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NOTE

From:	General Secretariat of the Council
To:	Working Party on Civil Protection
No. Cion doc.:	8330/20
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 - Opinion of the European Committee of the Regions

Delegations will find attached a copy of the above opinion.

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NAT-VII/009

140th plenary session, 12-14 October 2020

OPINION

A reinforced Union civil protection mechanism

THE EUROPEAN COMMITTEE OF THE REGIONS

- notes that every crisis is a test of solidarity for the EU and its Member States, as most recently demonstrated by the current COVID-19 pandemic, and strongly believes in the need for a coordinated European response in the spirit of true solidarity between Member States, all levels of government and across borders;
- notes that while the COVID-19 outbreak put the current Union Civil Protection Mechanism to the test, the targeted changes must now aim to enhance and reinforce the Union Mechanism and enable both the EU and Member States to be better prepared and react quickly and effectively to future large-scale high-impact crises;
- reiterates its call for significant strengthening of the emergency and disaster response capacities of the EU, with the involvement of national, local and regional emergency response structures and respecting the subsidiarity principle under TFEU Article 196;
- supports the strengthening of the immediate and long-term capacity of the EU to react to
 emergencies while preserving local authorities' ultimate operational control, but
 emphasises that more flexibility is also needed for deployment of rescEU resources;
- welcomes the Next Generation EU instrument as one-off reinforcement but emphasises that long-term commitment and reinforcement is needed to further reinforce the EU Civil Protection Mechanism and its instruments, such as rescEU and the European Medical Corps;
- agrees that the Commission should be able to directly procure rescEU capacities to

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- support Member States to alleviate the burden on Member States and enable the EU to intervene more rapidly to ensure the availability of strategic assets when the capacities of Member States are overwhelmed;
- agrees that in addition to the availability of strategic assets, sufficient transport and logistical capacity, including multi-purpose aircraft services, in case of emergency is needed to be able to react quickly and deliver emergency assistance.

Rapporteur:
Alberto Cirio (IT/EPP), President of the Piedmont Region
Reference document:
Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism
COM(2020) 220 final

Opinion of the European Committee of the Regions – A reinforced Union civil protection mechanism

I. RECOMMENDATIONS FOR AMENDMENTS

Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism COM(2020) 220 final

Amendment 1 Recital 2

Text proposed by the European Commission	CoR amendment
(2) Whilst recognising the primary	(2) Whilst recognising the primary
responsibility of Member States for	responsibility for preventing, preparing for
preventing, preparing for and responding to	and responding to natural and man-made
natural and man-made disasters, the Union	disasters remains with the Member States
Mechanism promotes solidarity between	and their regional authorities, the Union
Member States in accordance with Article	Mechanism, and in particular rescEU,
3(3) of the Treaty on European Union.	promotes solidarity between Member States
	in accordance with Article3(3) of the Treaty
	on European Union <i>by complementing</i>
	existing capacities of Members States and
	regions, enabling more effective
	preparedness and response, where
	capacities at national, regional and local
	levels are not sufficient.

It is essential to acknowledge that the capacities are different not only between the Member States but also between their regions. The complementary action of the EU should therefore develop a differentiated approach according to the different needs at regional level.

Amendment 2 Recital 6

Text proposed by the European Commission (6) To improve planning in prevention and preparedness, the Union should continue advocating for investment in prevention of disasters across sectors, and for comprehensive risk management approaches that underpin prevention and preparedness, taking into account a multi-hazard approach, an ecosystem-based approach and the likely impacts of climate change, in close cooperation with the relevant scientific communities and key economic operators. To that effect, cross-sectoral and all-hazard approaches should be put at the forefront and be based on *Union wide resilience goals* feeding into a baseline definition of capacities and preparedness. The Commission is to work together with Member States when defining Union wide resilience goals.

