



Council of the  
European Union

059324/EU XXVII. GP  
Eingelangt am 29/04/21

Brussels, 29 April 2021  
(OR. en)

8196/21

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**Interinstitutional File:**  
**2020/0097(COD)**

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**CODEC 593**  
**PROCIV 39**  
**JAI 447**  
**COHAFA 40**  
**FIN 316**  
**CADREFIN 200**  
**PE 36**

## **INFORMATION NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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 - Outcome of the European Parliament's first reading (Brussels, 26 to 29 April 2021)

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## **I. INTRODUCTION**

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure<sup>1</sup>, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the rapporteur, Nikos ANDROULAKIS (S&D, EL), presented a compromise amendment (amendment number 95) to the abovementioned proposal for a Decision on behalf of the Committee on the Environment, Public Health and Food Safety. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

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<sup>1</sup> OJ C 145, 30.6.2007, p. 5.

## II. VOTE

When it voted on 27 April 2021, the plenary adopted the compromise amendment (amendment number 95) to the abovementioned proposal for a Decision. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto<sup>2</sup>.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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<sup>2</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

**P9\_TA(2021)0128**

**Union Civil Protection Mechanism \*\*\*I**

**European Parliament legislative resolution of 27 April 2021 on the 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)0220 – C9-0160/2020 – 2020/0097(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0220),
- having regard to Article 294(2) and Articles 196(2) and 322(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0160/2020),
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union, having regard to the opinion of the Court of Auditors of 28 September 2020<sup>1</sup>,
- having regard to the opinion of the European Economic and Social Committee of 29 October 2020<sup>2</sup>,
- having regard to the opinion of the Committee of the Regions of 14 October 2020<sup>3</sup>,
- having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 17 February 2021 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rules 59 and 40 of its Rules of Procedure,
- having regard to the opinion of the Committee on Budgets,
- having regard to the letter from the Committee on Development,
- having regard to the report of the Committee on the Environment, Public Health and Food

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<sup>1</sup> OJ C 385, 13.11.2020, p. 1.

<sup>2</sup> OJ C 10, 11.1.2021, p. 66.

<sup>3</sup> OJ C 440, 18.12.2020, p. 150.

Safety (A9-0148/2020),

1. Adopts its position at first reading hereinafter set out<sup>1</sup>;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> This position replaces the amendments adopted on 16 September 2020 (Texts adopted, P9\_TA(2020)0218).

**Position of the European Parliament adopted at first reading on 27 April 2021 with a view to the adoption of *Regulation (EU) 2021/...* of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism**

(Text with EEA relevance)

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 and point (a) of Article 322(1) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Having regard to the opinion of the Court of Auditors<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure<sup>4</sup>,

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<sup>1</sup> OJ C 10, 11.1.2021, p. 66.

<sup>2</sup> OJ C 440, 18.12.2020, p. 150.

<sup>3</sup> OJ C 385, 13.11.2020, p. 1.

<sup>4</sup> Position of the European Parliament of 27 April 2021.

Whereas:

- (1) The Union Civil Protection Mechanism (the ‘Union Mechanism’) governed by Decision No 1313/2013/EU of the European Parliament and of the Council<sup>1</sup> 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 ■ the primary responsibility ■ for preventing, preparing for and responding to natural and man-made disasters *lies with the Member States*, the Union Mechanism, *and in particular rescEU*, promotes solidarity between Member States in accordance with Article 3(3) of the Treaty on European Union. *The Union Mechanism does so by strengthening the Union’s collective response to natural and man-made disasters through the establishment of a reserve of capacities that complement the existing capacities of Member States, when capacities available at national level are not sufficient, thereby enabling more effective preparedness and response, and by enhancing disaster prevention and preparedness. Adequate financial appropriations are required in order to establish, deploy and operate rescEU capacities and to be able to further develop the European Civil Protection Pool and cover additional costs stemming from adaptation grants and the operation of capacities committed to the European Civil Protection Pool.*

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<sup>1</sup> 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) The unprecedented experience of the COVID-19 pandemic has demonstrated that the Union *and Member States need to be better prepared to respond to large-scale emergencies that impact several Member States simultaneously, and that the existing legal framework on health and civil protection should be reinforced. The COVID-19 pandemic has also highlighted how the consequences of disasters for human health, the environment, society and the economy can take on devastating proportions. During the COVID-19 pandemic, the Union was able, based on the existing provisions of Decision No 1313/2013/EU, to rapidly adopt implementing provisions to expand rescEU capacities to include stockpiling of medical countermeasures comprising vaccines and therapeutics, and of intensive care medical equipment, personal protective equipment and laboratory supplies, for the purpose of preparedness and response to a serious cross-border threat to health. In order to enhance effectiveness regarding preparedness and response actions, new provisions strengthening the current legal framework, including by enabling the Commission to directly procure, under specific conditions, the necessary rescEU capacities, could further reduce deployment time in the future. It is also important that the operations of rescEU be well coordinated with national civil protection authorities.*

- (4) The **Members of the** European Council in **their** Joint Statement of 26 March 2020 and the European Parliament in its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences<sup>1</sup> invited the Commission to make proposals for a more ambitious and wide-ranging crisis management system within the Union.
- (5) *Climate change is leading to an increase in the frequency, intensity and complexity of natural disasters within the Union and worldwide, and thus to a need for a high degree of solidarity among countries. Natural disasters, such as forest fires, can lead to loss of lives, livelihoods and biodiversity, cause the release of high amounts of carbon emissions, and cause a decrease in the carbon absorption capacity of the planet, which further exacerbates climate change. It is therefore essential that prevention of, preparedness for and response to disasters be strengthened and that the Union Mechanism comprise sufficient capacities, including during the rescEU transitional period, to act when forest fires and other climate-related natural disasters occur.*

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<sup>1</sup> Not yet published in the Official Journal.



- (6) *The Union remains committed to gender-sensitive civil protection, including addressing specific vulnerabilities, and exchange on best practices concerning gender-related issues that arise during disasters and their immediate aftermath, including the support provided to victims of gender-based violence.*
- (7) *On the basis of the principles of solidarity and universal coverage of quality health services and the central role of the Union in accelerating progress on global health challenges, the Union Mechanism should contribute to improving prevention, preparedness and response capacity also in respect of medical emergencies.*
- (8) *Member States are, in full respect of their national structures, encouraged to ensure that first responders are adequately equipped and prepared to respond to disasters.*
- (9) *To strengthen cooperation in responding to disasters, administrative processes should be streamlined where possible in order to ensure prompt intervention.*

- (10) In order to be better prepared when confronted with disasters impacting multiple Member States in the future, urgent action is required to reinforce the Union Mechanism. *The reinforcement of the Union Mechanism should complement Union policies and funds and should not be a substitute for the mainstreaming of disaster resilience into those policies and funds.*
- (11) *Data on losses caused by disasters are crucial for a robust assessment of risks, the development of evidence-based scenarios for potential disasters and the implementation of effective risk management measures. Therefore, Member States should continue to work on improving the collection of disaster loss data, in line with the commitments already undertaken under international agreements, such as the Sendai Framework for Disaster Risk Reduction 2015-2030, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change<sup>1</sup> and the United Nations 2030 Agenda for Sustainable Development.*

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<sup>1</sup> OJ L 282, 19.10.2016, p. 4.

