Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism

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amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 196 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Having regard to the opinion of the Committee of the Regions[(2)],

Acting in accordance with the ordinary legislative procedure[(3)],

Whereas:

(1) The Union Civil Protection Mechanism ('the Union Mechanism') governed by Decision No 1313/2013/EU of the European Parliament and of the Council[(4)] 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) Whilst recognising the primary responsibility of Member States for preventing, preparing for and responding to natural and man-made disasters, the Union Mechanism promotes solidarity between Member States in accordance with Article 3(3) of the Treaty on European Union (TEU).

(3) Natural and man-made disasters can strike anywhere across the globe, often without warning. Whether of natural or man-made origin, they are becoming increasingly frequent, extreme and complex, are exacerbated by the impact of climate change, and ignore national borders. The human, environmental, social and economic consequences stemming from disasters can be of a scale not previously known.

(4) Recent experience has shown that reliance on voluntary offers of mutual assistance, coordinated and facilitated by the Union Mechanism, does not always ensure that sufficient capacities are made available to address the basic needs of people affected by disasters in a satisfactory manner, or that the environment and property are properly safeguarded. This is particularly the case when Member States are simultaneously affected by disasters that are both recurrent and unexpected, whether natural or man-made, and where collective capacity is insufficient. To overcome those insufficiencies

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and deal with emerging hazards, all Union instruments should be made use of in a fully flexible manner, including through the promotion of active participation of civil society.

(5) It is essential that Member States undertake adequate prevention and preparedness actions, including ensuring the availability of a sufficient number of capacities to deal with disasters, in particular forest fires. Given that the Union has been confronted in recent years with particularly intense and widespread forest fires, which has shown significant operational gaps in several Member States and in the European Emergency Response Capacity (EERC), established in the form of a voluntary pool of pre-committed response capacities of the Member States under Decision No 1313/2013/EU, additional measures should also be taken at Union level. Forest fire prevention is also vital in the context of the global commitment to reduce CO_2 emissions.

(6) Prevention is of key importance for protection against natural and man-made disasters and requires further action. To that effect, Member States should share with the Commission, on a regular basis, summaries of their risk assessments and of the assessment of their risk management capability, focusing on key risks. In addition, Member States should share information on prevention and preparedness measures, particularly those needed to address key risks that have cross-border impacts and, where appropriate, low probability risks with a high impact.

(7) The Commission together with the Member States should further develop guidelines to facilitate the sharing of information on disaster risk management. Such guidelines should help to promote the comparability of such information, in particular where Member States face similar risks or cross-border risks.

(8) Disaster risk prevention and management imply the need to design and implement risk management measures that involve the coordination of a wide range of actors. It is important to take into account current climate variability and the projected trajectories of climate change when preparing risk assessments and risk management measures. The preparation of risk maps is a crucial aspect of reinforcement of prevention actions and response capacity. Actions to reduce the vulnerability of the population, economic activities, including critical infrastructure, animal welfare and wildlife, environmental and cultural resources such as biodiversity, forest ecosystem services and water resources, are of the utmost importance.

(9) In order to enhance prevention and preparedness planning and coordination between Member States, the Commission, in cooperation with Member States, should be able to establish specific consultation mechanisms. Moreover, the Commission should be able to request information on prevention and preparedness measures related to specific risks when frequent requests for assistance have been made by a Member State. The Commission should assess such information with a view to maximising overall Union support for disaster risk management and strengthening Member States' levels of prevention and preparedness. Administrative burden should be reduced and links with other key Union policies and instruments should be reinforced, in particular with the European Structural and Investment Funds as referred to in Regulation (EU) No 1303/2013 of the European Parliament and of the Council[(5)].

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(10) Flooding constitutes an increasing risk for Union citizens. For the purposes of strengthening prevention and preparedness actions in the field of civil protection and reducing the vulnerability of their respective populations in relation to flood risks, it is necessary that Member States, when performing their risk assessments under this Decision, make full use of, inter alia, the risk assessments performed under Directive 2007/60/EC of the European Parliament and of the Council[(6)] in order to determine whether their water courses and coast lines are at risk from flooding, and take adequate and coordinated measures to reduce such risks.

(11) There is a need to reinforce the collective ability to prepare for and respond to disasters in particular through mutual support in Europe. In order to reflect the new legal framework under this Decision, the name European Emergency Response Capacity (EERC) or voluntary pool should be changed to European Civil Protection Pool.

(12) Reinforcing the European Civil Protection Pool requires enhanced Union financing in terms of adaptation and repair of capacities, as well as operational costs.

(13) In addition to strengthening overall existing capacities, rescEU should be established to respond to overwhelming situations as a last resort where existing capacities at national level and those pre-committed by Member States to the European Civil Protection Pool are not, in the circumstances, able to ensure an effective response to various kinds of disasters.

(14) The role of regional and local authorities in disaster prevention and management is of great importance, and their response capacities need to be appropriately involved in any coordination and deployment activities carried out under this Decision, in accordance with Member States' institutional and legal frameworks, with a view to minimising overlaps and to fostering interoperability. Such authorities can play an important preventive role and they are also the first to react in the aftermath of a disaster, together with their volunteers' capacities. Therefore, there is a need for on-going cooperation at local, regional and cross-border level with a view to establishing common alert systems for rapid intervention prior to the mobilisation of rescEU as well as regular public information campaigns on initial response measures.

