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| From: | Presidency |
| To: | Permanent Representatives Committee (Part 2) |
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| Subject: | Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism - Mandate for negotiations with the European Parliament |

1. On 23 November 2017 the Commission submitted to the Council a proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism.
2. Between December 2017 and July 2018 the Working Party on Civil Protection discussed the proposal and several compromise texts submitted by the Bulgarian and Austrian Presidencies. As a result of these discussions a number of modifications have been inserted in the text. The discussions during the meeting on 16 July 2018 and the following silent agreement showed that the necessary majority of delegations were in favour of the Presidency compromise as set out in the Annex.

3. On 31 May 2018 the European Parliament voted 65 amendments to that proposal.¹
 4. The Committee of the Regions adopted its opinion on 17 May 2018².
 5. COREPER is invited to agree on the compromise text as set out in the Annex, which will then form the mandate for negotiations with the European Parliament in the context of the ordinary legislative procedure of Article 294 TFEU.
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¹ P8_TA-PROV(2018)0236.

² 9679/18.

2017/0309 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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 Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union Civil Protection Mechanism ('the Union Mechanism') governed by Decision No 1313/2013/EU of the European Parliament and the Council³ 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 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.

³ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

- (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, exacerbated by the impacts of climate change, and irrespective of national borders. The human, environmental, and economic consequences stemming from disasters can be enormous.
- (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, nor that the environment and property are properly safeguarded. This is particularly so where Member States are simultaneously affected by recurrent disasters and collective capacity is insufficient.

- (5) Prevention is of key importance for protection against disasters and requires further action. To that effect, Member States should share **with the Commission summaries of their** risk assessments on a regular basis as well as **a summary of the assessment of their risk management capability** summaries of their disaster risk management planning in order to ensure an integrated approach to disaster management, linking risk prevention, preparedness and response actions. In addition, **in order to enhance prevention and preparedness planning and coordination among Member States prone to the same types of disasters** the Commission, **in cooperation with Member States**, should be able to **establish specific consultation mechanisms** require Member States to provide specific prevention and preparedness plans in relation to specific disasters, notably with a view to maximising overall Union support to disaster risk management. Administrative burden should be reduced and prevention policies strengthened, including by ensuring necessary links to other key Union policies and instruments, notably the European Structural and Investment Funds as listed in recital 2 of Regulation (EU) No 1303/2013⁴. **Repeated requests for assistance through the Union Mechanism by a Member State for the same kind of disaster could be a sign of insufficient preparedness and should therefore enable the Commission to take appropriate measures.**
- (6) There is a need to reinforce the collective ability to prepare and respond to disasters notably through mutual support in Europe. **In order to reflect the new framework, the name European Emergency Response Capacity (EERC) or voluntary pool should be changed to European Civil Protection Pool.**

⁴ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

- (6a) In addition to strengthening the possibilities overall existing capacities already offered by the European Emergency Response Capacity ('EERC' or 'voluntary pool'), from now on referred to as "European Civil Protection Pool", the Commission should also establish rescEU should be established. The composition of rescEU should include emergency response capacities as a last resort to respond to overwhelming situations where existing capacities at national level and those committed by Member States to the European Civil Protection Pool are insufficient for an effective response to different kinds of disasters wildfires, large-scale floods and earthquakes, as well as a field hospital and medical teams in line with World Health Organisation standards, that can be rapidly deployed.
- (7) In such situations, the The Union should be able to support Member States where available capacities are insufficient to allow for an effective response to disasters by co-financing contributing to the financing of leasing or rental arrangements for ensuring rapid access to such capacities or by co-financing their acquisition. This would substantially increase the effectiveness of the Union Mechanism, by ensuring availability of capacities in cases where an effective response to disasters would otherwise not be ensured, particularly for disasters with wide ranging impacts affecting a significant number of Member States. Joint Union procurement of capacities should allow for economies of scale and better coordination when responding to disasters. Where, for a transitional period, the Commission rents or leases rescEU capacities, the corresponding rental or leasing contracts should end by 31 December 2019.
- (7a) 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 the rescEU capacities, taking into account the identified risks, overall capacities and gaps. Based on identified risks, the need for aerial forest fire fighting capacities has already been recognised. It is important that these capacities are significantly financed by the Union budget due to their high costs.

