



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: Council Secretariat
to: Working Party on Civil Protection

No. Cion prop.: 18919/11

Subject: Proposal for a Decision of the European Parliament and of the Council on a Union Civil Protection Mechanism
- Opinion of the Committee of the Regions

Delegations will find attached a copy of the above opinion¹.

¹ Translations can be found at the following address : <http://coropinions.cor.europa.eu>.

EUROPEAN UNION



Committee of the Regions

NAT-V-020

96th plenary session, 18-19 July 2012

**OPINION
of the
Committee of the Regions**

UNION CIVIL PROTECTION MECHANISM

THE COMMITTEE OF THE REGIONS

- welcomes the transformation from a reactive and ad hoc approach to a more integrated, effective and improved mechanism;
- points out that local and regional authorities are usually key participants in the management of crisis situations and thus it would be appropriate to involve them in preparing risk assessment and risk management plans;
- believes that the EU should work with national authorities on increasing the number of staff training courses at local and regional level to ensure an effective response to crisis situations;
- firmly believes that the EU should establish a platform which could be used to exchange information and experiences on dealing with disasters between Member States and their local and regional authorities;
- emphasises the need for greater precision in the definitions set out in the decision and regarding requests for help in reacting to actual and imminent major disasters;
- feels that A standard model should be used as a basis for risk management plans to ensure the comparability of their content;
- is persuaded that a schedule must be established for Member States to regularly update and submit risk management plans.

CdR 740/2012 fin

Rapporteur

Adam Banaszak (PL/EA), Member of the Kujawsko-Pomorskie Regional Assembly

Reference document

Proposal for a Decision of the European Parliament and of the Council on a Union Civil Protection Mechanism – COM(2011) 934 final

CdR 740/2012 fin

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments

1. is pleased to note that the proposal ties in with the Commission's policy to develop better solutions and a more coherent policy on responding to disasters, and that it contributes to the Europe 2020 objectives and to increasing the security of EU citizens as part of the Stockholm Programme and the EU Internal Security Strategy;
2. notes that the new proposals have been formulated on the basis of a review of civil protection provisions and experience of previous disasters;
3. is pleased to note that this proposal represents another step by the Commission towards simplifying and streamlining legislation, with a single legislative proposal for 2014-2020 combining existing proposals on cooperation in the field of civil protection at EU level regulated by two legal instruments: Council Decision 2007/779/EC, Euratom of 8 November 2007 establishing a Community Civil Protection Mechanism, and Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument;
4. points out that local and regional authorities are usually key participants in the management of crisis situations, and that dissemination of information to those in charge of crisis response measures at local and regional level should be one of the objectives of civil protection legislation;
5. emphasises that a strengthened civil protection mechanism will contribute to implementation of the Solidarity Clause; appreciates that particular attention has been given to ensuring close coordination between civil protection and humanitarian aid, as well as consistency with actions carried out under other EU policies and instruments, in particular in the field of freedom, security and justice policy. Consistency with other EU financial instruments should exclude duplication of financing;

6. identifies with the principles of solidarity, cooperation, coordination and mutual support between EU countries, regions and local communities in the field of civil protection; agrees with the Commission that in order to reinforce the EU's integrated disaster response capacity, a shift is needed from an ad hoc approach to measures planned sufficiently in advance, together with an integrated policy on exercises and training courses, consideration for the cross-cutting nature of disaster prevention measures (for example, in the fields of environmental protection, climate change, flooding, fire risks, security, health protection and regional policy), and facilitation of further cooperation between participating states;
7. also points out that the EU should work with national authorities on increasing the number of staff training courses at local and regional level to ensure a sufficient initial, and above all effective response to crisis situations;
8. agrees that civil protection measures are a fundamental Member State competence and that the mechanism should not affect the primary Member States' responsibility for protecting people, the environment and property on their territory against disasters. The main aim of the Union Civil Protection Mechanism should be to support, coordinate and supplement the actions of the Member States;
9. emphasises the importance of closer cooperation with Member States and local and regional authorities on civil protection measures in the event of major emergencies;
10. feels that the EU should identify specific resource shortages and define exactly how it could help Member States in their efforts to improve readiness, especially in relation to local and regional authorities. Member States and the EU should aim to use existing resources so as not to create additional financial and administrative burdens, not least for local and regional authorities;
11. firmly believes that the EU should establish a platform which could be used to exchange information and experiences on dealing with disasters between Member States and their local and regional authorities;

