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COMMISSION STAFF WORKING PAPER
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

Decision of the European Parliament and of the Council
on a Union Civil Protection Mechanism

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Disclaimer: This report commits only the Commission's services involved in its preparation and does not prejudge the final form of any decision to be taken by the Commission.

1. INTRODUCTION

EU civil protection (CP) legislation consists of two Council Decisions establishing a Community Mechanism¹ and a Financial Instrument (CPFI), respectively². The Mechanism supports and coordinates the preparation and deployment of Member States' in-kind assistance (teams, experts and equipment) to countries requesting international assistance in major emergencies of all kinds, natural or man-made, within and outside the EU.

Disasters are becoming more frequent, intense and complex. Current systems for prevention and protection against disasters and coordination at EU level need to be adapted to deal with such challenges effectively and efficiently.

This impact assessment (IA) was carried out by the Commission to help guide that process. It examines EU CP cooperation policy options, including all aspects of an ex-ante evaluation for the future form of the CPFI.

2. CONSULTATIONS OF INTERESTED PARTIES

The IA process included an IA Steering Group of 21 relevant services³ and an extensive external study⁴.

The main stakeholders are national CP authorities, international organisations, UN agencies, emergency management organisations, and the humanitarian community. Three targeted stakeholder consultations⁵ and a series of stakeholder events were held⁶. Following the IA Board's opinion, the IA report was revised to reflect all comments.

3. THE PROBLEMS TO BE ADDRESSED

The current CPFI will expire at the end of 2013. The Mechanism Decision is closely linked to the CPFI but has no expiry date. EU CP actions under the Mechanism and CPFI face three major challenges: 1) the continuous increase in numbers, intensity, and complexity of disasters; 2) budgetary constraints given the current economic situation; and 3) systemic limitations inherent to the current mandate of the Mechanism, restricting the effectiveness, efficiency and coherence of EU disaster response.

The Mechanism currently has a number of shortcomings related to the response, preparedness and prevention of disasters:

- (1) Reactive and ad hoc mechanics limit the effectiveness, efficiency and coherence of European disaster response. Currently the Mechanism is not in a position to

¹ OJ L 314, 2007, p. 9.

² OJ L 71, 2007, p. 9. .

³ SG, SJ, BUDG, HOME, ENV, JUST, CLIM, RTD, JRC, MOVE, ENER, REGIO, SANCO, AGRI, ENTR, INFOS, ELARG, DEVCO, FPIS, EEAS.

⁴ Annex C.

⁵ Stakeholder meetings from 6 April and 17 June 2011 with 120 participants each.

⁶ Meeting of CP Directors-General in Budapest on 23-25 May 2011.

guarantee the availability of assistance when needed and does not allow meaningful contingency planning.

- (2) Critical gaps in response assets due to insufficient quantities, problems of timing or sharing. Gaps occur with regard to assets to deal with low probability/high impact risks, specialised high-cost assets and 'horizontal' assets.
- (3) Limited transport solutions and heavy procedures hinder optimal response: Lack of good access to transport can prevent assistance being provided; procedures for requesting EU financial support for transport are considered administratively burdensome for quick response actions.
- (4) Limited preparedness in training and exercises: Incompatibility problems have arisen for equipment, cooperation procedures, individual preparedness and trust in partners' capabilities. Without EU assistance, Participating States (PS) will not be able to raise their preparedness levels for overwhelming and cross-border events.
- (5) Lack of integration of prevention: Sector-based prevention policies lack a general EU risk management framework where the different elements can be brought together to link prevention with preparedness and response more effectively.

3.1. Baseline

In the baseline scenario, no changes to the Mechanism Decision are made and the CPFI is renewed in its current form. This would result in a response system that is not effective enough to meet needs, misses the opportunity to reap economic benefits through better pooling, and does not exploit the potential of cooperation to reinforce prevention and preparedness.

The Commission considers that without further action:

- (1) fewer assets would be available for EU cooperation;
- (2) transport-related problems and delays would increase;
- (3) individual Member States would not achieve sufficient preparedness;
- (4) cooperation benefits in prevention would be suboptimal.

3.2. Justification for EU action and subsidiarity

Article 196 TFEU provides the specific legal basis for the Union's civil protection actions to support and complement Member States' action at national, regional and local level in preventing, preparing for and responding to natural or man-made disasters and to promote consistency in international civil-protection work.