(7aa) In order to balance national responsibility and solidarity among Member States, a part of operational costs of deploying rescEU capacities should be eligible for Union financial assistance. However, following repeated requests for the same type of assistance through the Union Mechanism for the same type of disasters, the Commission should be able to discontinue Union financing of operational costs of deployment of rescEU capacities if the information provided by the Member State reveals shortcomings in prevention and preparedness. Such information should include the prevention and preparedness measures undertaken or planned at national or appropriate sub-national level to address the relevant risk.

The Commission should be empowered to adopt implementing acts to define the criteria necessary to assess the existence of significant shortcomings in prevention and preparedness, taking into account inter alia sufficient capacities available at national level, or an extraordinary character of the disaster.

(7aaa) As 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 of solidarity among Member States, in case of deployments of rescEU capacities outside the Union operational costs should be borne by the EU budget.

(7aaaa) In order to ensure a co-ordinated but at the same time rapid response the decision on the deployment, demobilisation and arbitration in case 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 capacity. The Commission and the Member State owning, renting or leasing rescEU capacities will conclude operational contracts specifying the terms and conditions of deploying rescEU capacities.

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

- (9) In order to strengthen efficiency and effectiveness of training and exercises and enhance co-operation between Member States' national civil protection authorities and services it is necessary to establish a Union Civil Protection Knowledge Network that is based on existing structures.
- (10) In order to achieve the functioning of the rescEU capacity, additional **proportionate** financial appropriations should **be** made available to finance actions under the Union Mechanism.
- (11) There is a need to simplify Union Mechanism procedures to ensure that Member States can access assistance and capacities needed in order to respond to natural or man-made disasters as rapidly as possible.
- (12) In order to maximise the use of existing funding instruments and support Member States in delivering assistance, particularly in response to disasters outside the Union, ~~a derogation to Article 129(1) of Regulation (EU, Euratom) 966/2012 of the European Parliament and the Council⁵ should be provided for when financing is granted pursuant to Articles 21, 22 and 23 of Decision No 1313/2013/EU~~ **in accordance with Article 129 (1) of Regulation (EU, Euratom) 966/2012 of the European Parliament and the Council⁶.**

⁵ ~~Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, (OJ L 298, 26.10.2012, p. 1).~~

⁶ **Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, (OJ L 298, 26.10.2012, p. 1).**

- (13) It is important to ensure that Member States take all the necessary actions in order to effectively prevent natural and man-made disasters and mitigate their effects. Provisions 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 1082/2013/EU**⁷. Likewise, ~~coherence~~ **it is important to** ~~should be ensured~~ **coherence** with international commitments such as the Sendai Framework for Disaster Risk Reduction 2015 – 2030, the Paris Agreement and Agenda 2030 for Sustainable Development.
- (14) **In order to ensure uniform conditions for the implementation of the obligation to provide information on risk assessments, of the European Civil Protection Pool, of rescEU and of the Union Civil Protection Knowledge Network, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council**⁸ ~~The delegation of power conferred to the Commission by Decision No 1313/2013/EU should be amended, in order to allow for effective emergency support capacity for the European Union (rescEU). The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to define additional types of response capacities on the basis of identified risks and taking into account a multi-hazard approach.~~

⁷ Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

⁸ **Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).**

- (15) Since the objectives of this Decision, **namely to increase the collective ability to prevent, prepare for and respond to disasters,** cannot be sufficiently achieved by the Member States acting alone but can rather, by reason of scale or effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (15a) **While respecting the powers of the Budgetary Authority, it is important that the overall budget for the implementation of the Union Mechanism is exclusively made available through redeployments within heading 3 and 4 of the Multiannual Financial Framework 2014-2020.**
- (16) Decision No 1313/2013/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 1313/2013/EU is hereby amended as follows:

(1) Article 3 is amended as follows:

(a) in paragraph 1 the following point (e) is added:

'(e) to increase the availability and use of scientific knowledge on disasters.'