12. emphasises that the Member States, with EU support, should involve local and regional authorities in disaster response at an early stage, making use of the multilevel governance system used in the field of cohesion policy;
13. supports the proposal to focus specific objectives on prevention, ensuring preparedness for disaster response, and facilitating rapid and efficient emergency response interventions in the event of major disasters or their imminence;

Evaluation of existing shortcomings and areas in which they have been addressed

14. notes the importance of continued simplification of applicable legislation (the proposal is a major step in this direction) and of the relevant procedures, while ensuring that they are unambiguous and transparent; this should limit administrative burdens and serve as a starting point for further measures to simplify and streamline the mechanism. Notes that a standard model could be helpful to establish individual risk management plans. The lack of that model also increases the risk of conflicts with other risk management plans. The lack of any indication of the scope of plans and their basic content increases the cost of drawing them up, makes comparison more difficult, and most importantly undermines the rationale behind the requirement for Member States to submit plans;
15. emphasises that local and regional authorities can ensure immediate disaster response because they have detailed knowledge of local geographical and social conditions; feels it would be appropriate for Member States to involve local and regional authorities in preparing risk assessment and risk management plans, as in many cases the latter have more knowledge than the national level, for example in terms of evaluating threats;
16. notes that the financial provisions in the proposal on transport go in the right direction, and should enable more steps to be taken in a shorter time at the same time as widening the range of countries using resources, given that transport is one of the main costs in the case of the international missions;

17. supports the Commission's measures to improve access to adequate transport resources in order to support the process of building a rapid response capacity at EU level provided that the purpose, scope and conditions for the potential application of these measures are clearly specified; welcomes the possibility of the Commission complementing transport provided by Member States by providing additional transport resources necessary for ensuring a rapid response to major disasters;
18. emphasises the importance of the transformation from a reactive and ad hoc approach to a more integrated, effective and improved mechanism. We need a genuine transition from the current ad hoc approach to advance planning and rapid response;
19. understands the Commission's intentions with regard to its broad definition of concepts associated with the instrument in order to ensure flexible and more effective operation of the Civil Protection Mechanism; feels however that it would be useful to clarify the definitions set out in Article 4 of the Decision of the European Parliament and of the Council on a Union Civil Protection Mechanism, in particular the concepts of "disaster" and "major disaster"; in future, this could prevent irregularities in Member States' use of resources through the mechanism;
20. agrees with the Commission that access to critical response capacity and transport solutions should be improved, at the same time as facilitating procedures to ensure optimal response and integrating preventive policies more closely;
21. welcomes the Commission's efforts to improve emergency response capacity by stepping up training courses and exercises and drawing up appropriate emergency plans;

The main foundations of civil protection policy: prevention, preparedness, response and the external dimension

22. is in favour of basing the mechanism on the four main cornerstones of civil protection policy: prevention, preparedness, response and the external dimension, at the same time as adding financial provisions;

23. is in favour of measures to encourage Member States and third countries to adopt an integrated approach to disaster management;
24. emphasises that in order to prevent damage caused by disasters to people, property and the environment, it is vital to take measures to build and constantly update a knowledge base on risk, while exchanging knowledge, practices and information. It is also vital to raise awareness of prevention and to support Member States and third countries in taking steps with a particular focus on drawing up risk management plans;
25. agrees with the Commission's planned measures to ensure preparedness, for example by establishing an Emergency Response Centre (ERC), managing a Common Emergency Communication and Information System (CECIS), contributing to the development of detection and early warning systems for disasters, establishing and maintaining the capacity of expert teams, modules and elements, as well as taking supporting and complementary action (training, disseminating experience and knowledge). At the same time, the Committee would like more details on Member States' requests for assistance through the ERC. The reference to a "specific request" in the text is extremely vague. The ERC must also be coordinated with existing national and regional bodies;
26. agrees with the Commission's planned measures in the event of a request by a Member State for help in dealing with an actual or imminent major disaster, particularly in relation to measures to facilitate the mobilisation of teams, experts, modules and intervention support other than that from the European Emergency Response Capacity;
27. supports the Commission's initiative to establish a European Emergency Response Capacity in the form of a voluntary pool of pre-committed response capacities of Member States. The quality requirements for the emergency response capacity must be defined in cooperation with the Member States. At the same time, it would like more details of the procedure for Member States to inform the Commission of any reasons that prevent them from making these capacities available in a specific emergency. It must also be made clear that the response capacity need not to be made available in a specific emergency if it is needed for national purposes;

28. feels it is essential to include Member State information for the Commission on reasons preventing them from making capacities available in updates to risk management plans;
29. supports the Commission's planned mid-term evaluation of the European Emergency Response Capacity; if this operates efficiently, it should help to achieve the specific objectives which have been defined;

