Commission Implementing Decision (EU) 2019/570 of 8 April 2019 laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council as regards rescEU capacities and amending Commission Implementing Decision 2014/762/EU (notified under document C(2019) 2644) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/570

of 8 April 2019

laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council as regards rescEU capacities and amending Commission Implementing Decision 2014/762/EU

(notified under document C(2019) 2644)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism[(1)], and in particular Article 32(1)(g) thereof,

Whereas:

(1) The Union Civil Protection Mechanism ('the Union Mechanism') set out in Decision No 1313/2013/EU strengthens cooperation between the Union and the Member States and facilitates coordination in the field of civil protection in order to improve the Union's response to natural and man-made disasters.

(2) Decision No 1313/2013/EU defines the legal framework of rescEU. RescEU aims to provide assistance in overwhelming situations where overall existing capacities at national level and those committed by Member States to the European Civil Protection Pool are not able to ensure an effective response.

(3) In recent years there has been a sharp increase in the number of extreme forest fires in Europe with serious economic, environmental and social consequences. In particular, the 2017 and 2018 forest fire seasons demonstrated the need to be prepared when disasters severely and simultaneously affect several Member States.

(4) The changing nature of the forest fire risk has resulted in proven response capacity gaps at Union level. These gaps were particularly evident during the 2017 forest firefighting season when capacities made available via the Union Mechanism were insufficient to respond to the needs of countries requesting assistance.

(5) The initial composition of rescEU should therefore be defined with the utmost urgency in accordance with Article 12(2) of Decision No 1313/2013/EU and should in the

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/570. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

first implementing decision include aerial forest firefighting capacities to respond to wild fires. Due to the necessary flexibility during the transitional period pursuant to Article 35 of Decision No 1313/2013/EU, the number of rescEU capacities should be indicatively set out in subsequent implementing decisions.

(6) In accordance with Article 12(4) of Decision No 1313/2013/EU, quality requirements for aerial forest firefighting capacities under rescEU should be laid down after consultation with Member States and should be based on established international standards, where such standards already exist. Given the lack of established international standards for aerial forest firefighting capacities, the quality requirements for aerial forest firefighting capacities should be based on the existing general requirements for modules under the European Civil Protection Pool and best practices within the Union Mechanism. Those quality requirements should be laid down in an Annex to this Decision.

(7) For reasons of budgetary discipline, it is necessary to lay down in this Decision the costs associated with the Union financial support under rescEU during the transitional period.

(8) In the interest of sound financial management, direct grants for rescEU capacities during the transitional period should be awarded on the basis of an annual work programme.

(9) With the entry into force on 21 March 2019 of Decision (EU) 2019/420 of the European Parliament and of the Council[(2)], the rules on addressing temporary shortcomings in extraordinary disasters laid out in Commission Implementing Decision 2014/762/EU[(3)] have become obsolete. For reasons of consistency, Chapter 7 of Implementing Decision 2014/762/EU should be deleted.

(10) The measures provided for in this Decision are in accordance with the opinion of the committee referred to in Article 33(1) of Decision No 1313/2013/EU,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision lays down rules for the implementation of Decision No 1313/2013/EU as regards:

(a) the initial composition of rescEU in terms of capacities and its quality requirements;

(b) **[**[F1]the financing of capacities during the transitional period referred to in Article 35 of Decision No 1313/2013/EU;**]**

(c) **[**[F2]total estimated costs of medical aerial evacuation rescEU capacities;**]**

(d) **[**[F3]total estimated costs of emergency medical team type 3 rescEU capacities;**]**

(e) **[**[F4]total estimated costs of medical stockpiling rescEU capacities;**]**

(f) **[**[F5]the categories of low probability risks with a high impact;

(g) the rescEU capacities established to manage low probability risks with a high impact.**]**

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Textual Amendments

F1 Substituted by Commission Implementing Decision (EU) 2019/1930 of 18 November 2019 amending Implementing Decision (EU) 2019/570 as regards rescEU capacities (notified under document C(2019) 8130) (Text with EEA relevance).

F2 Inserted by Commission Implementing Decision (EU) 2019/1930 of 18 November 2019 amending Implementing Decision (EU) 2019/570 as regards rescEU capacities (notified under document C(2019) 8130) (Text with EEA relevance).

F3 Substituted by Commission Implementing Decision (EU) 2020/414 of 19 March 2020 amending Implementing Decision (EU) 2019/570 as regards medical stockpiling rescEU capacities (notified under document C(2020) 1827) (Text with EEA relevance).

F4 Substituted by Commission Implementing Decision (EU) 2020/452 of 26 March 2020 amending Implementing Decision (EU) 2019/570 as regards capacities established to respond to low probability risks with a high impact (notified under document C(2020) 2011) (Text with EEA relevance).

F5 Inserted by Commission Implementing Decision (EU) 2020/452 of 26 March 2020 amending Implementing Decision (EU) 2019/570 as regards capacities established to respond to low probability risks with a high impact (notified under document C(2020) 2011) (Text with EEA relevance).

[F2 Article 1a

Definitions

For the purposes of this Decision, the following definitions shall apply:

(1) ‘medical aerial evacuation capacity (“Medevac”)’ means a response capacity that can be used for aerial evacuation of patients with highly infectious diseases as well as non-infectious diseases, such as patients in need of intensive care, patients who need to be immobilized during transport on stretchers and lightly injured patients;

(2) ‘EMT type 3’ means a deployable emergency team of medical and other key personnel trained and equipped to treat patients affected by a disaster and which provides complex inpatient referral surgical care, including intensive care capacity.**]**

Textual Amendments

F2 Inserted by Commission Implementing Decision (EU) 2019/1930 of 18 November 2019 amending Implementing Decision (EU) 2019/570 as regards rescEU capacities (notified under document C(2019) 8130) (Text with EEA relevance).