(b) point (a) of paragraph 2 is replaced by the following:

'(a) progress in implementing the disaster prevention framework: measured by the number of Member States that have made available to the Commission a summary of their risk assessments; ~~an~~ and a summary of the assessment of their risk management capability ~~and a summary of their disaster management planning~~ as referred to in points (a) and (c) of Article 6;'

(2) in Article 4, the following point 12 is added:

'(12) Participating State' means a third country participating in the Union Mechanism in accordance with Article 28(1);'

(3) in Article 5 (1), point (a) is replaced by the following:

'(a) take action to improve the knowledge base on disaster risks and facilitate the sharing of knowledge, the results of scientific research, best practices and information, including among Member States that share common risks.'

- (4) Article 6 is amended as follows **replaced by the following**:

'Article 6

Risk management

(a) ~~points (a) and (b) are replaced by the following:~~

'1. In order to promote an effective and coherent approach to prevention of and preparedness for disasters by sharing non-sensitive information, namely information whose disclosure would not be contrary to the essential interests of Member States' security, and best practices within the Union Mechanism, Member States shall:

- (a) **further** develop risk assessments at national or appropriate sub-national level and make ~~them~~ available to the Commission **a summary of the relevant elements thereof, using the template laid down in the implementing act referred to in the third paragraph**, by ~~22~~ **31** December ~~2018~~ **2023** and every ~~three~~ **five** years thereafter, **and whenever there are important changes**;
- (b) develop and refine their disaster risk management planning at national or appropriate sub-national level based on the risk assessments referred to in point (a) and taking into account the assessment of their risk management capability referred to in point (c) and the overview of risks referred to in point (c) of Article 5(1);
- (c) **further develop and make available to the Commission a summary of the assessment of their risk management capability at national or appropriate sub-national level until 31 December 2025 and every five years thereafter, and whenever there are important changes**;
- (d) **participate, on a voluntary basis, in peer reviews on the assessment of risk management capability.**

(b) ~~the following second and third subparagraph are added:~~

~~'A summary of the relevant elements of the risk management planning shall be provided to the Commission, including information on the selected prevention and preparedness measures, by 31 January 2019 and every three years thereafter. In addition, the Commission may require Member States to provide, specific prevention and preparedness plans, which shall cover both short and long term efforts. The Union shall duly consider the progress made by the Member States with respect to disaster prevention and preparedness as part of any future ex ante conditionality mechanism under the European Structural and Investment Funds.~~

- 2.** The Commission **in cooperation with Member States** may also establish specific consultation mechanisms to enhance appropriate prevention and preparedness planning and coordination among Member States prone to similar type disasters.
- 3.** **The Commission shall, by 31 December 2019, adopt an implementing act laying down a template for the summary referred to in point (a) of the first paragraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 33(2).**
- 4.** **Member States which have requested the same type of assistance through the Union Mechanism for the same type of disaster three times within three years, shall provide to the Commission additional information on specific prevention and preparedness measures related to the corresponding risk within six months after the closure of the third activation of the Union Mechanism.**
Taking into account the information provided, the Commission shall assess whether adequate measures have been taken to provide for a sufficient level of prevention, preparedness and risk management in the Member State concerned. Where this assessment has revealed a lack of prevention, or preparedness or risk management, the Commission shall, where appropriate:

(a) propose the deployment of an expert team as referred to in Articles 5(2) and 13(3), or

(b) make recommendations to strengthen the level of prevention and preparedness in the Member States concerned.

The Commission shall adopt implementing acts to lay down adequate criteria and the maximum time to assess the lack of prevention, or preparedness or risk management. Those implementing acts shall be adopted following the examination procedure referred to in Article 33(2).'

(5) In Article 10, paragraph 1 is replaced by the following:

'1. The Commission and the Member States shall work together to improve the planning of disaster response operations under the Union Mechanism, including through scenario-building for disaster response based on the risk assessments referred to in point (a) of Article 6 and the overview of risks referred to in point (c) of Article 5(1), asset mapping and the development of plans for the deployment of response capacities.'