EU action in this field involves managing situations with a strong multinational component, requiring overall coordination and concerted action beyond the national level. EU added value would result from economies of scale, such as logistics, transport, voluntary pool of assets, better use of scarce resources and economies of preventive action instead of post factum response to disasters.

4. OBJECTIVES OF THE REVIEW

| General objectives | Specific objectives |
|---|---|
| <p>Response</p> <p>(1) More effective and efficient response through planning and enhanced availability of assistance</p> | Shift from a reactive and <i>ad hoc</i> coordination to a pre-planned, pre-arranged and predictable system |
| <p>(2) Address critical gaps in response capacity</p> | Identify and fill critical gaps in disaster response capacity in a cost-effective way |
| <p>Transport</p> <p>(3) Improve the response to major emergencies through better transport solutions</p> | <p>(A) Reduce bottlenecks posed by limited logistical and financial transport resources.</p> <p>(B) Simplify the transport provisions and streamline administrative procedures</p> |
| <p>Preparedness</p> <p>(4) Support and complement PS preparedness actions with a coherent EU preparedness policy framework</p> | <p>(1) Better link national preparedness systems by creating more consistency.</p> <p>(2) Enlarge the scope of current EU preparedness actions and link them better with national programmes.</p> <p>(3) Define preparedness explicitly as one objective of the EU CP cooperation and provide sufficient funding.</p> |
| <p>Prevention</p> <p>(5) Support and complement PS disaster risk management actions by a coherent EU prevention policy framework</p> | <p>(1) Support national disaster risk management planning.</p> <p>(2) Improve the sharing of experience by promoting a common understanding of disaster risk management practices and provide funding for reaching a high level of protection.</p> <p>(3) Integrate disaster prevention policies</p> <p>(4) Strengthen prevention awareness raising</p> |

5. THE OPTIONS ASSESSED AND THEIR IMPACTS

5.1. Availability of assistance

In the 2010 Response Communication⁷, the Commission proposes a *European Emergency Response Capacity* (a voluntary pool of pre-committed PS assets), an *Emergency Response Centre*, facilitating transportation and EU-funded assets filling capacity gaps. All stakeholders strongly support more planning, pre-arrangements and predictability.

Policy options for availability of assistance: (1) Voluntary pool without EU co-financing; (2) Voluntary pool with a limited EU co-financing (only deployment costs); (3) Voluntary pool with a higher degree of EU co-financing (some development, including equipment), standby costs and deployment.

Option 1 would not affect the EU budget or entail any legislative modifications. It would be a purely political commitment, and would not ensure the reliable availability of sufficient assets in a sustainable way. Option 2 would reduce the financial constraints on PS to contribute assets to the pool and make the EU response more coherent and needs-based. This would avoid duplication, boost complementarities and speed up the delivery of assistance with overall efficiency gains. The administrative burden on PS and the EU would be low. The estimated budgetary shift is EUR 9 million a year. The impact of Option 3 is comparable to

⁷ COM(2010) 600.

Option 2 and would further enhance the effectiveness and efficiency of EU disaster response, as it would result more quickly in a functional pool.

Overall, Options 2 and 3 are superior in terms of effectiveness and efficiency, with benefits under Option 3 even more pronounced.

5.2. Identifying and filling critical gaps

The 2010 Communication mentions different ways of filling response gaps with the option of EU-funded assets to be shared across the EU and deployed in ways similar to those from the voluntary pool. When not required for EU operations, the managing PS could use assets domestically.

Policy options for critical gaps: (1) filling gaps by PS without EU co-financing; (2) filling gaps by PS with EU co-financing; (3) filling gaps with EU-level assets.

Option 1 would be without significant costs to the EU budget but also with limited effectiveness. The financial burdens and benefits unevenly spread among PS are likely to create tension. Option 2 would effectively and efficiently fill gaps and share assets, introducing a more equitable and coherent model through (partial) burden-sharing and reducing financial constraints on PS. Option 3 is highly effective, allowing the EU to address identified gaps in a timely and cost-effective manner — subject to budget availability. Higher implications for the EU budget could be questioned for reasons of subsidiarity.

Option 2 seems particularly appropriate for assets responding to low probability/high impact risks, Option 3 for horizontal assets benefiting all actors, especially if budgetary implications are low.

5.3. Transport

Policy options for limited logistical and financial resources for transport: (1) discontinuation of the scheme; (2) no policy change; (3) increase the maximum EU co-financing for transport for top priority needs; (4) increase the maximum EU co-financing for transport across the board.