CoR amendment

(6) To improve planning in prevention and preparedness, the Union should continue advocating for investment in prevention of disasters across sectors, and for comprehensive risk management approaches that underpin prevention and preparedness, taking into account a multi-hazard approach, an ecosystem-based approach and the likely impacts of climate change, in close cooperation with the relevant scientific communities and key economic operators. To that effect, cross-sectoral and all-hazard approaches should be put at the forefront and be based on the differentiated needs of the EU Member States and regions in order to strengthen their capacities and to improve *the overall EU resilience* and preparedness. The Commission is to work together with Member States and local and regional authorities when defining Union wide

resilience goals.

Reason

The efforts of the EU must be differentiated to take into account the different capacities in the Member states and in the EU regions.

Amendment 3 Recital 8

Text proposed by the European Commission	CoR amendment
(8) As a 24/7 operational centre at Union	(8) As a 24/7 operational centre at Union
level with capacity to follow and support	level with capacity to follow and support
operations in various types of emergencies,	operations in various types of emergencies,
within and outside the Union, in real-time,	within and outside the Union, in real-time,
the Emergency Response Coordination	the Emergency Response Coordination
Centre ('ERCC') should be further	Centre ('ERCC') should be further
strengthened. This should include enhanced	strengthened. This should include enhanced
coordination of the ERCC with Member	coordination of the ERCC with Member
States' national crisis systems and civil	States' national <i>and regional</i> crisis systems
protection authorities, as well as with other	and civil protection authorities, as well as
relevant Union bodies. The work of the	with other relevant Union bodies. The work
ERCC is supported by scientific expertise,	of the ERCC is supported by scientific
including that provided by the European	expertise, including that provided by the
Commission's Joint Research Centre.	European Commission's Joint Research
	Centre.

Member States' governance structure and the nature of certain emergencies may also require coordination with regional crisis response systems, particularly as regards skills and training.

Amendment 4

Recital 9

Text proposed by the European Commission	CoR amendment
	(9bis) The Union Mechanism and rescEU should be developed in a way that enables the Union to effectively respond to a wide range of emergencies, besides health. For instance, climate change is leading to an increase of natural disasters such as fire or flooding. It is therefore essential that the Union Mechanism also includes sufficient capacities to act when natural disasters occur.

Self-explanatory.

Amendment 5 Recital 11

Text proposed by the European Commission	CoR amendment
(11) rescEU capacities acquired, rented,	(11) rescEU capacities acquired, rented,
leased or otherwise contracted by Member	leased or otherwise contracted by the
States could be used for national purposes,	Commission or Member States could be used
but only when not used or needed for	for national purposes, but only when not used
response operations under the Union	or needed for response operations under the
Mechanism.	Union Mechanism.

Reason

Availability of rescEU capacities for national use should not depend on whether they are acquired, rented, leased or otherwise contracted by the Commission or the Member States.

Amendment 6

Article 1(2)

Text proposed by the European Commission	CoR amendment
(2) Article 6 is amended as follows:	(2) Article 6 is amended as follows:
(c) The following paragraph 5 is added:	(c) The following paragraph 5 is added:
'5. The Commission shall define Union	'5. The Commission shall define Union
disaster resilience goals to support prevention	disaster resilience goals to support prevention
and preparedness actions. Disaster resilience	and preparedness actions in consultation
goals shall ensure a common baseline for	with the Member States and local and
maintaining critical societal functions in the	regional authorities. Disaster resilience goals
face of cascading effects of a high impact	shall ensure a common baseline for
disaster and for ensuring the functioning of	maintaining critical societal functions in the
the internal market. The goals shall be based	face of cascading effects of a high impact
on forward looking scenarios, including the	disaster and for ensuring the functioning of
impacts of climate change on disaster risk,	the internal market. The goals shall be based
data on past events and cross-sectoral impact	on forward looking scenarios, including the
analysis with a particular attention to	impacts of climate change on disaster risk,
vulnerable people.	data on past events and cross-sectoral impact
The Commission shall be empowered to	analysis with a particular attention to
adopt, where necessary, delegated acts in	vulnerable people.
accordance with Article 30 to define Union	The Commission shall propose a decision of
disaster resilience goals.';	the European Parliament and of the
	Council adopting Union disaster resilience
	goals.';

It is essential to ensure that overarching goals and objectives at Union level are being developed and defined in consultation with the representatives of national and subnational levels.