(15) The nature of rescEU capacities should remain flexible and able to change in order to address new developments and future challenges, such as the consequences of climate change.

(16) Since identified risks, overall capacities and gaps vary over time, there is a need for flexibility in the establishment of rescEU. The Commission should therefore be empowered to adopt implementing acts defining rescEU capacities, taking into account the identified risks, overall capacities and gaps.

(17) In order to have functioning rescEU capacities, additional financial appropriations should be made available to finance actions under the Union Mechanism.

(18) The Union should be able to support Member States by co-financing the development of rescEU capacities, including their rental, leasing or acquisition. This would substantially increase the effectiveness of the Union Mechanism, by ensuring

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availability of capacities in cases where an effective response to disasters would otherwise not be guaranteed, particularly for disasters with a wide-ranging impact affecting a significant number of Member States. Joint procurement of capacities should allow for economies of scale and better coordination when responding to disasters.

(19) The amount of Union financial assistance disbursed for the development of rescEU capacities should be determined taking into account the list of eligible cost categories set out in this Decision. Full Union financial assistance should be provided for capacities which are required to respond to low probability risks with a high impact that might result in significant cross-border impacts and for which preparedness levels in the Union are not considered adequate based on capacity gap analyses undertaken by national civil protection authorities and the Commission. Substantial co-financing should also be envisaged for capacities for which acquisition and recurrent costs are the highest, such as aerial forest fire-fighting capacities. Exact co-financing rates should be determined in annual work programmes.

(20) In order to balance national responsibility and solidarity among Member States, a part of the operational costs of deploying rescEU capacities should be eligible for Union financial assistance.

(21) Member States or their citizens could be significantly affected by disasters occurring in third countries. In such situations, rescEU capacities should also be available for deployments outside of the Union. For reasons related to solidarity among Member States, in the event of deployments of rescEU capacities outside the Union, operational costs should be borne by the Union budget.

(22) In order to ensure a response that is both coordinated and rapid, decisions on deployment and demobilisation, and any decision in the event of conflicting requests, should be taken by the Commission in close coordination with the requesting Member State and the Member State owning, renting or leasing the rescEU capacities in question. The Commission and the Member State owning, renting or leasing the rescEU capacities should conclude operational contracts specifying the terms and conditions of deploying rescEU capacities.

(23) Training, research and innovation are essential aspects of cooperation in the civil protection field. In order to strengthen the efficiency and effectiveness of civil protection training and exercises, to promote innovation and dialogue, and to enhance cooperation between Member States' national civil protection authorities and services, it is necessary to establish a Union Civil Protection Knowledge Network. That Network should be based on existing structures including centres of excellence, universities, researchers and other experts, young professionals and experienced volunteers in the area of emergency management. Further cooperation on training, research and innovation should also be strengthened with international organisations, and, where possible, be extended to involve third countries, in particular neighbouring countries.

(24) Civil protection operators dedicate their lives helping others, and invest time and effort in order to assist those in need. Such courage and commitment to Union civil protection should be recognised by the Union.

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(25) While strengthening civil protection in the light of disaster trends, such as weather-related and those relating to internal security, is one of the most important priorities throughout the Union, it is essential to ensure a strong territorial and community-led dimension, as local community action is the fastest and most effective way of limiting the damage caused by a disaster.

(26) There is a need to simplify, streamline and increase the flexibility of the procedures of the Union Mechanism to ensure that Member States can quickly access assistance and capacities that are needed in order to respond to natural or man-made disasters as rapidly and as efficiently as possible.

(27) In order to maximise the use of existing funding instruments and support Member States in delivering assistance, including in response to disasters outside the Union, financing is granted pursuant to Articles 21, 22 and 23 of Decision No 1313/2013/EU in accordance with Article 191(1) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[(7)]. Nevertheless, funding for civil protection activities and humanitarian aid, in particular, should remain clearly separate and be fully in line with their respective objectives and legal requirements.

(28) It is important to ensure that Member States take all the necessary actions in order to effectively prevent natural and man-made disasters and to mitigate their effects. Provisions of this Decision should reinforce links between prevention, preparedness and response actions under the Union Mechanism. Coherence should also be ensured with other relevant Union legislation on prevention and disaster risk management, including for cross-border prevention action and response to threats such as serious cross-border health threats, as set out in Decision No 1082/2013/EU of the European Parliament and of the Council[(8)]. Territorial cooperation programmes under cohesion policy provide for specific actions to take account of disaster resilience, risk prevention and risk management, and further efforts should be made towards more vigorous integration and greater synergies. Furthermore, all actions should be coherent with, and actively contribute to, meeting international commitments such as the Sendai Framework for Disaster Risk Reduction 2015 – 2030, the Paris Agreement under the United Nations (UN) Framework Convention on Climate Change and the UN Agenda 2030 for Sustainable Development.

(29) In order to ensure a comprehensive and seamless exchange of information about capacities and modules at the disposal of Member States, it is necessary that information uploaded to the Common Emergency Communication and Information System (CECIS) be constantly kept up to date. As regards information provided through CECIS, it is also appropriate that Member States register capacities therein that are not pre-committed to the European Civil Protection Pool and which are at their disposal for the purposes of the deployment of those capacities through the Union Mechanism.

(30) It is equally important to create synergies and to improve the complementarity and coordination between the Union Mechanism and other Union instruments, including with those which can contribute to repairing or mitigating the damage caused by disasters.