(6) Article 11 is amended as follows:

(a) The title is replaced by the following:

'European Civil Protection Pool'

(b) paragraphs 1 and 2 are replaced by the following:

- '1. A European Civil Protection Pool shall be established. It shall consist of a pool of pre-committed response capacities of the Member States and include modules, other response capacities and **categories of** experts.
2. On the basis of identified risks, **overall capacities and gaps**, the Commission shall **adopt implementing acts** defining the types and the number of key response capacities required for the European Civil Protection Pool ("capacity goals"). **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2).**

The Commission **and Member States** shall monitor progress towards the capacity goals and remaining gaps **as set out in the implementing acts referred to in the first subparagraph. Where potentially significant gaps have been identified, the Commission shall examine whether the necessary capacities are available to the Member States outside the European Civil Protection Pool.** ~~and The Commission~~ shall encourage Member States to address such gaps. The Commission may support Member States in accordance with Article 20, point (i) of Article 21(1) and Article 21(2).'

(c) ~~paragraphs 7 and 8 are replaced by the following:~~

- ~~'7. Response capacities that Member States make available for the European Civil Protection Pool shall be available for response operations under the Union Mechanism following a request for assistance through the ERCC, unless Member States are faced with an exceptional situation substantially affecting the discharge of national tasks.'~~

~~8. In the event of deployment of such response they shall remain under the command and control of the Member States making them available and may be withdrawn when Member States are faced with an exceptional situation substantially affecting the discharge of national tasks preventing them from keeping those response capacities available. In such cases, the Commission shall be consulted.~~

~~The coordination of different response capacities shall be facilitated where appropriate by the Commission through the ERCC in accordance with Articles 15 and 16.'~~

~~(d) the following paragraph 10 is added:~~

~~'10. The references to the European Emergency Response Capacity, EERC and the voluntary pool shall be understood as a reference to the European Civil Protection Pool.'~~

(7) Article 12 is replaced by the following:

'rescEU'

1. rescEU shall be established to provide relief **assistance in overwhelming situations** where **overall** existing capacities **at national level and those committed by Member States to the European Civil Protection Pool** ~~do not allow~~ **are insufficient for an effective response in different kinds of disasters** ~~responding effectively to disasters.~~ **referred to in Article 1(2).**
2. The composition of rescEU shall consist of the following capacities:
 - (a) — aerial forest firefighting;
 - (b) — high capacity pumping;
 - (c) — urban search and rescue;
 - (d) — field hospital and emergency medical teams.

The Commission shall adopt implementing acts to define rescEU capacities, taking into account identified risks, overall capacities and gaps at EU level. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2) and upon ensuring consistency with other Union policies. The first such implementing act shall be adopted by three months after the date of entry into force of this Decision.

3. The Commission may **rescEU capacities shall be** acquired, rented, or leased **by Member States** and/or otherwise contract capacities to be deployed in cases referred to in paragraph 1 in accordance with the Union's financial rules. **For this purpose, direct grants may be awarded by the Commission to Member States without a call for proposal. Where the Commission procures rescEU capacities on behalf of the Member States, the joint procurement procedure shall apply. Union financial support shall be awarded in accordance with the Union financial rules.**

rescEU capacities shall be hosted by Member States which acquire, rent or lease these capacities. In the case of joint procurement, rescEU capacities shall be hosted by the Members States on behalf of which the rescEU capacities are procured.

By way of derogation from the first subparagraph, the Commission may, until 31 December 2019 rent or lease rescEU capacities. Those capacities shall be hosted by Member States providing financing in accordance with Article 21(3).

4. ~~On the basis of identified risks and taking into account a multi-hazard approach, the Commission shall be empowered to adopt delegated acts in accordance with Article 30 to define the types of response capacities required in addition to those identified in paragraph 2 of this Article and revise the composition of rescEU accordingly. Consistency shall be ensured with other Union policies.~~

~~Where, in the case of a disaster or imminent disaster, imperative grounds of urgency so require, the procedure provided for in Article 31 shall apply to delegated acts adopted pursuant to this Article.~~

5. The Commission **in consultation with Member States** shall define quality requirements for the response capacities forming part of rescEU. The quality requirements shall be based on established international standards, where such standards already exist.
6. The **Member State owning, renting or leasing the rescEU capacity, or the Commission where the third subparagraph of paragraph 3 applies,** shall ensure the **registration in CECIS,** availability and deployability of **rescEU** the capacities **for** referred to in paragraph 2 under the Union Mechanism **operations.**

rescEU capacities shall be used in accordance with implementing acts referred to point (g) of Article 32 and with operational contracts between the Commission and the Member State owning, leasing or renting these capacities further specifying the terms and conditions of deployment of rescEU capacities, including participating personnel.