In order to reflect ownership of goals, the legislation adopting them should have to be approved by the European Parliament and the Council.

Amendment 7 Article 1(3)

Text proposed by the European Commission	CoR amendment
(3) Article 7 is replaced by the following:	(3) Article 7 is replaced by the following:
'Article 7	'Article 7
Emergency Response Coordination Centre	Emergency Response Coordination Centre
1. An Emergency Response Coordination	1. An Emergency Response Coordination
Centre ('ERCC') is established. The ERCC	Centre ('ERCC') is established. The ERCC
shall ensure 24/7 operational capacity, and	shall ensure 24/7 operational capacity, and
serve the Member States and the Commission	serve the Member States and the Commission
in pursuit of the objectives of the Union	in pursuit of the objectives of the Union
Mechanism.	Mechanism.
The ERCC shall in particular <i>coordinate</i> , monitor and support in real-time the response	The ERCC shall in particular monitor and support in real-time the response to
to emergencies at Union level. The ERCC	emergencies at Union level. The ERCC <i>shall</i>
shall work in close contact with national	support national and, where relevant,
crisis systems, civil protection authorities and	regional crisis systems, civil protection

11

relevant Union bodies.

2. The ERCC shall have access to *operational*, analytical, monitoring, information management and communication capacities *to address a broad range of emergencies* within and outside the Union.';

authorities and relevant Union bodies.

2. The ERCC shall have access to *logistical*, analytical, monitoring, information management and communication capacities *to support national systems for managing crises* within and outside the Union.';

Reason

The ERCC must facilitate and support national - and regional, where appropriate - crisis response systems, avoiding overlaps which might create confusion in terms of which body is responsible for responding to the emergency.

Article 1(6)

Text proposed by the European Commission	CoR amendment
(6) Article 10 is replaced by the following:	(6) Article 10 is replaced by the following:
'Article 10	'Article 10
Disaster resilience planning	Disaster resilience planning
"1. The Commission and the Member States	"1. The Commission and the Member States,
shall work together to improve cross-sectoral	in consultation with local and regional
resilience planning, both for natural and man-	authorities, shall work together to improve
made disasters likely to have a trans-	cross-sectorial resilience planning, both for
boundary effect, including the adverse effects	natural and man-made disasters likely to have
of climate change. The resilience planning	a trans-boundary effect, including the adverse
shall include scenario-building at Union level	effects of climate change. The resilience
for disaster prevention and response based on	planning shall include scenario-building at
the risk assessments referred to in point (a) of	Union level for disaster prevention and
Article 6(1) and the overview of risks referred	response based on the risk assessments
to in point (c) of Article 5(1), disaster risk	referred to in point (a) of Article 6(1) and the
management planning referred to in point (c)	overview of risks referred to in point (c) of
of Article 6(1), disaster loss data referred to	Article 5(1), disaster risk management
in point (f) of Article 6(1), asset mapping and	planning referred to in point (c) of Article
the development of plans for the deployment	6(1), disaster loss data referred to in point (f)
of response capacities, taking into account the	of Article 6(1), asset mapping and the
Union disaster resilience goals referred to	development of plans for the deployment of
Article 6(5).	response capacities, taking into account the
2. []';	Union disaster resilience goals referred to Article 6(5).

2. [...]';

It is essential to ensure that the work on disaster resilience planning and scenario-building also involves regional and local levels as the levels most directly affected.