- (12) To improve *resilience and* planning *for disaster* prevention, preparedness *and response*, the Union should continue to advocate for investment in prevention of disasters across *borders and* 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, key economic operators, *regional and local authorities and non-governmental organisations operating in the field, without prejudice to the established Union coordination mechanisms and competence of the Member States*. To that effect, **■** *the Commission should* work together with Member States *to define and develop* Union *disaster* resilience goals *in the area of civil protection, as a non-binding common baseline to support prevention and preparedness actions in the event of disasters with a high impact which cause or are capable of causing multi-country transboundary effects (i.e. effects on several countries, irrespective of whether they share a border or not). The Union disaster resilience goals should take into account the immediate social consequences of disasters and the need to ensure that critical societal functions are preserved.*

- (13) *Regular risk assessments and analyses of disaster scenarios at national and, where appropriate, subnational level, are crucial to detecting gaps in prevention and preparedness and reinforcing resilience, including by using Union funds. Such risk assessments and analyses of disaster scenarios should focus on risks that are specific to the region concerned and should, where relevant, cover cross-border cooperation.*
- (14) *In developing Union disaster resilience goals to support prevention and preparedness actions, particular attention should be given to the consequences of disasters for vulnerable groups.*
- (15) *The role of regional and local authorities in disaster prevention and management is of great importance, and, where appropriate, their capacities are included in the activities carried out under Decision No 1313/2013/EU, with a view to minimising overlaps and fostering interoperability. There is therefore also a need for on-going cooperation at local and regional levels across borders, with a view to developing common alert systems for rapid intervention prior to the activation of the Union Mechanism. Similarly, and having regard to national structures, it is important to acknowledge the need to provide technical training assistance to local communities to enhance their first response capacities where appropriate. It is also important to keep the public informed on initial response measures.*

- (16) The Union Mechanism should continue to exploit synergies with the ■ Union framework on the *resilience of critical entities*.
- (17) As an operational centre at Union level that functions 24 hours a day, seven days a week, with capacity to follow and support operations in various types of emergencies, within and outside the Union, in real-time, the Emergency Response Coordination Centre (ERCC) should be further strengthened. This should include enhanced coordination of the ERCC with Member States' national ■ civil protection authorities, as well as with other relevant Union bodies. The work of the ERCC is supported by scientific expertise, including that provided by the European Commission's Joint Research Centre.

(18) The Union Mechanism should make use of Union space infrastructure such as the European Earth Observation Programme (Copernicus), Galileo, Space Situational Awareness and GOVSATCOM, which provide important Union-level tools to respond to internal and external emergencies. Copernicus Emergency Management Systems provide support to the ERCC in the various emergency phases from early warning and prevention to disaster **response** and recovery. GOVSATCOM serves to provide secure satellite communication capability specifically tailored to the needs of governmental users in emergency management. Galileo is the first global satellite navigation and positioning infrastructure specifically designed for civilian purposes in Europe and worldwide, and can be used in other areas such as emergency management, including early warning activities. Galileo's relevant services include an emergency service which broadcasts, through emitting signals, warnings regarding natural **or man-made** disasters ■ in particular areas. ***Given its potential for saving lives and facilitating the coordination of emergency actions,*** Member States should be **encouraged** to use Galileo. Where they decide to use it, in order to validate the system, Member States should identify the national authorities that are competent to use Galileo and notify the Commission of those authorities.

- (19) *During the COVID-19 pandemic, the lack of sufficient transport and logistical resources was identified as a key obstacle as regards the Member States being able to provide or receive assistance. Therefore, transport and logistical resources should be defined as rescEU capacities. In order to ensure uniform conditions for the implementation of Decision No 1313/2013/EU, implementing powers should be conferred on the Commission to allow it to define transport and logistical resources as rescEU capacities and to allow it to rent, lease or otherwise contract such capacities to the extent necessary to address the gaps in the areas of transport and logistics. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>. Furthermore, in order to have the operational capacity to respond swiftly to a large-scale disaster which causes or is capable of causing multi-country transboundary effects or to a low probability event with a high impact ■, the Union should also have, in duly justified cases of urgency and in consultation with the Member States, through the adoption of immediately applicable implementing acts pursuant to the urgency procedure, the possibility of acquiring, renting, leasing or otherwise contracting material means and necessary enabling support services defined as rescEU capacities, where those means and services cannot be made immediately available by Member States. This would allow the Union to react without delay to ■ emergencies which might have a high impact on lives, health, the environment, property, or cultural heritage, and which affect multiple Member States at the same time. Such material means exclude modules, teams and categories of experts and are meant to assist Member States overwhelmed by disasters.*
- (20) *In order to make the best use of the experience gained so far with trusted logistical networks managed by relevant international organisations inside the Union, such as the UN Humanitarian Response Depots, the Commission should consider such networks when acquiring, renting, leasing or otherwise contracting rescEU capacities. Relevant Union agencies should be appropriately involved and consulted in matters related to the Union Mechanism that fall under their remit. It is particularly important that the*

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<sup>1</sup> *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 Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

***European Medicines Agency and the European Centre for Disease Prevention and Control be consulted where appropriate as regards the definition, management and distribution of capacities dedicated to responding to medical emergencies.***

- (21) It should be possible to use for national purposes rescEU capacities acquired, rented, leased or otherwise contracted by Member States, but only when not used or needed for response operations under the Union Mechanism.
- (22) The Union has an interest in responding to emergencies in third countries, where needed. Whilst primarily established for use as a safety net within the Union, in duly justified cases and taking into account humanitarian principles, it should be possible to deploy rescEU capacities outside the Union. ***The deployment decision should be made in accordance with the existing provisions on the deployment decisions of rescEU capacities.***
- (23) ***The Union Mechanism should ensure that there is an adequate geographical distribution of reserves, including as regards essential medical countermeasures and personal protective equipment, in particular those that respond to low probability disasters with a high impact, in synergy with, and in a manner that complements, the EU4Health Programme established under Regulation (EU) 2021/... of the European Parliament and of the Council<sup>1+</sup>, the Emergency Support Instrument established under Council Regulation (EU) 2016/369<sup>2</sup>, the Recovery and Resilience Facility established under Regulation (EU) 2021/241 of the European Parliament and of the Council<sup>3</sup> and other Union policies, programmes and funds, and complementing national stockpiling at Union level where needed.***

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<sup>1</sup> Regulation (EU) 2021/... of the European Parliament and of the Council of ... establishing a programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014 (OJ L ...).

<sup>+</sup> OJ: please insert in the text the number of the Regulation contained in file PE-CONS 69/20 (2020/0102(COD)), and insert the number, date, authors, name and OJ reference of that Regulation in the footnote.

<sup>2</sup> Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union (JO L 70, 16.3.2016, p. 1).

<sup>3</sup> Regulation (EU) 2021/241 of the European Parliament and of the Council establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).