Concluding remarks

30. supports the Commission's initiative to broaden grant allocations on the basis of the decision under review in any of the forms provided by the Financial Regulation, in particular grants, reimbursement of expenses, public procurement, or contributions to trust funds;
31. supports the Commission's efforts to take action in order to achieve synergies and complementarity with other instruments of the Union while excluding simultaneous assistance from Union financial instruments;
32. feels that it is appropriate for the Commission to take appropriate measures ensuring that, when financial actions are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities;
33. at the same time, emphasises the need for greater precision in the definitions set out in the decision and regarding requests for help in reacting to actual or imminent major disasters, in order to exclude potential irregularities arising from improperly defined concepts.

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Article 4 (2) - Definitions

<i>Text proposed by the Commission</i>	<i>Amendment</i>
For the purpose of this Decision, the following definitions shall apply: 2. "major disaster" means any situation, which has or may have an adverse impact on people, the environment or property and which may result in a call for assistance under the Mechanism;	For the purpose of this Decision, the following definitions shall apply: 2. "major disaster" means any situation <u>over a wide area</u> , which has or may have an adverse impact on people, the environment or property and which <u>is difficult to deal with adequately using the risk response capacity available to an EU Member State</u> may result in a call for assistance under the Mechanism;

Amendment 2

Article 6 - Risk management plans

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>1. In order to ensure an effective cooperation within the Mechanism, Members States shall communicate to the Commission their risk management plans.</p> <p>2. The risk management plans shall take into account the national risk assessments and other relevant risk assessment and shall be coherent with other relevant plans in force in that Member State.</p> <p>3. Member States shall ensure by the end of 2016 at the latest that their risk management plans are ready and communicated to the Commission in their most up-to-date form.</p>	<p>1. In order to ensure an effective cooperation within the Mechanism, Members States shall communicate to the Commission their risk management plans <u>immediately following their drafting</u>.</p> <p>2. The risk management plans shall take into account the national, <u>regional and local</u> risk assessments and other relevant risk assessment and shall be coherent with other relevant plans in force in that Member State.</p> <p>3. <u>Regardless of the practices and procedures applicable in a given Member State, risk management plans should include the following elements:</u></p> <p style="padding-left: 40px;">a. <u>the nature of the threat and the risk of its occurrence, including the impact on critical infrastructure, together with maps showing risks and threats,</u></p> <p style="padding-left: 40px;">b. <u>the tasks and duties of those involved in crisis management through safety networks, including the role of local and regional authorities in risk management,</u></p> <p style="padding-left: 40px;">c. <u>an inventory of resources planned for use in emergency situations.</u></p>

	<p><u>3 4.</u> Member States shall ensure by the end of 2016 <u>2014</u> at the latest that their <u>current</u> risk management plans are ready and communicated to the Commission in their most up-to-date form. <u>Member States shall continuously update their risk management plans and submit them to the Commission at least once a year at the end of each year, starting from 2015.</u></p>
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Reasons

The lack of a standard model to be used as a basis for risk management plans could lead to significant differences in the content of individual plans. Moreover, it is essential to define and emphasise the role of local and regional authorities, given that they are best placed to ensure immediate disaster response in view of their detailed knowledge of local geographical and social conditions. A schedule must be established for Member States to regularly update and submit risk management plans, at the same time as requiring immediate one-off updating in the event of sudden and unexpected changes to the current plan.

Amendment 3

Article 7 (a) - General preparedness actions of the Commission

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>The Commission shall carry out the following preparedness actions:</p> <p>(a) establish and manage the Emergency Response Centre (ERC), ensuring 24/7 operational capacity, and serving the Member States and the Commission for the purposes of the Mechanism</p>	<p>The Commission shall carry out the following preparedness actions:</p> <p>(a) establish and manage the Emergency Response Centre (ERC) <u>in coordination with the existing national and regional bodies</u>, ensuring 24/7 operational capacity, and serving the Member States and the Commission for the purposes of the Mechanism;</p>

Reason

It is essential to ensure that the establishment and management of the ERC does not create parallel structures or unclear deployment procedures at European level. Article 7 of the proposal for a decision, which concerns the ERC, should therefore provide that regard must be paid to national and regional bodies and that the ERC must be coordinated with them.