Text proposed by the European Commission CoR amendment (8) Article 12 is amended as follows: (8) Article 12 is amended as follows: (a) Paragraphs 2 and 3 are replaced by the (a) Paragraphs 2 and 3 are replaced by the following: following: '2. [...] '2. [...] 3. rescEU capacities shall be acquired, rented, 3. rescEU capacities shall be acquired, rented, leased, and/or otherwise contracted by the leased, and/or otherwise contracted by the Commission or Member States. The Commission or Member States. The Commission may acquire, rent, lease or Commission may acquire, rent, lease or otherwise contract rescEU capacities to stock otherwise contract rescEU capacities to stock and distribute supplies or to provide services and distribute supplies or to provide services to Member States, through procurement to Member States, through procurement procedures in accordance with the Union's procedures in accordance with the Union's financial rules. Where rescEU capacities are financial rules. Where the Commission acquired, rented, leased or otherwise acquires rescEU capacities, it shall retain contracted by Member States, direct grants ownership of such capacities even when they may be awarded by the Commission to are distributed to member States, except in case of non-reusable capacities. Where Member States without a call for proposals. rescEU capacities are acquired, rented, leased The Commission and any Member States or otherwise contracted by Member States, which so desire may engage in a joint direct grants may be awarded by the procurement procedure conducted pursuant to Commission to Member States without a call Article 165 of the Financial Regulation with a for proposals. view of acquiring rescEU capacities. The Commission and any Member States rescEU capacities shall be hosted by the which so desire may engage in a joint Member States that acquire, rent, lease or procurement procedure conducted pursuant to otherwise contract those capacities. As a way

to enhance Union resilience, rescEU

Article 165 of the Financial Regulation with a

15

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capacities acquired, rented, leased or otherwise contracted by the Commission are to be strategically pre-positioned inside the Union. In consultation with Member States, rescEU capacities acquired, rented, leased or otherwise contracted by the Commission could also be located in third countries via trusted networks managed by relevant international organisations.';

view of acquiring rescEU capacities.

rescEU capacities shall be hosted by the Member States that acquire, rent, lease or otherwise contract those capacities. As a way to enhance Union resilience, rescEU capacities acquired, rented, leased or otherwise contracted by the Commission are to be strategically pre-positioned inside the Union. In consultation with Member States, rescEU capacities acquired, rented, leased or otherwise contracted by the Commission could also be located in third countries via trusted networks managed by relevant international organisations.';

Reason

This will ensure that the capacities are given to the most needed regions in Europe, according to the EC assessment.

Amendment 10

Article 1(14)

Text proposed by the European Commission	CoR amendment
Article 20a is replaced by the following:	Article 20a is replaced by the following:
'Article 20a	'Article 20a
Visibility and awards	Visibility and awards
1. The recipients of Union funding, as well as	1. The recipients of Union funding, as well as
the beneficiaries of the delivered assistance,	the beneficiaries of the delivered assistance,
shall acknowledge the origin and ensure the	shall acknowledge the origin and ensure the
visibility of the Union funding (in particular	visibility of the Union funding (in particular
when promoting the actions and their results)	when promoting the actions and their results)
by providing coherent, effective and	by providing coherent, effective and
proportionate targeted information to	proportionate targeted information to
multiple audiences, including the media and	multiple audiences, including the media and
the public.	the public.
Any assistance or funding provided under	Any assistance or funding provided under
this Decision shall be given appropriate	this Decision shall be given appropriate
visibility. In particular, Member States shall	visibility. In particular, Member States shall
ensure that public communication for	ensure that public communication for
operations funded under the Union	operations funded under the Union
Mechanism:	Mechanism:
- include appropriate references to the Union	- include appropriate references to the Union
Mechanism;	Mechanism;
- provide visual branding on the capacities	- provide visual branding on the capacities
funded or co-funded by the Union	funded or co-funded by the Union
Mechanism;	Mechanism;

- deliver actions with the Union emblem;
- proactively communicate the Union support to national media and stakeholders as well as on their own communication channels;
- support the Commission's communication actions on the operations.
- 2. The Commission shall implement information and communication actions relating to this Decision, and its actions and results. Financial resources allocated to this Decision shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3(1).
- 3. The Commission shall award medals in order to recognise and honour longstanding commitments and extraordinary contributions to Union Mechanism.';

- deliver actions with the Union emblem;
- proactively communicate the Union support to national media and stakeholders as well as on their own communication channels;
- support the Commission's communication actions on the operations.
- 2. The Commission shall implement information and communication actions relating to this Decision, and its actions and results. Financial resources allocated to this Decision shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3(1).
- 3. The Commission shall award medals in order to recognise and honour longstanding commitments and extraordinary contributions to Union Mechanism.'
- 4. When rescEU capacities are used for national purposes as referred to in Article 12(5), Member States, regions and cities shall acknowledge the origin of those capacities and ensure the visibility of the Union funding used to acquire those capacities.