- (24) *The COVID-19 pandemic has shown the key importance of systematically bringing together and sharing relevant knowledge across all phases of the disaster risk management cycle. That finding and the experience gained so far in the process of developing the Union Civil Protection Knowledge Network indicate that its role as a processing unit within the Union Mechanism should be further refined.*
- (25) Obtaining the necessary transport and logistical **resources** is essential to allow the Union to respond to any kind of emergency situation within and outside the Union. It is imperative to ensure timely transport and delivery of assistance and aid within the Union, but also to outside the Union and from outside the Union. Therefore, *the affected countries should be able to request assistance consisting only of transport and logistical resources.*
- (26) *Decision No 1313/2013/EU sets out a financial envelope for the Union Mechanism that constitutes the prime reference amount within the meaning of point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management<sup>1</sup> intended to cover programme expenditure until the end of the 2014-2020 budgetary period. That financial envelope should be updated as from 1 January 2021, the date of application of Council Regulation (EU, Euratom) 2020/2093<sup>2</sup>, to reflect the new figures provided in that Regulation.*

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<sup>1</sup> OJ C 373, 20.12.2013, p. 1.

<sup>2</sup> Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).

- (27) In accordance with Council Regulation (EU) 2020/2094<sup>1</sup> establishing a European Union Recovery Instrument and within the limits of the resources allocated therein, recovery and resilience measures under the Union Mechanism should be carried out to address the unprecedented impact of the crisis caused by the COVID-19 pandemic. ***Such measures should, in particular, include measures to increase the level of the Union's preparedness and enable a quick and effective Union response in the event of major emergencies, including measures such as stockpiling of essential supplies and medical equipment and acquisition of the necessary infrastructure for rapid response.*** Such additional resources should be used in such a way as to ensure compliance with the time limits provided for in Regulation (EU) 2020/2094.
- (28) ***Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement, and the commitment to the United Nations Sustainable Development Goals, the actions under Decision No 1313/2013/EU should contribute to the achievement of an overall target of at least 30 % of the total amount of the Union budget and the European Union Recovery Instrument expenditures supporting climate objectives and the ambition of 7,5 % of the budget reflecting biodiversity expenditure in 2024 and 10 % in 2026 and 2027 while considering the existing overlaps between climate and biodiversity goals.***

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<sup>1</sup> ***Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433 I, 22.12.2020, p. 23).***

- (29) Given that the deployment of rescEU capacities for response operations under the Union Mechanism provides significant Union added value by ensuring an effective and fast response to people in emergencies, further visibility obligations should be laid down in order to provide *information to Union citizens and the media and also to provide prominence to the Union. National authorities should receive communication guidance from the Commission for specific interventions to ensure that the Union's role is appropriately publicised.*
- (30) *Taking into account recent operational experience, in order to further strengthen the Union Mechanism and in particular to simplify the process of rapid rescEU implementation, development costs of all rescEU capacities should be fully financed from the Union budget.*
- (31) In order to support Member States to *also* deliver assistance *outside the Union*, the European Civil Protection Pool should be further reinforced by co-financing the operational costs of the committed capacities *at the same level, irrespective of whether they are* deployed *inside or* outside the Union.

- (32) *In order to ensure flexibility in supporting Member States with transport and logistical resources, in particular in large scale disasters, it should be possible to fully finance from the Union budget the transport within the Union or to the Union from third countries of cargo, logistical means and services deployed as rescEU capacities.*
- (33) The Union Mechanism should also provide transport assistance needed in environmental disasters through the application of the “polluter pays” principle, *under the responsibility of the competent national authorities*, in *accordance* with Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), *and in line with* Directive 2004/35/CE of the European Parliament and of the Council<sup>1</sup>.
- (34) In order to increase flexibility as well as *to* achieve optimal budget *implementation*, *this Regulation should provide for* indirect management ■ as a method of budget implementation, *to be used where justified by the nature and content of the action concerned.*

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<sup>1</sup> Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56).

(35) *In accordance with Article 193(2) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>1</sup> (the ‘Financial Regulation’), a grant may be awarded for an action which has already begun, provided that the applicant can demonstrate the need for starting the action prior to signature of the grant agreement. However, the costs incurred prior to the date of submission of the grant application are not eligible, except in duly justified exceptional cases. In order to avoid any disruption in Union support which could be prejudicial to Union interests, it should be possible to provide in the financing decision, for a limited period of time at the beginning of the multiannual financial framework 2021-2027, and only in duly justified cases, that costs incurred in respect of actions supported under Decision No 1313/2013/EU which have already begun be considered eligible as of 1 January 2021, even if they were incurred before the grant application was submitted.*

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<sup>1</sup> *Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).*

- (36) In order to promote predictability and long-term effectiveness when implementing Decision No 1313/2013/EU, the Commission should adopt annual or multi-annual work programmes indicating the planned allocations. This should help the Union to have more flexibility in budgetary execution and thereby enhance prevention and preparedness actions. *In addition, the projected future allocations should be presented and discussed on a yearly basis in the committee assisting the Commission in accordance with Regulation (EU) No 182/2011.*
- (37) *The Commission reports on the implementation of the budget of the Union Mechanism in accordance with the Financial Regulation.*
- (38) *Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 TFEU apply to Decision No 1313/2013/EU. Those rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes and indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.*

- (39) While prevention and preparedness measures are essential to enhance the resilience of the Union in facing natural and man-made disasters, the occurrence, timing and magnitude of disasters are by nature unpredictable. As shown in the recent COVID-19 crisis, financial resources required to ensure an adequate response can vary significantly from year to year and should be made available immediately. Reconciling the budgetary principle of predictability with the necessity to react rapidly to new needs therefore means having to adapt the financial implementation of the work programmes. Consequently, it is appropriate to authorise carry-over of unused appropriations, limited to the following year and solely devoted to response actions, in addition to the carry-over of appropriations authorised under Article 12(4) of the Financial Regulation.

(40) In accordance with the Financial Regulation, **Regulation** (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>1</sup> and Council Regulations (**EC**, Euratom) No 2988/95<sup>2</sup>, (Euratom, EC) No 2185/96<sup>3</sup> and (EU) 2017/1939<sup>4</sup>, the financial interests of the Union are to be protected by means of proportionate measures, including **measures relating to** the prevention, detection, correction and investigation of irregularities, including fraud, **to** the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, **to** the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) **has the power to** carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. **The** European Public Prosecutor's Office (EPPO) **is empowered, in accordance with Regulation (EU) 2017/1939, to** investigate and prosecute **criminal** offences **affecting** the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council<sup>5</sup>. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, **the Court of Auditors and**, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, **the EPPO**, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights. For that reason, agreements with third countries and territories and with

<sup>1</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

<sup>2</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>3</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>4</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>5</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).



international organisations, and any contract or agreement resulting from the implementation of Decision No 1313/2013/EU, should contain provisions expressly empowering the Commission, the Court of Auditors, the EPPO and OLAF to conduct such audits, on-the-spot checks and inspections, in accordance with their respective competences and ensuring that any third parties involved in the implementation of Union funding grant equivalent rights.

- (41) Third countries which are members of the European Economic Area (**EEA**) may participate in Union programmes in the framework of the cooperation established under the Agreement on the European Economic Area<sup>1</sup>, which provides for the implementation of the programmes on the basis of a decision adopted under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in Decision No 1313/2013/EU **requiring third countries** to grant the necessary rights ■ and access **required for** the authorising officer responsible, OLAF ■ and the Court of Auditors to comprehensively **exercise** their respective **competences**.