Amendment 4

Article 11 (3) and (7) – European Emergency Response Capacity

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>1. A European Emergency Response Capacity in the form of a voluntary pool of pre-committed response capacities of Member States shall be established.</p> <p>2. On the basis of reference scenarios, the Commission, in cooperation with the Member States, shall define the types and number of capacities required for the European Emergency Response Capacity (hereinafter referred to as 'capacity goals').</p> <p>3. The Commission shall define quality requirements for the capacities to be committed to the European Emergency Response Capacity. Member States shall be responsible for ensuring their quality.</p> <p>4. The Commission shall establish and manage a process for certification and registration of capacities that Member States make available to the European Emergency Response Capacity.</p>	<p>1. A European Emergency Response Capacity in the form of a voluntary pool of pre-committed response capacities of Member States shall be established.</p> <p>2. On the basis of reference scenarios, the Commission, in cooperation with the Member States, shall define the types and number of capacities required for the European Emergency Response Capacity (hereinafter referred to as 'capacity goals').</p> <p>3. The Commission shall, <u>in cooperation with the Member States</u>, define quality requirements for the capacities to be committed to the European Emergency Response Capacity. Member States shall be responsible for ensuring their quality.</p> <p>4. The Commission shall establish and manage a process for certification and registration of capacities that Member States make available to the European Emergency Response Capacity.</p>

<p>5. Member States shall on a voluntary basis identify and register capacities, which they commit to the European Emergency Response Capacity. The registration of multinational modules provided by two or more Member States shall be undertaken jointly by all Member States concerned.</p> <p>6. The capacities registered in the European Emergency Response Capacity shall be available for emergency response operations under the Mechanism at the request of the Commission through the ERC. Member States shall inform the Commission as soon as possible of any compelling reasons that prevent them from making these capacities available in a specific emergency.</p> <p>7. In the event of deployment, the capacities shall remain under Member States' command and direction. The coordination among the different capacities shall be ensured by the Commission through the ERC. The capacities shall remain available for the national purposes of Member States when not deployed in operations under the Mechanism.</p> <p>8. Member States and the Commission shall ensure an appropriate visibility of the interventions of the European Emergency Response Capacity.</p>	<p>5. Member States shall on a voluntary basis identify and register capacities, which they commit to the European Emergency Response Capacity. The registration of multinational modules provided by two or more Member States shall be undertaken jointly by all Member States concerned.</p> <p>6. The capacities registered in the European Emergency Response Capacity shall be available for emergency response operations under the Mechanism at the request of the Commission through the ERC. Member States shall inform the Commission as soon as possible of any compelling reasons that prevent them from making these capacities available in a specific emergency.</p> <p>7. In the event of deployment, the capacities shall remain under Member States' command and direction. The coordination among the different capacities shall be ensured by the Commission through the ERC. The capacities shall remain available for the national purposes of Member States when not deployed in operations under the Mechanism.</p> <p>8. Member States and the Commission shall ensure an appropriate visibility of the interventions of the European Emergency Response Capacity.</p>
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Amendment 5

Article 15 - Responding to major disasters within the Union

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
1. Where a major disaster occurs within the Union, or in the imminence thereof, a Member State may request assistance through the ERC. The request shall be as specific as possible.	1. Where a major disaster occurs within the Union, or in the imminence thereof, a Member State may request assistance through the ERC. The request shall be as specific as possible <u>and include at least the following information:</u> a. <u>the type of major disaster,</u> b. <u>the area affected by the disaster as well as areas potentially threatened by it,</u> c. <u>the time and the financial and material resources needed to remedy the consequences of an imminent or actual disaster.</u>

Reason

More accurate information from the Member States in the event of a major disaster would enable more effective, targeted and cost-efficient action under the Mechanism, besides enabling the desired objectives to be achieved more rapidly, which is of great importance in responding to disasters.

Brussels, 19 July 2012

The President
of the Committee of the Regions

Mercedes Bresso

The Secretary-General
of the Committee of the Regions

Gerhard Stahl

III. PROCEDURE

Title	Union Civil Protection Mechanism
Reference(s)	COM(2011) 934 final
Legal basis	Optional referral
Procedure	Article 307(1)
Date of Council referral/Date of Commission letter	Letter from Catherine Day, sent on 6 May 2011
Date of President's decision	3 March 2012
Commission responsible	Natural Resources (NAT)
Rapporteur	Adam Banaszak (PL/EA), Member of the Kujawsko-Pomorskie Regional Assembly
Analysis	2 April 2012
Discussed in commission	14 June 2012
Date adopted by commission	14 June 2012
Result of the vote in commission	Majority
Date adopted in plenary	19 July 2012
Previous Committee opinions	Committee of the Regions opinion on Towards a stronger European disaster response (CdR 15/2011 fin)