Article 2

The initial composition of rescEU

[F1 1 rescEU shall consist of the following capacities:

— aerial forest firefighting capacities,

— medical aerial evacuation capacities,

— **[**F3 emergency medical team capacities,**]**

— **[**F6 medical stockpiling capacities.**]**

2 The capacities referred to in paragraph 1 shall include:

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(a) aerial forest firefighting capacities using airplanes;

(b) aerial forest firefighting capacities using helicopters;

(c) medical aerial evacuation capacities for highly infectious disease patients;

(d) medical aerial evacuation capacities for disaster victims;

(e) **[**[F3]emergency medical team type 3 capacities: Inpatient Referral Care;**]**

(f) **[**[F6]stockpiling of medical countermeasures or personal protective equipment aimed at combatting serious cross-border threats to health, as referred to in Decision No 1082/2013/EU of the European Parliament and of the Council[(4)].**]]**

3 The quality requirements for the capacities referred to in paragraph 2 are set out in the Annex.

Textual Amendments

F1 Substituted by Commission Implementing Decision (EU) 2019/1930 of 18 November 2019 amending Implementing Decision (EU) 2019/570 as regards rescEU capacities (notified under document C(2019) 8130) (Text with EEA relevance).

F3 Substituted by Commission Implementing Decision (EU) 2020/414 of 19 March 2020 amending Implementing Decision (EU) 2019/570 as regards medical stockpiling rescEU capacities (notified under document C(2020) 1827) (Text with EEA relevance).

F6 Inserted by Commission Implementing Decision (EU) 2020/414 of 19 March 2020 amending Implementing Decision (EU) 2019/570 as regards medical stockpiling rescEU capacities (notified under document C(2020) 1827) (Text with EEA relevance).

Article 3

Financial arrangements for the rescEU capacities referred to in Article 35 of Decision No 1313/2013/EU

1 The Commission shall define in the annual work programme the criteria for awarding direct grants to cover the costs referred to in Article 35 of Decision No 1313/2013/EU which are necessary to ensure rapid access to capacities corresponding to those referred to in Article 2.

2 The costs referred to in Article 35 of Decision No 1313/2013/EU shall include stand-by costs, including if applicable, costs related to maintenance, costs related to staff, costs related to training, including the training of crew and technical staff, costs related to warehousing, costs related to insurance, as well as other costs necessary to ensure the effective availability of such capacities.

[**[F2]Article 3a

Total estimated costs of rescEU medical aerial evacuation capacities

1 All cost categories referred to in Annex IA of Decision No 1313/2013/EU shall be taken into account when calculating the total estimated cost of rescEU medical aerial evacuation capacities.

2 The category referred to in point 1 of Annex IA to Decision No 1313/2013/EU of the total estimated cost for medical aerial capacities evacuation for highly infectious disease

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patients and medical aerial evacuation capacities for disaster victims shall be calculated based on market prices at the time when the capacities are acquired, rented or leased in accordance with Article 12(3) of Decision No 1313/2013/EU. Where Member States acquire, rent or lease rescEU capacities, they shall provide the Commission with documentary evidence of the actual market prices or, where there are no market prices for certain components of those capacities, with equivalent evidence.

3 The categories referred to in points 2 to 8 of Annex IA to Decision No 1313/2013/EU of the total estimated cost for medical aerial evacuation capacities for highly infectious disease patients and medical aerial evacuation capacities for disaster victims shall be calculated at least once during the period of each multiannual financial framework, taking into account information available to the Commission, including inflation. This cost shall be used by the Commission for the purpose of providing annual financial assistance.

4 The total estimated cost referred to in paragraphs 2 and 3 shall be calculated where at least one Member State expresses interest to acquire, rent or lease such a rescEU capacity.

Textual Amendments

F2 Inserted by Commission Implementing Decision (EU) 2019/1930 of 18 November 2019 amending Implementing Decision (EU) 2019/570 as regards rescEU capacities (notified under document C(2019) 8130) (Text with EEA relevance).

Article 3b

Total estimated costs of rescEU emergency medical team type 3 capacities

1 All cost categories referred to in Annex IA of Decision No 1313/2013/EU shall be taken into account when calculating the total estimated cost of emergency medical team type 3: Inpatient Referral Care.

2 The category referred to in point 1 of Annex IA to Decision No 1313/2013/EU of the total estimated cost for emergency medical team type 3: Inpatient Referral Care shall be calculated based on market prices at the time when the capacities are acquired, rented or leased in accordance with Article 12(3) of Decision No 1313/2013/EU. Where Member States acquire, rent or lease rescEU capacities, they shall provide the Commission with documentary evidence of the actual market prices or, where there are no market prices for certain components of those capacities, with equivalent evidence.

3 The categories referred to in points 2 to 8 of Annex IA to Decision No 1313/2013/EU of the total estimated cost for emergency medical team type 3: Inpatient Referral Care shall be calculated at least once during the period of each multiannual financial framework, taking into account information available to the Commission, including inflation. This cost shall be used by the Commission for the purpose of providing annual financial assistance.

4 The total estimated cost referred to in paragraph 2 and paragraph 3 shall be calculated where at least one Member State expresses interest to acquire, rent or lease such a rescEU capacity.**]**