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<sup>1</sup> OJ L 1, 3.1.1994, p. 3.

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(42) *During the COVID-19 pandemic, in order to have functioning rescEU capacities and for the Union Mechanism to effectively respond to the needs of Union citizens, additional financial appropriations have been made available to finance actions under the Union Mechanism. It is important to give the Union the necessary flexibility to be able to react effectively to the unpredictable nature of disasters, while at the same time maintaining a certain predictability in the fulfilment of the objectives set out in Decision No 1313/2013/EU. It is important to achieve the necessary balance in the fulfilment of those objectives. In order to update the percentages set out in Annex I according to the priorities of the Union Mechanism, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission.* It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>1</sup> OJ L 123, 12.5.2016, p. 1.

(43) Decision No 1313/2013/EU should therefore be amended accordingly.

(44) *In order to ensure continuity in providing support in the relevant policy area and to allow implementation to start from the beginning of the multiannual financial framework 2021-2027, this Regulation should enter into force as a matter of urgency and should apply, with retroactive effect, from 1 January 2021,*

HAVE ADOPTED THIS **REGULATION**:

## Article 1

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

(1) *in Article 1, paragraphs 2 and 3 are replaced by the following:*

- ‘2. The protection to be ensured by the Union Mechanism shall cover primarily people, but also the environment and property, including cultural heritage, against all kinds of natural and man-made disasters, including the consequences of acts of terrorism, technological, radiological or environmental disasters, marine pollution, hydrogeological instability and acute health emergencies, occurring inside or outside the Union. In the case of the consequences of acts of terrorism or radiological disasters, the Union Mechanism may cover only preparedness and response actions.*
- 3. The Union Mechanism shall promote solidarity between the Member States through practical cooperation and coordination, without prejudice to the Member States' primary responsibility to protect people, the environment and property, including cultural heritage, on their territory against disasters and to provide their disaster-management systems with sufficient capabilities to enable them to prevent, and cope adequately and in a consistent manner with, disasters of a nature and magnitude that can reasonably be expected and prepared for.’;*

(2) *Article 3 is amended as follows:*

(a) *in paragraph 1, point (c) is replaced by the following:*

*‘(c) to facilitate rapid and efficient response in the event of disasters or imminent disasters, including by taking measures to mitigate the immediate consequences of disasters and encouraging Member States to work towards removing bureaucratic obstacles;’;*

(b) *in paragraph 2, point (b) is replaced by the following:*

*‘(b) progress in increasing the level of readiness for disasters: measured by the quantity of response capacities included in the European Civil Protection Pool in relation to the capacity goals referred to in Article 11, the number of modules registered in the Common Emergency Communication and Information System (CECIS) and the number of rescEU capacities established to provide assistance in overwhelming situations;’;*

(3) *in Article 4, the following point is inserted:*

*‘4a. ‘Union disaster resilience goals’ means non-binding objectives established in the area of civil protection to support prevention and preparedness actions for the purposes of improving the capacity of the Union and its Member States to withstand the effects of a disaster which causes or is capable of causing multi-country transboundary effects;’;*

(4) *in Article 5, paragraph 1 is amended as follows:*

(a) *point (c) is replaced by the following:*

*‘(c) establish and regularly update a cross-sectoral overview and map of natural and man-made disaster risks, including risks of disasters which cause or are capable of causing multi-country transboundary effects, the Union may face, by taking a coherent approach across different policy areas that may address or affect disaster prevention and taking due account of the likely impacts of climate change;’;*

(b) *point (g) is replaced by the following:*

*‘(g) report periodically, in accordance with the deadlines set out in point (d) of Article 6(1), to the European Parliament and to the Council on the progress made in the implementation of Article 6;’;*

(5) Article 6 is amended as follows:

*(a) paragraph 1 is amended as follows:*

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

*‘(c) further develop and refine disaster risk management planning at national or the appropriate subnational level, including as regards cross-border collaboration, taking into account the Union disaster resilience goals referred to in paragraph 5, when established, and the risks related to disasters which cause or are capable of causing multi-country transboundary effects;’;*

*(ii) points (d) and (e) are replaced by the following:*

*‘(d) make available to the Commission a summary of the relevant elements of the assessments referred to in points (a) and (b), focusing on key risks. For key risks having cross-border impacts and risks related to disasters which cause or are capable of causing multi-country transboundary effects, as well as, where appropriate, for low probability risks with a high impact, Member States shall describe priority prevention and preparedness measures. The summary shall be provided to the Commission by 31 December 2020 and every three years thereafter, as well as whenever there are important changes;*

- (e) participate, on a voluntary basis, in peer reviews on the assessment of risk management capability;
  - (f) ***in line with international commitments***, improve the collection of disaster loss data at national or the appropriate sub-national level to ensure evidence-based scenario building as referred to in Article 10(1) ***and the identification of gaps in disaster response capacities.***’;
- (b) the following paragraph is added:
- ‘5. The Commission, ***in cooperation with Member States***, shall establish ***and develop*** Union disaster resilience goals ***in the area of civil protection, and adopt recommendations to define them as a non-binding common baseline*** to support prevention and preparedness actions ***in the event of disasters which cause or are capable of causing multi-country transboundary effects. Those*** goals shall be based on ***current and*** forward-looking scenarios, including the impacts of climate change on disaster risks, data on past events and cross-sectoral impact analysis, with particular attention given to vulnerable groups. ***When developing Union disaster resilience goals, the Commission shall take into account recurrent disasters that hit Member States and suggest that Member States take specific measures, including any measures to be implemented with the use of Union funds, to strengthen resilience to such disasters.***’;



(6) *Articles 7 and 8 are* replaced by the following:

‘Article 7

Emergency Response Coordination Centre

1. An Emergency Response Coordination Centre (ERCC) is hereby established. The ERCC shall ensure 24/7 operational capacity, and serve the Member States and the Commission in pursuit of the objectives of the Union Mechanism.

The ERCC shall in particular coordinate, monitor and support in real-time the response to emergencies at Union level. The ERCC shall work in close contact with national ■ civil protection authorities and relevant Union bodies *to promote a cross-sectoral approach to disaster management*.

