate their work to bring the much needed clarity and predictability the industry and its workforce need. As such, we consider it essential that reassurance be provided to the industry at the upcoming presentation of the Pact and consequent discussions by Ministers at the Home Affairs Council of 8 October.

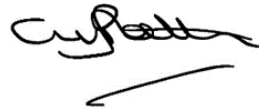
We are ready to meet with your services to discuss how best to ensure that these important reassurances are provided to the shipping industry and its seafarers.

Finally, we wish to commend the Commission for its *Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence* which importantly refers to the need to avoid risks of criminalising those who provide assistance to migrants in distress and addresses the perceived lack of legal certainty of Directive 2002/90/EC and Council Framework Decision 2002/946/JHA.

Yours faithfully,



Martin Dorsman  
Secretary General ECSA



Guy Platten  
Secretary General ICS



Livia Spera  
Acting General Secretary ETF



Stephen Cotton  
General Secretary ITF