When not used or needed for response operations under the Union Mechanism, rescEU capacities may be used for national purposes in accordance with the Article 23(4a).

7. rescEU capacities shall be available for response operations under the Union Mechanism following a request for assistance through the ERCC **in accordance with Article 15 or Article 16 (1-9) and (11-13)**. The decision on their deployment, **demobilisation and arbitration in case of conflicting requests** shall be taken by the Commission, ~~which shall retain command and control of rescEU capacities~~ **in close coordination with the requesting Member State and the Member State owning, renting or leasing the capacity, in accordance with operational contracts as defined in the second subparagraph of paragraph 6**.

The Member State on the territory of which rescEU capacities are deployed shall be responsible for directing response operations. In case of deployments outside the Union, the Member States hosting rescEU capacities shall be responsible for ensuring that rescEU capacities are fully integrated into the overall response.

8. In case of deployment, the Commission **through the ERCC** shall agree with the requesting Member State on the operational deployment of rescEU capacities. The requesting Member State shall facilitate operational co-ordination of its own capacities and rescEU activities during operations.
9. The coordination among the different response capacities shall be facilitated where appropriate by the Commission through the ERCC in accordance with Articles 15 and 16.
- ~~10. Where the Commission procures equipment such as aerial forest firefighting equipment, by means of acquisition, leasing or rental, the following shall be ensured:~~
- ~~(a) — in case of acquisition of equipment, an agreement between the Commission and a Member State provides for the registration thereof in that Member State.~~
- ~~(b) — in case of leasing and rental, the registration of the equipment in a Member State.~~

11. Member States shall be informed of the operational status of rescEU capacities through CECIS.!

11a. If a disaster outside the EU could significantly affect one or more Member States or their citizens, rescEU capacities may be deployed, in accordance with paragraphs 7 and 9 of this Article.

When rescEU capacities are deployed in third countries, in specific cases, Member States may refuse to deploy their own personnel, in accordance with the implementing act referred to in point (g) of Article 32 and further defined in the operational contracts as referred to in the second subparagraph of paragraph 6.'

(8) the following Article 12a is inserted:

'Article 12a

Information to the European Parliament and the Council

The Commission shall ~~inform~~ **submit a report to** the European Parliament and the Council of operations and progress made under Articles 11 and 12 every two years. **The report shall include information on progress towards the capacity goals and remaining gaps as referred to in Article 11(2), taking into account the establishment of rescEU capacities in accordance with Article 12.'**

(9) in Article 13, the title and the first sentence of paragraph 1 are replaced by the following:

'Union Civil Protection Knowledge Network

1. The Commission shall establish a network of relevant civil protection and disaster management actors and institutions, forming together with the Commission a Union Civil Protection Knowledge Network.

The Network shall carry out the following tasks in the field of training, exercises, lessons learnt and knowledge dissemination, in close coordination with relevant knowledge centres, where appropriate:'

(10) in Article 15, paragraph 1 is replaced by the following:

- '1. When a disaster occurs within the Union, or is imminent, the affected Member State may request assistance through the ERCC. The request shall be as specific as possible. A request for assistance shall lapse after a maximum period of 90 days, unless new elements justifying the need for continued or additional assistance are provided to the ERCC.'

(11) in Article 16, paragraph 1 is replaced by the following:

- '1. When a disaster occurs outside the Union, or is imminent, the affected country may request assistance through the ERCC. The assistance may also be requested through or by the United Nations and its agencies, or a relevant international organisation. A request for assistance shall lapse after a maximum period of 90 days, unless new elements justifying the need for continued or additional assistance are provided to the ERCC.'

(12) in Article 19, paragraph 1 is replaced by the following:

- '1. The financial envelope for the implementation of the Union Mechanism for the period 2014 to 2020 shall be EUR 631 566 000 in current prices.