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

## *Article 8*

### *General preparedness actions of the Commission*

#### *1. The Commission shall carry out the following preparedness actions:*

*(a) manage the ERCC;*

*(b) manage CECIS to enable communication and sharing of information between the ERCC and the Member States' contact points;*

■ *(c) work with Member States:*

*(i) to develop transnational detection and **early** warning systems of Union interest **in order to mitigate the immediate effects of disasters**;*

*(ii) to better integrate existing **transnational detection and early warning** systems based on a multi-hazard approach, with a view to minimising the lead time to respond to disasters;*

*(iii) to maintain and further develop situational awareness and analysis capability;*

- (iv) to monitor disasters and, where relevant, climate change impacts, and provide advice based on scientific knowledge thereof;
- (v) to translate scientific information into operational information;
- (vi) to create, maintain and develop European scientific partnerships to cover natural and man-made hazards, which in turn should promote the linkage between national early warning and alert systems and the linkage of such systems with the ERCC and CECIS;
- (vii) to support the efforts of Member States and mandated international organisations with scientific knowledge, innovative technologies and expertise when Member States and such organisations further develop their early warning systems, *including through the Union Civil Protection Knowledge Network referred to in Article 13*;

- (d) establish and manage the capability to mobilise and dispatch expert teams, responsible for:*
  - (i) assessing the needs that can possibly be addressed under the Union Mechanism in the Member State or third country requesting assistance,*
  - (ii) facilitating, where necessary, the coordination of disaster response assistance on site and liaising with the competent authorities of the Member State or third country requesting assistance, and*
  - (iii) supporting the Member State or third country requesting assistance with expertise on prevention, preparedness or response actions;*
- (e) establish and maintain the capability to provide logistical support to the expert teams referred to in point (d);*

- (f) develop and maintain a network of trained experts of the Member States, who can be available at short notice to assist the ERCC in the monitoring of information and facilitating coordination;*
- (g) facilitate the coordination of the Member States' pre-positioning of disaster response capacities inside the Union;*
- (h) support efforts to improve the interoperability of modules and other response capacities, taking into account best practices at the level of the Member States and at international level;*
- (i) take, within its sphere of competence, the necessary actions to facilitate host nation support, including developing and updating, together with Member States, guidelines on host nation support, on the basis of operational experience;*
- (j) support the creation of voluntary peer review assessment programmes for the Member States' preparedness strategies, based on pre-defined criteria, which will enable recommendations to be formulated to strengthen the level of preparedness of the Union;*

- (k) in close consultation with the Member States, take additional necessary supporting and complementary preparedness action to achieve the objective specified in point (b) of Article 3(1); and*
  - (l) support Member States, upon their request, in respect of disasters happening within their territories by providing the possibility of using European scientific partnerships for targeted scientific analysis. The resulting analyses may be shared via CECIS, with the agreement of the affected Member States.*
- 2. At the request of a Member State, a third country or the United Nations or its agencies, the Commission may deploy an expert team on site to provide advice on preparedness measures.';*

(7) in Article 9, the following paragraph is added:

- ‘10. When emergency services are provided by Galileo, Copernicus, GovSatCom, or other components of the Space Programme established by Regulation (EU) 2021/... of the European Parliament and of the Council\*<sup>+</sup>, each Member State may decide to use them.

Where a Member State decides to use the emergency services provided by Galileo referred to in the first subparagraph, it shall identify and notify to the Commission the national authorities authorised to use those emergency services.

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\* Regulation (EU) 2021/... of the European Parliament and of the Council of ... establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L ...).’;

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<sup>+</sup> OJ: please insert in the text the number of the Regulation contained in file 2018/0236(COD), and insert the number, date, authors, name and OJ reference of that Regulation in the footnote.

(8) Article 10 is replaced by the following:

‘Article 10

***Scenario-building and disaster management*** planning

‘1. The Commission and the Member States shall work together to improve ***cross-sectoral disaster risk management*** planning ***at Union level***, both for natural and man-made disasters which cause or are capable of causing ***multi-country*** transboundary effects, including the adverse effects of climate change. That ■ planning shall include scenario-building at Union level for disaster prevention, ***preparedness*** and response, ***taking into account the work carried out in relation to the Union disaster resilience goals as referred to in Article 6(5) and the work by the Union Civil Protection Knowledge Network as referred to in Article 13, and*** based on:

(i) the risk assessments referred to in point (a) of Article 6(1), ■

(ii) the overview of risks referred to in point (c) of Article 5(1),



- (iii) *Member States' assessment of* risk management *capability* referred to in point (b) of Article 6(1),
  - (iv) *available* disaster loss data referred to in point (f) of Article 6(1),
  - (v) *the voluntary exchange of existing information on disaster risk management planning at national or the appropriate sub-national level,*
  - (vi) asset mapping, and
  - (vii) the development of plans for the deployment of response capacities ■ .
2. The Commission and the Member States shall identify and promote synergies between civil protection assistance and humanitarian aid funding provided by the Union and Member States in the planning of response operations for humanitarian crises outside the Union.’;

(9) in Article 11, paragraph 2 is replaced by the following:

- ‘2. On the basis of identified risks, ***overall capacities and gaps and any existing*** scenario-building ***as*** referred to in Article 10(1), ■ the Commission shall ■ , by means of implementing acts, ***define*** the types and ***specify*** 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, in cooperation with the Member States, shall monitor progress towards the capacity goals set out in the implementing acts referred to in the first subparagraph of this paragraph, and identify potentially significant response capacity gaps in the European Civil Protection Pool. Where such gaps have been identified, the Commission shall examine whether the necessary capacities are available to the Member States outside the European Civil Protection Pool. The Commission shall encourage Member States to address significant response capacity gaps in the European Civil Protection Pool. It may support Member States in this regard in accordance with Article 20 and point (i) of Article 21(1) and Article 21(2).’;

(10) *in* Article 12, ■ paragraphs 2 and 3 are replaced by the following:

- ‘2. The Commission shall ■ , by means of implementing acts, ***define*** the capacities rescEU shall consist of, based *inter alia* on ***any existing*** scenario-building as referred to in Article 10(1), taking into account identified and emerging risks and overall capacities and gaps at Union level, in particular in the areas of aerial forest-firefighting, chemical, biological, radiological and nuclear incidents, ■ emergency medical response, ***as well as transport and logistics. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2). The Commission shall regularly update the information on the type and number of rescEU capacities and make that information directly available to the European Parliament and the Council .***
3. rescEU capacities shall be acquired, rented, leased ■ or otherwise contracted by ■ Member States.

- 3a. rescEU capacities, as defined by means of implementing acts adopted in accordance with the examination procedure referred to in Article 33(2), may be rented, leased or otherwise contracted by the Commission to the extent necessary to address the gaps in the area of transport and logistics.*
- 3b. In duly justified cases of urgency, the Commission may acquire, rent, lease or otherwise contract capacities determined by means of implementing acts adopted in accordance with the urgency procedure referred to in Article 33(3). Such implementing acts shall:*
- (i) determine the necessary type and quantity of material means and any necessary enabling support services, already defined as rescEU capacities; and/or*
  - (ii) define additional material means and any necessary enabling support services as rescEU capacities and determine the necessary type and quantity of those capacities.*

**3c. Union financial rules shall apply where rescEU capacities are acquired, rented, leased or otherwise contracted by the Commission.** Where rescEU capacities are acquired, rented, leased or otherwise contracted by Member States, direct grants may be awarded by the Commission to Member States without a call for proposals. The Commission and any Member States which so desire may engage in a joint procurement procedure conducted pursuant to Article 165 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council\* (the ‘Financial Regulation’) with a view to acquiring rescEU capacities.

rescEU capacities shall be hosted by the Member States that acquire, rent, lease or otherwise contract those capacities. ■

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\* Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1). ’;