It is important to promote the action of the EU in time of crisis. The COVID-19 crisis has

shown that the crisis periods allow the broad diffusion of fake news.

Amendment 11

Article 1(15)

Text proposed by the European Commission	CoR amendment
Article 21 is amended as follows:	Article 21 is amended as follows:
(a) In paragraph 1, point (g) is replaced by the	(a) In paragraph 1, point (g) is replaced by the
following:	following:
'(g) developing resilience planning under the Union	'(g) developing resilience planning under the Union
Mechanism, as referred to in Article 10.';	Mechanism, as referred to in Article 10.';
(b) Paragraph 3 is replaced by the following:	(b) Paragraph 3 is replaced by the following:
'3. The financial assistance for the action referred	'3. The financial assistance for the action referred
to in point (j) of paragraph 1 shall cover all costs	to in point (j) of paragraph 1 shall cover all costs
necessary to ensure the availability and	
	deployability of rescEU capacities under the Union
	Mechanism in accordance with the second
	subparagraph of this paragraph. The categories of
	eligible costs necessary to ensure the availability
	and deployability of rescEU capacities shall be as
set out in Annex Ia.	set out in Annex Ia.
	The Commission is empowered to adopt delegated
	acts in accordance with Article 30 to amend Annex
Ia regarding the categories of eligible costs.	Ia regarding the categories of eligible costs.
	The financial assistance referred to in this
	paragraph may be implemented by multi-annual
1 0	work programmes. For actions extending beyond
	one year, budgetary commitments may be broken
down into annual instalments.';	down into annual instalments.'.
(c) paragraph 4 is deleted.	

Reason

The costs incurred in facing this type of risk should continue to be covered by EU financial assistance.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

- 1. reiterates its call for significant strengthening of the emergency and disaster response capacities of the EU, with the involvement of national, local and regional emergency response structures and respecting the subsidiarity principle under TFEU Article 196;
- 2. calls for the full involvement of local and regional authorities in the EU decision-making process, as they are the first ones to be hit when a disaster strikes and the first level of governance to respond in case of an emergency;
- 3. welcomes the proposal to develop Union disaster resilience goals in support of prevention and preparedness actions; emphasises, however, that this needs to be done in cooperation with not only Member States but also local and regional authorities;
- 4. supports the strengthening of the immediate and long-term capacity of the EU to react to emergencies while preserving local authorities' ultimate operational control, but emphasises that more flexibility is also needed for deployment of rescEU resources to effectively respond to not only to health crises but to other large-scale emergencies;
- 5. welcomes the EUR 1.9 billion reinforcement of rescEU under the new recovery instrument Next Generation EU, bringing the total allocation to EUR 3 billion for the next multiannual financial framework (MFF) 2021-2027. Therefore, swift agreement on and adoption of the EU budget is of the essence if we want the EU to be better equipped to prepare for and respond to any future large-scale emergencies;

- 6. stresses that while the Next Generation EU is a welcome temporary one-off reinforcement, a long-term commitment and reinforcement is needed to further reinforce the EU Civil Protection Mechanism and its instruments, such as rescEU and the European Medical Corps;
- 7. agrees that the Commission should be able to directly procure rescEU capacities to support Member States in a large-scale emergency situation as this would both alleviate the financial and administrative burden on Member States and enable the EU to intervene more rapidly to ensure the sufficient availability of strategic assets when the capacities of Member States are overwhelmed;
- 8. agrees that in addition to the availability of strategic assets, sufficient transport and logistical capacity, including multi-purpose aircraft services, in case of emergency is needed to be able to react quickly and deliver emergency assistance;

