Dear Chair,

The Commission services and the EEAS would like to thank the House of Lords for its report "Operation Sophia, the EU’s naval mission in the Mediterranean: an impossible challenge".

The Commission services and the EEAS share the assessment of the House of Lords that the current migration crisis represents one of the biggest challenges that the EU and its Member States have and will have to face in the coming years. We also agree that an effective response to this long-term challenge can only be found at European Union level. Operation Sophia is one of the various initiatives that have been put in place to tackle the large number of irregular migrants trying to cross the Mediterranean.

You will recall that Operation Sophia was launched in fewer than six weeks after the Council Decision to initiate a military operation to disrupt the business model of smugglers in the Southern Central Mediterranean. This demonstrated the urgency with which the Union was prepared to respond.

In the eleven months since the launch of the operation, EUNAVFOR MED Operation SOPHIA has achieved a lot. It has directly contributed to the arrest of 71 suspected smugglers and destroyed 148 boats, preventing them from being re-used by the migrant smugglers. When you consider the indirect impact of the Operation the numbers reach 224 arrested suspected smugglers and 356 boats destroyed. Search and rescue is not part of the mission of Operation SOPHIA, but given a standing obligation under the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention on Safety of Life at Sea (SOLAS), ships and aircraft under the Operation’s command have a legal and moral obligation to assist in the rescue of those in distress at sea and, in doing so, have been responsible for directly saving close to 16,000 lives while contributing to the rescue of over 30,000 people.

The Lord Boswell of Aynho  
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Pursuant to the Council Decision establishing it, the mission was planned with the intent to operate in international waters before moving to territorial waters and then onto land (reference Council Decision (CFSP) 2015/778). The Operation successfully conducted its first phase and developed a good understanding of the migrant smugglers’ tactics, patterns of life and equipment. As a result of the Operation's efforts, the Commander recommended the transition to Phase 2 four months after the Operation was launched. It was from this point that Operation SOPHIA began apprehending suspected smugglers and destroying and confiscating the enabling assets, predominantly boats and electronic equipment. The Operation's impact would allow its transition to the next phases.

The latest Campaign Assessment developed by the Operational Headquarters (OHQ) indicated that the Operation acts effectively within its current operational boundaries. Its Commander has on a number of occasions recommended that, to achieve full effect, the Operation needs to move to Phase 2B (Libyan Territorial Waters), but recognises that the political conditions have not allowed this. The timelines for transition to this phase remain uncertain.

This uncertainty about the future and timelines for developments prompted the EEAS to hasten the Strategic Review of the Operation and identify ways in which the Operation could continue to move towards its final phase while awaiting a more mature political situation in Libya. The Council has agreed that while Operation SOPHIA will retain a focus on its core mandate over the coming year, two further supporting tasks will be added.

Firstly, the delivery of training to the Libyan Coastguard will help develop the Operation's relationship with the Libyan Coastguard and other authorities and facilitate the transition to subsequent phases. This will enable the Operation to achieve its greatest effect and continue towards its final phase, with the aim of reducing irregular migration to a sustainable and manageable level. A more effective Libyan Coastguard, linked to Operation Sophia, may prove an essential tool in fighting migrant smuggling, both within Libyan territorial waters and on land. Secondly, assistance in implementing the arms embargo under UNSC Resolution 2292 and other relevant UNSC resolutions will allow for a better use of deployed assets and contribute to the fight against terrorism in Libya and consolidation of State authority. These are essential to strengthen regional and European security, as well as to ensure the appropriate management of irregular migration flows.

As part of this comprehensive approach, EUNAVFOR MED Operation SOPHIA has built a network of contacts that has enabled sharing of information and better understanding of the challenges. In November 2015, the Shared Awareness and De-confliction in the Mediterranean (SHADE MED) initiative was launched. It brings together governments, armed forces as well as international and non-governmental organisations involved in addressing irregular migration in the Mediterranean Sea, including through its conferences (for example, in May, 145 representatives from 74 different organisations attended). This initiative has facilitated a better mutual understanding between civilian and military actors in the Mediterranean, enhanced interaction, assisted the development
of an overall framework for coordinating different activities, and helped identify best practices to deal with common security challenges. The OHQ is continuously exploring avenues to foster the effectiveness of SHADE MED.

You correctly consider that Operation SOPHIA cannot resolve the issue of migration flows alone; it is only one part of the EU’s comprehensive approach to addressing irregular migration in the Mediterranean. One of the EU’s additional measures was to extend the Frontex joint operations Triton and Poseidon in the Central Mediterranean Sea and Aegean Sea. Frontex, the European Asylum Support Office (EASO) and Europol are now working on the ground in Italy and Greece, through the hotspot mechanisms, to swiftly identify, register and fingerprint arriving migrants and to assist in investigating and dismantling migrant smuggling networks. The EU has also provided additional funding for the safe and legal resettlement to Europe, to Regional Protection and Development Programmes and to the most affected Member States. Further measures for cooperation with third countries were agreed during the Valletta Summit. The European Parliament and the Council will also be adopting shortly the Regulation for establishing a European Border and Coast Guard.

Furthermore, the Commission services and the EEAS have either established or adapted EU missions and activities in response to the migration challenges and the political situation in Libya. In February 2016, the EU amended its integrated border management assistance mission in Libya (EUBAM Libya) to strengthen a civilian planning capacity with a view to a future civilian capacity building and assistance crisis management mission in Libya, notably in the fields of police, border management and criminal justice. In parallel, work is underway to extend support, in line with Treaty rules on the EU budget, in the field of defence, security and border management in the Sahel region, based on current CSDP missions in Mali and Niger, and to ensure appropriate linkage with ongoing CSDP efforts in Libya. This was discussed, inter alia, with Foreign Ministers of Chad, Niger and Libya in Brussels on 17 June.

In addition, on 7 June, the Commission presented a "Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration". The Partnership Framework, a new results-oriented concept of cooperation, sets out an ambitious and comprehensive approach to better manage migration. In the months to come, the implementation of this new approach, pursuing specific and measurable results, will be taken forward.

The Commission hopes that these clarifications provided above address the issues raised by the House of Lords.

Yours faithfully,

Vera Jourová
Member of the Commission