(11) *Article 13 is replaced by the following:*

*'Article 13*

*Union Civil Protection Knowledge Network*

1. *The Commission shall establish a Union Civil Protection Knowledge Network (the 'Network') to aggregate, process and disseminate knowledge and information relevant to the Union Mechanism, based on a multi-hazard approach and including relevant civil protection and disaster management actors, centres of excellence, universities and researchers.*

*The Commission, through the Network, shall take due account of the expertise available in the Member States, at Union level, at the level of other international organisations and entities, at the level of third countries and at the level of organisations active on the ground.*

*The Commission and the Member States shall promote gender-balanced participation in the establishment and the functioning of the Network.*

*The Commission, through the Network, shall support coherence of planning and decision-making processes by facilitating the continuous exchange of knowledge and information involving all areas of activity under the Union Mechanism.*

*To that end, the Commission, through the Network, shall inter alia:*

- (a) set up and manage a training and exercises programme for civil protection and disaster management personnel on prevention of, preparedness for and response to disasters. The programme shall focus on and encourage the exchange of best practices in the field of civil protection and disaster management, including in relation to disasters originating from climate change, and include joint courses and a system for the exchange of expertise in the area of disaster management, including exchanges of professionals and experienced volunteers, and the secondment of Member State experts.*

*The training and exercises programme shall aim to enhance the coordination, compatibility and complementarity of capacities referred to in Articles 9, 11 and 12, and to improve the competence of experts as referred to in points (d) and (f) of Article 8(1);*

- (b) *set up and manage a programme of lessons learnt from civil protection actions conducted within the framework of the Union Mechanism, including aspects from the entire disaster management cycle, in order to provide a broad basis for learning processes and knowledge development. The programme shall include:*
- (i) *monitoring, analysing and evaluating all the relevant civil protection actions within the Union Mechanism;*
  - (ii) *promoting implementation of lessons learnt in order to obtain an experience-based foundation for the development of activities within the disaster management cycle; and*
  - (iii) *developing methods and tools for gathering, analysing, promoting and implementing lessons learnt.*

*That programme shall also include, where appropriate, lessons learnt from interventions outside the Union with regard to exploiting links and synergies between assistance provided under the Union Mechanism and humanitarian response;*



- (c) *stimulate research and innovation, and encourage the introduction and use of relevant new approaches or technologies or both for the purpose of the Union Mechanism;*
  - (d) *set up and maintain an online platform serving the Network to support and facilitate the implementation of the different tasks referred to in points (a), (b) and (c).*
2. *When carrying out the tasks set out in paragraph 1, the Commission shall take particular account of the needs and interests of Member States facing disaster risks of a similar nature, as well as of the need to strengthen the protection of biodiversity and cultural heritage.*
  3. *The Commission shall strengthen cooperation on training, and promote the sharing of knowledge and experience, between the Network and international organisations and third countries, in particular in order to contribute to meeting international commitments, particularly those in the Sendai Framework for Disaster Risk Reduction 2015-2030.’;*
- (12) *in Article 14 (1), the first subparagraph is replaced by the following:*
- "1. In the event of a disaster within the Union, or of an imminent disaster, which causes or is capable of causing multi-country transboundary effects or affects or is capable of affecting other Member States, the Member State in which the disaster occurs or is likely to occur shall, without delay, notify the potentially affected Member States and, where the effects are potentially significant, the Commission.”;*

(13) in Article 15(3), point (b) is replaced by the following:

‘(b) collect and analyse validated information on the situation, in conjunction with the affected Member State, with the goal of generating common awareness *of the situation and the response to the situation*, and disseminate that information *directly* to the Member States;’;

(14) in Article 17, paragraphs 1 and 2 are replaced by the following:

‘1. The Commission may select, appoint and dispatch an expert team composed of experts provided by Member States:

- (a) upon request for prevention expertise in accordance with Article 5(2);
- (b) upon request for preparedness expertise in accordance with Article 8(2);
- (c) in the event of a disaster within the Union as referred to in Article 15(5);
- (d) in the event of a disaster outside the Union as referred to in Article 16(3).

Experts from the Commission and from other services of the Union may be integrated in the team in order to support the team and facilitate liaison with the ERCC. Experts dispatched by UN agencies or other international organisations may be integrated in the team in order to strengthen cooperation and facilitate joint assessments.

Where operational effectiveness so requires, the Commission, ***in close cooperation with Member States***, may facilitate the involvement of additional experts, through their deployment, and technical and scientific support, and reach back to specialist scientific, emergency medical and sectoral expertise.

2. The procedure for the selection and appointment of experts shall be the following:
  - (a) Member States shall nominate experts, under their responsibility, who can be deployed as members of expert teams;

- (b) the Commission shall select the experts and the leader for those teams on the basis of their qualifications and experience, including the level of the Union Mechanism training undertaken, previous experience of missions under the Union Mechanism and other international relief work; the selection shall also be based on other criteria, including language skills, to ensure that the team as a whole has the skills needed in the specific situation;
- (c) the Commission shall appoint experts and team leaders for the mission in agreement with their nominating Member State.

The Commission shall notify Member States of additional expert support provided in accordance with paragraph 1.’;

(15) Article 18 is replaced by the following:

‘Article 18

Transport and equipment

1. In the event of a disaster, either within or outside the Union, the Commission may support Member States in obtaining access to equipment or transport and logistical resources by:

- (a) providing and sharing information on equipment and on transport and logistical resources that can be made available by Member States, with a view to facilitating the pooling of such equipment or transport and logistical resources;
  - (b) *developing cartographical material for the swift deployment and mobilisation of resources, bearing in mind especially the particularities of cross-border regions for the purpose of multi-country transboundary risks;*
  - (c) assisting Member States to identify transport and logistical resources that may be available from other sources, including the commercial market, and facilitating their access to such resources; or
  - (d) assisting Member States to identify equipment that may be available from other sources, including the commercial market.
2. The Commission may complement the transport and logistical resources provided by Member States by providing additional resources necessary for ensuring a rapid response to disasters.

3. The assistance requested by a Member State or a third country may consist only of transport and logistical resources in order to respond to disasters with relief items or equipment procured in a third country by the requesting Member State or third country.’;

(16) Article 19 is amended as follows:

- (a) the following paragraph is inserted:

‘1a. The financial envelope for the implementation of the Union Mechanism for the period from 1 January 2021 to 31 December 2027 shall be EUR **1 263 000 000** in current prices.’;

- (b) paragraph 2 is replaced by the following:

‘2. Appropriations resulting from reimbursement made by the beneficiaries for disaster response actions shall constitute assigned revenue within the meaning of Article 21(5) of the Financial Regulation.’;

- (c) *paragraph 3 is replaced by the following*

**‘3. The financial allocation referred to in paragraphs 1 and 1a of this Article and in Article 19a may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities, which are required for the management of the Union Mechanism and the achievement of its objectives.**

*Such expenditure may, in particular, cover studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union, as far as they are related to the general objectives of the Union Mechanism, expenses linked to IT networks focusing on information processing and exchange, including their interconnection with existing or future systems designed to promote cross-sectoral data exchange and related equipment, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the programme.’;*

■

(d) paragraph 4 is replaced by the following:

- ‘4. The financial envelope referred to in *paragraph 1a of this Article and the amount referred to in Article 19a(1)* shall be allocated, *over the period 2021-2027, according to the percentages and principles set out in Annex I.*’;