Option 1 would undermine the achievement of CP objectives and is therefore discarded. Option 2 relies on private cost-free solutions and on PS offering transport to each other. Options 3 and 4 would reduce the barriers related to financing transport. Option 3 would make the overall response needs-based. The administrative burden of Options 3 and 4 on external partners is likely to remain the same. Option 4 carries the risk that low transport costs could encourage deployment of non-essential goods, so Option 3 is preferred.

Policy options for achieving streamlined administrative procedures: (1) no policy change; (2) simplification.

Option 1 includes simplification to be undertaken by the Commission without legislative revision. Option 2 includes legislative revision and is expected to further reduce administrative costs for the EU and the PS and significantly contribute to achieving the objectives. As Option 1 is not considered sufficient to yield significant improvements, Option 2 is preferred.

5.4. Preparedness

Stakeholders expressed general satisfaction with current training and exercise arrangements. Some requested broadening of their scope. Options to introduce binding legislation, binding standards or quality labels were discarded at an early stage, as the legal basis of Article 196 TFEU excludes harmonisation.

Policy options: 1) Non-binding guidelines on training and exercises and no change in CPFI spending levels; 2) General EU preparedness policy framework without legally binding provisions plus supplementary EU funding for the establishment of a training network and other actions; 3) EU support for CP training made conditional on PS training centres meeting certain minimum requirements.

Option 1: Non-binding EU guidelines likely to lead to variations in preparedness levels in PS would not be effective. Economic, environmental and social impacts, including the administrative burden, would be limited, as PS would implement only their own standards.

Option 2: Given that PS are at different levels as regards preparedness, the implementation of non-binding EU guidelines would have varying implications in terms of costs and effectiveness. If EU financial support were provided, the cost would (partly) be incurred by the EU budget.

Option 3: Enhanced effectiveness and efficiency in response operations involving more than one PS is achieved through common principles, knowledge, better interoperability and a bigger resource pool. Costs at EU level are limited with regard to the setting-up of a training network. Implementation costs in PS relate to i.e. standards for curricula. The administrative burden for public and private operators may be significant as the adherence to the standards and the fulfilment of the requirements are likely to entail considerable extra reporting costs.

Options 2 and 3 would provide better benefits in terms of efficiency and EU added-value, compared to Option 1. Option 3 would likely be superior to Option 2 in terms of effectiveness and coherence, but met with reservations from stakeholders.

5.5. Prevention

Stakeholders agree that prevention actions need to become an integral part of a balanced approach moving EU civil protection forward.

Policy options: 1) No new EU legislation, but guidelines on minimum national prevention standards and on national disaster risk management plans (RMPs) and same co-funding levels as at present; 2) General EU prevention policy framework with non-binding guidelines plus supplementary EU funding for RMPs; 3) setting a date for completion of RMPs by MS accompanied by Commission guidelines

Option 1 might lead to varying implementation of RMPs and minimum prevention standards, and would fail to achieve a higher overall prevention standard in the EU.

Option 2 would lead to faster implementation of guidelines, provided that PS apply for EU funding. The costs would depend on the advancement of each national system. The administrative costs of additional reporting would be low or insignificant. Economic, environmental and social impacts would be superior to Option 1.

Option 3 entails a consistent, equitable approach throughout the EU, though implementation might be delayed due to the length of the legislative processes. Low administrative burden.

While Option 1 provides insufficient effectiveness and coherence, Options 2 and 3 would be beneficial for effectiveness, efficiency and coherence. Option 2 would allow faster implementation, while Option 3 might lead in the medium-term to more coherent implementation of disaster risk management plans, but met with reservations from key stakeholders.

6. SUMMARY AND CONCLUSIONS

The IA proposes the following be included in the legislative proposal: On response, essential elements and principles on the voluntary pool of assets (Availability of assistance Option 3), and on EU-funded assets (Critical gaps Option 2), with a reference to the implementation rules. On transport, the IA proposes revision of some of the current legal provisions to increase the maximum EU financing rate for transport operations, and simplify administrative procedures. On prevention and preparedness, a general EU policy framework and Commission guidelines are proposed. A deadline should be considered for MS to develop RMPs (Prevention Option 3). Supplementary EU financial assistance would support the development of RMPs and meeting minimum standards, the training network and other actions (Preparedness Option 2).

Additional funding to support actions would require corresponding changes to the CPFI.

7. MONITORING AND EVALUATION

The Commission will evaluate and benchmark the implementation of the legislation not earlier than three years after its coming into force on the basis of *inter alia* monitoring information, such as results indicators and baselines such as response times and preparedness measures.