EUR 480 630 000 in current prices shall derive from Heading 3 "Security and Citizenship" of the multiannual financial framework and EUR 150 936 000 in current prices from Heading 4 "Global Europe".'

(13) the following Article 20a is inserted:

'Article 20a

Visibility

Any assistance or funding provided under this Decision shall give appropriate visibility to the Union, including prominence to the Union emblem for those capacities referred to under Article 11, 12 and 21(2)(c).'

(14) Article 21 is amended as follows:

(a) point (j) of paragraph 1 is replaced by the following:

'(j) establishing, managing and maintaining rescEU **capacities** in accordance with Article 12;'

(b) paragraph 2 is amended as follows:

(i) point (c) is replaced by the following:

'(c) costs necessary to upgrade or repair response capacities to a state of readiness and availability that makes them deployable as part of the European Civil Protection Pool, in accordance with the quality requirements of the European Civil Protection Pool and, where relevant, recommendations formulated in the certification process ('adaptation costs'). Those costs may include costs related to operability, interoperability of modules and other response capacities, autonomy, self-sufficiency, transportability, packaging, and other necessary costs, provided that they specifically relate to the capacities' participation in the European Civil Protection Pool.

Adaptation costs may cover:

i) 75% of the eligible costs in the event of an upgrade, provided this does not exceed 50 % of the average cost of developing the capacity;

ii) 75% of the eligible costs in the event of a repair.

Response capacities benefitting from funding under points (i) and (ii) shall be made available as part of the European Civil Protection Pool for a minimum period **that is linked to the received funding and ranges between** of **3** 5 and 10 years ~~respectively~~, except where their economic lifespan is shorter.

Adaptation costs may consist of unit costs or lump sums determined per type of capacity.'

(ii) point (d) is deleted.

(c) the following paragraphs are added:

3. The financial assistance for the action referred to in point (j) of paragraph 1 shall cover **from 50% up to 90% of the eligible** ~~all~~ costs required to ensure the availability and deployability of rescEU capacities under the Union Mechanism ~~when deployed in the event of a disaster or imminent disaster within the Union or a Participating State.~~

Where the third subparagraph of Article 12(3) applies, the remaining part of the eligible cost referred to in the first subparagraph shall be covered by the Member States hosting rescEU capacities.

The costs referred to in the first subparagraph shall include, as appropriate:

- ~~(a) — the costs related to acquiring, renting and/or leasing the rescEU capacity.~~
~~(b) — the costs related to the operation of the rescEU capacity, including transport;~~
~~(c) — the costs related to procuring the services of public or private entities necessary for operating rescEU capacities.~~

The financial assistance referred to in this paragraph may be implemented by multi-annual work programmes. For actions extending beyond one year budgetary commitments may be broken down into annual instalments.

4. The costs referred to in ~~point (a) of~~ paragraph 3 may consist of unit costs, lump sums or flat rates determined per category or type of capacity, as appropriate.'

(15) Article 23 is amended as follows:

(a) the title is replaced by the following:

'Eligible actions linked to equipment and operations'

(b) paragraphs 2, 3 and 4 are replaced by the following:

xx. The amount of Union financial support for the transport of capacities not pre-committed to the European Civil Protection Pool deployed in the event of a disaster or imminent disaster inside or outside the Union shall not exceed 55% of the total eligible cost.

The Union financial support for transport may, in addition cover a maximum of 85% of the total eligible cost when the assistance is necessary to address a critical need and the assistance is not, or not sufficiently, available in the European Civil Protection Pool.

2. The amount of Union financial assistance for assets committed to the European Civil Protection Pool shall be limited to a maximum of 75% of the costs of operating the capacities, including transport, in the event of a disaster or imminent disaster within the Union or a Participating State.
3. The Union financial support for transport may cover a maximum of 75 % of the total eligible cost related to the transport of the capacities pre-committed to the European Civil Protection Pool when deployed in the event of a disaster or imminent disaster outside the Union as referred to in Article 16.