■

(e) *paragraph 5 is replaced by the following:*

*‘5. The Commission shall assess the breakdown set out in Annex I in the light of the outcome of the evaluation referred to in Article 34(3).’;*

(f) *paragraph 6 is replaced by the following:*

*‘6. Where necessary for disaster response on imperative grounds of urgency, or in the light of unexpected events affecting the budgetary execution or the establishment of rescEU capacities, the Commission shall be empowered to adopt delegated acts in accordance with Article 30 in order to amend Annex I within the available budgetary allocations and in accordance with the procedure provided for in Article 31.’;*

(17) The following Article is inserted:

‘Article 19a

Resources from the European Union Recovery Instrument

*1. Measures referred to in points (d) and (e) of Article 1(2) of Council Regulation (EU) 2020/2094\* shall be implemented under this Decision through the expenditure of **an amount of up to EUR 2 056 480 000 in current prices as** referred to in point (a)(iii) of Article 2(2) of that Regulation in 2018 prices, subject to Article 3(3), (4), (7) and (9) of that Regulation.*



2. *The amount referred to in paragraph 1 of this Article shall constitute external assigned revenue as set out in Article 3(1) of Regulation (EU) 2020/2094.*
3. *Measures referred to in paragraph 1 of this Article shall be eligible for financial assistance in accordance with conditions set out in this Decision and shall be implemented in full respect of the objectives of Regulation (EU) 2020/2094.*
4. *Without prejudice to conditions of eligibility of actions in favour of third countries set out in this Decision, the financial assistance referred to in this Article may be granted to a third country only where that assistance is implemented in full respect of the objectives of Regulation (EU) 2020/2094, regardless of whether or not that third country participates in the Union Mechanism .*

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\* *Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433I, 22.12.2020, p. 23).’;*

(18) Article 20a is replaced by the following:

‘Article 20a

Visibility and awards

1. The recipients of Union funding, as well as the beneficiaries of the assistance delivered, shall acknowledge the origin of those funds and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

Any funding or assistance provided under this Decision shall be given appropriate visibility *in line with the specific guidance issued by the Commission for specific interventions*. In particular, Member States shall ensure that public communication for operations funded under the Union Mechanism:

- (a) includes appropriate references to the Union Mechanism;
- (b) provides visual branding on the capacities funded or co-funded by the Union Mechanism;

- (c) delivers actions with the Union emblem;
- (d) proactively communicates details of the Union support to national media and stakeholders, as well as through their own communication channels; and
- (e) supports the Commission's communication actions on the operations.

*Where rescEU capacities are used for national purposes as referred to in Article 12(5), Member States shall, by the same means as referred to in the first subparagraph of this paragraph, acknowledge the origin of those capacities and ensure the visibility of the Union funding used to acquire those capacities.*

2. The Commission shall implement information and communication actions relating to this Decision, to actions taken pursuant to this Decision and to the results obtained, **and support Member States in their communication actions**. Financial resources allocated to this Decision shall also contribute to the corporate communication of the political priorities of the Union, insofar as those priorities are related to the objectives referred to in Article 3(1).
3. The Commission shall award medals in order to recognise and honour longstanding commitment and extraordinary contributions to the Union Mechanism.';

(19) Article 21 is amended as follows:

(a) in paragraph 1, point (g) is replaced by the following:

‘(g) developing *disaster risk management* planning ■ , as referred to in Article 10.’;

(b) paragraph 3 is replaced by the following:

‘3. The financial assistance for the action referred 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.

The Commission is empowered to adopt delegated acts in accordance with Article 30 to amend Annex Ia regarding the categories of eligible costs.

**3a.** The financial assistance referred to in this *Article* may be implemented by multi-annual work programmes. For actions extending beyond one year, budgetary commitments may be broken down into annual instalments.’;

(c) paragraph 4 is deleted;

(20) in Article 22, point (b) is replaced by the following:

‘(b) in the event of a disaster, supporting Member States in obtaining access to equipment and transport and logistical resources as specified in Article 23; *and*’;

(21) Article 23 is replaced by the following:

‘Article 23

Eligible actions linked to equipment and operations

1. The following actions shall be eligible for financial assistance in order to allow access to equipment and transport and logistical resources under the Union Mechanism:

- (a) providing and sharing information on equipment and on transport and logistical resources that Member States decide to make available, with a view to facilitating the pooling of such equipment or transport and logistical resources;
- (b) assisting Member States to identify transport and logistical resources that may be available from other sources, including the commercial market, and facilitating their access to such resources;
- (c) assisting Member States to identify equipment that may be available from other sources, including the commercial market;

- (d) financing transport and logistical resources necessary for ensuring a rapid response to disasters. Such actions shall be eligible for financial support only if the following criteria are met:
- (i) a request for assistance has been made under the Union Mechanism in accordance with Articles 15 and 16;
  - (ii) the additional transport and logistical resources are necessary for ensuring the effectiveness of disaster response under the Union Mechanism;
  - (iii) the assistance corresponds to the needs identified by the ERCC and is delivered in accordance with the recommendations given by the ERCC on the technical specifications, quality, timing and modalities for delivery;
  - (iv) the assistance has been accepted by a requesting country, directly or through the United Nations or its agencies, or a relevant international organisation, under the Union Mechanism; and
  - (v) the assistance complements, for disasters in third countries, any overall Union humanitarian response.

- 1a. The amount of Union financial assistance for the transport of capacities not pre-committed to the European Civil Protection Pool and deployed in the event of a disaster or imminent disaster inside or outside the Union and for any other transport support needed to respond to a disaster shall not exceed 75 % of the total eligible cost.
2. The amount of Union financial assistance for capacities pre-committed to the European Civil Protection Pool shall not exceed 75 % of the costs of operating the capacities, including transport, in the event of a disaster or imminent disaster inside or outside the Union.
4. The Union financial assistance for transport and logistical resources may cover a maximum of 100 % of the total eligible costs specified in points (a) to (d), where this is necessary to make the pooling of Member States' assistance operationally effective and where 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) 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 in accordance with Article 12(5), all costs, including maintenance and repair costs, shall be covered by the Member State using the capacities.
- 4b. In the event of deployment of rescEU capacities under the Union Mechanism, Union financial assistance shall cover 75 % of the operational costs.

By way of derogation from the first subparagraph, Union financial assistance shall cover 100 % of the operational costs of rescEU capacities necessary for low probability disasters with a high impact, when those capacities are deployed under the Union Mechanism.



- 4c. For deployments outside the Union, as referred to in Article 12(10), Union financial assistance shall cover 100 % of the operational costs.
- 4d. When the Union financial assistance referred to in this Article does not cover 100 % of costs, the remaining amount of the costs shall be borne by the requester of the assistance, unless otherwise agreed with the Member State offering assistance or the Member State hosting the rescEU capacities.
- 4e. For the deployment of rescEU capacities, Union financial assistance may cover 100 % of any direct costs necessary for the transport of cargo, logistical means and services, within the Union, and to the Union from third countries.
- 5. In the case of pooling of transport operations involving several Member States, a Member State may take the lead in requesting Union financial support for the entire operation.
- 6. When a Member State requests the Commission to contract transport services, the Commission shall request partial reimbursement of the costs according to the funding rates set out in paragraphs 1a, 2 and 4.