Key messages

- 9. refers to its commitment, as expressed in the Resolution on the 2020-2025 priorities of the European Committee of the Regions, to "advocate for coordinated EU action and support for national, regional and local disaster preparedness structures to respond to health threats and crisis situations in compliance with the subsidiarity principle";
- 10. highlights Article 196 of the Treaty on the Functioning of the European Union which states that "the Union shall encourage cooperation between Member States in order to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters";
- 11. finds it regrettable that the COVID-19 outbreak has had large-scale consequences that could not have been foreseen, but believes that it can be overcome through strong cooperation and consolidated mechanisms;
- 12. notes that every crisis is a test of solidarity for the EU and its Member States, as most recently demonstrated by the current COVID-19 pandemic, and as the representative of local and regional authorities, strongly believes in the need for a coordinated European response in the spirit of true solidarity;

- 13. welcomes in this context that the European institutions have, within the scope of their competences, taken strong action in adopting initiatives for a targeted response to the COVID-19 crisis; reiterates, however, that beyond the first short-term crisis response, it is urgent to lay the ground for greater resilience from the European Union at all levels;
- 14. stresses that as demonstrated by the current crisis, it is of the utmost importance to strengthen coordination between Member States, between all levels of government and across borders;
- 15. notes that while the COVID-19 outbreak will necessarily also put the current Union Civil Protection Mechanism to the test, the targeted changes must now aim, on the basis of the experience gained here, to enhance and reinforce the Union Mechanism and enable both the EU and Member States to be better prepared and react quickly and effectively to future large-scale high-impact crises, and in so doing respect the division of powers, laid down in the TFEU, between the EU and Member States, in particular the local level;
- 16. reiterates the need to set up shared alert systems in cross border areas to achieve standardised communication on prevention and shared operational procedures in emergencies; and the need to create shared databases, shared between neighbouring countries in order to identify materials, resources, equipment, specialised volunteers and resource deployment and logistics¹;
- 17. understands that the main parties participating in the Union Civil Protection Mechanism are the Member States but finds that the Mechanism as a whole would benefit from a stronger focus on regional and local needs and circumstances;
- 18. calls for more EU action to focus on providing technical training assistance so that the capacity of communities for self-help can be enhanced, leaving them better prepared to provide an initial response and to contain a disaster²;
- 19. reiterates the need to boost e-learning platforms along the lines of the Union Civil Protection Mechanism training programme, and to increase the availability of open online courses in the field of civil protection³.

12064/20 ANNEX RELEX.2.C

¹ CDR 2018/6135

² CDR 2018/617.

CDR 2018/6135.

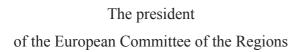
Subsidiarity and proportionality analysis

Civil protection is an area of shared competence between the EU and Member States, where the Union acts to support, coordinate or supplement the actions of its Member States (Article 196 TFEU). The principle of subsidiarity is clearly applicable in the field.

The current proposal is intended to introduce some targeted changes to the decision based on which the European Union supports, coordinates and supplements the action of Member States in the field of civil protection to prevent, prepare for and respond to natural and man-made disasters within and outside the Union.

As shown by the COVID-19 outbreak, in case of serious emergencies where the European Union as a whole is concerned by the scale and the scope of the emergency, a collective, coordinated and urgent response is needed to avoid a fragmented approach which would limit the effectiveness of the Union response. The pressing demands to mobilise resources at sufficient scale and deploy them across the Member States require coordinated action at Union level in cooperation with Member States.

Brussels, 14 October 2020



Apostolos Tzitzikostas

The secretary-general of the European Committee of the Regions

Petr Blížkovský

III. PROCEDURE

Title	A reinforced Union civil protection mechanism
Reference(s)	COM(2020) 220 final
Legal basis	First paragraph of Article 307 of the TFEU
Procedural basis	Rule 41 a) RoP
Date of Council/EP referral/Date of Commission letter	26 June 2020
Date of Bureau/President's decision	-
Commission responsible	Commission for Natural Resources (NAT)
Rapporteur	Alberto Cirio (IT/EPP)
Analysis	10 July 2020
Discussed in commission	18 September 2020
Date adopted by commission	18 September 2020
Result of the vote in commission	Majority
(majority, unanimity)	
Date adopted in plenary	14 October 2020
Previous Committee opinions	CdR 617/2018 – Opinion on the Review of the EU Civil Protection Mechanism
Date of subsidiarity monitoring consultation	

25