4. The Union financial support for transport resources ~~related to the capacities pre-committed to the European Civil Protection Pool in accordance with Article 11~~ may, in addition, cover a maximum of 100 % of the total eligible cost described under points (a), (b), (c) and (d) if this is necessary to make the pooling of Member States' assistance operationally effective and if the costs relate to one of the following:
- (a) short-term rental of warehousing capacity to temporarily store the assistance from Member States with a view to facilitating their coordinated transport;
 - (b) transport from the Member State offering the assistance to the Member State facilitating its coordinated transport;
 - (c) repackaging of Member States' assistance to make maximum use of available transport capacities or to meet specific operational requirements;
or
 - ~~(d)~~(e) local transport, transit and warehousing of pooled assistance with a view to ensuring a coordinated delivery at the final destination in the requesting country.!

4a. When rescEU capacities are used for national purposes, and when not used or needed for response operations under the Union Mechanism, all costs, including maintenance and repair costs, shall be covered by the Member State using the capacities.

4aa. In case of deployment of rescEU capacities under the Union Mechanism, the Union financial support shall cover 50% of the operational costs. The remaining amount shall be borne by the requesting Member State.

By way of derogation from the first subparagraph, where the assessment referred to in Article 6(4) has revealed a lack of prevention, or preparedness or risk management, no Union financial assistance for operational costs of deployment of rescEU capacities shall be provided to the Member State until that Member State has demonstrated that adequate measures have been taken to provide for a sufficient level of prevention, preparedness and risk management in the Member State concerned.

4aaa. For deployments outside the Union referred to in paragraph 11a of Article 12, operational costs shall be covered by the EU budget.'

(c)(e) the following paragraph is added:

- '8. Transport costs may consist of unit costs, lump sums or flat rates determined per category of cost.'

(16) in Article 26 , paragraphs 1 and 2 are replaced by the following:

- '1. Actions receiving financial assistance under this Decision shall not receive assistance from other Union financial instruments. ~~By way of derogation,~~ **In accordance with Article 129(1) of Regulation (EU, EURATOM) No 966/2012,** financial assistance granted pursuant to Articles 21, 22 and 23 of this Decision shall not prevent financing from other Union instruments in accordance with the conditions established therein.

The Commission shall ensure that the applicants for financial assistance under this Decision and beneficiaries of such assistance provide it with information about financial assistance received from other sources, including the general budget of the Union, and about on-going applications for such assistance.

2. Synergies and complementarity shall be sought with other instruments of the Union such as those supporting cohesion, rural development, research, health, as well as migration and security policies. In the case of a response to humanitarian crises in third countries the Commission shall ensure the complementarity and coherence of actions financed under this Decision and actions financed under Regulation (EC) No 1257/96.'

(17) in Article 28, paragraph 3 is replaced by the following:

- '3. International organisations, regional organisations or countries that are part of the European Neighbourhood Policy may cooperate in activities under the Union Mechanism where relevant bilateral or multilateral agreements **between these organisations or countries and the Union** so allow.'

(18) in Article 32, points (g) and (h) of paragraph 1 are replaced by the following:

'(g) the establishment, management and maintaining of rescEU, as provided for in Article 12, including criteria for deployment decisions, ~~and~~ operating procedures **and the exact co-financing rate as referred to in Article 21(3)**;

(h) the establishment and organisation of the Union Civil Protection Knowledge Network, as provided for in Article 13;'

(19) Article 34 paragraph 2 is amended as follows:

(a) points (a), (b) and (c) are replaced by the following:

'(a) a communication on the effectiveness and continued application of this Decision, and in particular of rescEU capacities by 31 December 2023 and every five years thereafter, which shall be accompanied, as appropriate, by proposals for amendment to this Decision'

(b) the last sentence is deleted.

(20) Article 38 is deleted.

(21) The references to the European Emergency Response Capacity, EERC and the voluntary pool in the entire text of the Decision shall be replaced by reference to the European Civil Protection Pool.

Article 2

This Decision is addressed to the Member States. **shall enter into force on ...**

It shall apply from [...], however point (7) of Article 1 replacing Article 12(2) of Decision No 1313/2013 shall apply from [the date of entry into force].

Done at Brussels,

For the European Parliament

The President

For the Council

The President