6a. Without prejudice to paragraphs 1a and 2, Union financial support for the transport of assistance ■ needed in environmental disasters in which the ‘polluter pays principle’ applies may cover a maximum of 100 % of the total eligible costs. The following conditions shall apply:

- (a) the *Union financial support for the transport of* assistance is requested by the affected *or assisting* Member State based on a duly justified needs assessment;
- (b) the affected *or assisting* Member State, *as appropriate*, takes all necessary steps to request and obtain compensation from the polluter, in accordance with all applicable international, Union or national legal provisions;
- (c) upon receiving compensation from the polluter, the affected *or assisting* Member State, *as appropriate*, shall immediately reimburse the Union.

*In the event of an environmental disaster as referred to in the first subparagraph which does not affect a Member State, the actions referred to in points (a), (b) and (c) shall be carried out by the assisting Member State.*

7. The following costs shall be eligible for Union financial assistance for transport and logistical resources under this Article: all costs relating to the movement of transport and logistical resources, including the costs of all services, fees, logistical and handling costs, fuel and possible accommodation costs as well as other indirect costs such as taxes, duties in general and transit costs.
8. Transport costs may consist of unit costs, lump sums or flat rates, determined per category of cost.’;

(22) Article 25 is replaced by the following:

‘Article 25

Types of financial intervention and implementing procedures

1. The Commission shall implement the Union's financial support in accordance with the Financial Regulation.
2. The Commission shall implement the Union's financial support ■ in direct management *in accordance with the Financial Regulation or, where justified by the nature and content of the action concerned*, in indirect management with *the* bodies referred to in *point (c)(ii), (iv), (v) and (vi) of Article 62(1) ■ of the Financial Regulation*.
3. Financial support under this Decision may take any of the forms laid down in the Financial Regulation, in particular the form of grants, procurement or contributions to trust funds.

4. *In accordance with point (a) of the second subparagraph of Article 193(2) of the Financial Regulation, taking into account the delayed entry into force of Regulation (EU) 2021/... of the European Parliament and of the Council\*\*<sup>+</sup> and in order to ensure continuity, in duly justified cases specified in the financing decision and for a limited period, costs incurred in respect of actions supported under this Decision may be considered eligible as of 1 January 2021, even if they were incurred before the grant application was submitted.*
5. In order to implement this Decision, the Commission shall adopt annual or multi-annual work programmes, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2). The annual or multi-annual work programmes shall set out the objectives pursued, the expected results, the method of implementation and their total amount. They shall also contain a description of actions to be financed, an indication of the amount allocated to each action and an indicative implementation timetable. With regard to the financial assistance referred to in Article 28(2), the annual or multi-annual work programmes shall describe the actions foreseen for countries referred to therein.

No annual or multi-annual work programmes shall be required for actions falling under the disaster response laid down in Chapter IV, which cannot be provided for in advance.

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<sup>+</sup> OJ : please insert in the text the number of the Regulation contained in file 2020/0097(COD), and insert the number, date, authors, name and OJ reference of that Regulation in the footnote.

6. *For the purposes of transparency and predictability, the budgetary execution and the projected future allocations shall be presented and discussed on a yearly basis in the committee referred to in Article 33. The European Parliament shall be kept informed.*
7. In addition to Article 12(4) of the Financial Regulation, commitment and payment appropriations that have not been used by the end of the financial year for which they were entered in the annual budget shall be automatically carried over and may be committed and paid up to 31 December of the following year. The carried-over appropriations shall be used solely for response actions. The carried-over appropriations shall be the first appropriations to be used in the following financial year.

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\* Regulation (EU) 2021/... of the European Parliament and of the Council of ... amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (OJ L ...).’;

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(23) Article 27 is replaced by the following:

‘Article 27

Protection of the financial interests of the Union

Where a third country participates in the Union Mechanism by *means of* a decision *adopted pursuant to* an international agreement or *on the basis of* any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, OLAF and the █ Court of Auditors to comprehensively *exercise* their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council\*.

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\* Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L 248, 18.9.2013, p. 1).’

(24) Article 30 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The power to adopt delegated acts referred to in **Article 19(6)** and in the second subparagraph of Article 21(3) shall be conferred on the Commission until 31 December 2027.’

(b) **paragraph 3 is deleted;**

(c) paragraph 4 is replaced by the following:

‘4. The delegation of power referred to in **Article 19(6)** and in the second subparagraph of Article 21(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’;

(d) paragraph 7 is replaced by the following:

‘7. A delegated act adopted pursuant to **Article 19(6)** or the second subparagraph of Article 21(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’;

(25) in Article 32(1), point (i) is replaced by the following :

‘(i) the organisation of support for ■ transport **and logistical resources**, as provided for in Articles 18 and 23;’;

(26) in Article 33, the following paragraph is added:

‘3. **Where reference is made to this paragraph**, Article 8 of Regulation (EU) No 182/2011, **in conjunction with Article 5 thereof, shall apply**’;



(27) *in Article 34, paragraphs 2 and 3 are replaced by the following:*

- ‘2. Every two years, the Commission shall submit a report to the European Parliament and to the Council on operations and progress made under Article 6(5) and Articles 11 and 12. The report shall include information on progress made towards the Union disaster resilience goals, 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. The report shall also provide an overview of the budgetary and cost developments relating to response capacities, and an assessment of the need for further development of those capacities.*
- 3. By 31 December 2023 and every five years thereafter, the Commission shall evaluate the application of this Decision and submit a communication on the effectiveness, cost efficiency and continued implementation of this Decision, in particular as regards Article 6(4), rescEU capacities and the degree of coordination and synergies achieved with other Union policies, programmes and funds, including medical emergencies, to the European Parliament and to the Council. That communication shall be accompanied, where appropriate, by proposals for amendments to this Decision.’;*

(28) *Annex I to Decision No 1313/2013/EU is replaced by the text set out in the Annex to this Regulation;*

(29) the title of Annex Ia is replaced by the following:

‘Categories of eligible costs as referred to in Article 21(3)’.

*Article 2*  
*Entry into force*

This **Regulation** shall enter into force on the day of its publication in the *Official Journal of the European Union*.

■

*It shall apply from 1 January 2021.*

*This Regulation shall be binding in its entirety and directly applicable in all Member States.*

Done at Brussels,

*For the European Parliament*

*For the Council*

*The President*

*The President*

## ANNEX

### *‘Annex I*

*Percentages for allocation of the financial envelope for the implementation of the Union Mechanism referred to in Article 19(1a) and of the amount referred to in Article 19a for the period 2021 to 2027*

*Prevention: 5 % +/- 4 percentage points*

*Preparedness: 85 % +/- 10 percentage points*

*Response: 10 % +/- 9 percentage points*

### *Principles*

*When implementing this Decision, the Union target of contributing to overall climate objectives and to the ambition of mainstreaming biodiversity action in the Union’s policies shall be duly taken into account to the extent that the unpredictability and specific circumstances of disaster preparedness and response so allow.’*

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