Union Civil Protection Mechanism 2014-2020

2011/0461(COD) - 20/12/2011 - Legislative proposal

PURPOSE: to provide for a new Civil Protection Mechanism for the Union for the period 2014-2020.

PROPOSED ACT: Decision of the European Parliament and of the Council.

BACKGROUND: this proposal seeks to replace the Council Decisions on the Civil Protection Mechanism, which facilitates reinforced cooperation between the Member States and the Union in the field of civil protection and the Civil Protection Financial Instrument, which provides funding for the actions under the Mechanism to ensure protection against natural and man-made disasters. After a comprehensive evaluation of the Civil Protection legislation for the period 2007-2009 and taking account of lessons learnt from past emergencies, this proposal merges the two Council Decisions into a single legal act.

The proposal builds on the 2010 Commission Communication 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance' and the 2009 Communication on 'A Community approach on the prevention of natural and man-made disasters' which were welcomed by Parliament (see INI/2011/2023 and INI/2009/2151).

The proposal contributes to Europe's 2020 objectives and to increasing the security of EU citizens and building resilience to natural and man-made disasters. Furthermore, by supporting and promoting measures to prevent disasters, an EU Civil Protection policy would reduce the costs to the EU economy from disasters and therefore obstacles to growth.

The proposal also makes a significant contribution to simplification. The new decision merges into a single text the provisions relating to the functioning of the Mechanism and those relating to the financing of its activities, that in the past were in separate decisions. It also simplifies the existing procedures for the pooling and co-financing of the transport of assistance (e.g. by avoiding a systematic reimbursement of 50%, as is the case under the current rules, and by appointing a lead state in transport operations involving several Member States), thereby significantly reducing the administrative burden on the Commission and Member States. It also establishes simplified rules for the activation of the Mechanism in emergencies in third countries. The strengthened Mechanism will contribute to the implementation of the Solidarity Clause, on which the European Commission and the High Representative will bring forward a proposal in 2012.

IMPACT ASSESSMENT: the main problems identified in the impact assessment are: i) the reactive and ad hoc mechanics of the EU Civil protection cooperation limit the effectiveness, efficiency and coherence of European disaster response, ii) unavailability of critical response capacities (capacity gaps), iii) limited transport solutions and heavy procedures hinder optimal response, iv) limited preparedness in training and exercises, and v) lack of integration of prevention policies.

Following the impact assessment, it was proposed to include the following aspects in the legislative proposal:

- on response: the inclusion of essential elements and principles on the voluntary pool of assets and on EU-funded assets with a reference to the implementation rules;
- on transport: a revision of some of the current legal provisions to increase the maximum EU financing rate for transport operations, and simplify administrative procedures;
- on prevention and preparedness: a general EU policy framework and Commission guidelines, with provision for Member States risk management plans (RMPs).

LEGAL BASIS: Article 196 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal provides for the creation of a new civil protection mechanism for the Union to support, coordinate and supplement the actions of the Member States in the field of civil protection in improving the effectiveness of systems for preventing, preparing for and responding to natural and man-made disasters of all kinds within and outside the Union. The idea is to provide for an integrated approach to disaster management.

The proposal provides for a general objective which is subdivided into specific objectives, accompanied by indicators to measure the progress made.

Specific objectives:

- to achieve a high level of protection against disasters by preventing or reducing their effects and by fostering a culture of prevention;
- to enhance the Union's state of preparedness to respond to disasters; and
- to facilitate rapid and efficient emergency response interventions in the event of major disasters.

Proposed measures:

1) Prevention: the purpose is to enhance the importance of the EU prevention policy framework and effectively linking it to the preparedness and response actions. The proposal sets out the tasks for the Commission in this context which, in particular, include: i) improving the knowledge base on disaster risks and facilitating the sharing of knowledge, best practices and information; ii) supporting and promoting Members States' risk assessment and mapping; iii) an inventory of natural and man-made risks the Union may face taking into account the future impact of climate change; and iv) raising awareness about the importance of risk prevention and supporting Member States in public information, education and awareness-raising, etc.

Building on the ongoing work on risk assessments and to ensure effective cooperation within the Mechanism, Member States are required to communicate, with the help and support of the Commission, their risk management plans by end 2016.

2) Preparation:

The main focus of the proposal is on preparedness actions to improve the response planning, to enhance EU response capacity and the

overall level of preparedness for large-scale disasters.

In comparison with the previous mechanism the main changes include:

- establishing and managing of a Emergency Response Centre ('ERC') on the basis of the existing Monitoring and Information Centre (MIC), which should be strengthened to ensure 24/7 operational capacity;
- developing a coherent planning framework for response operations by preparing reference scenarios, mapping existing capacities and developing contingency plans for their deployment. Synergies between in-kind assistance and humanitarian aid are also sought;
- establishing a European Emergency Response Capacity in the form of a voluntary pool of pre-identified capacities, which Member States make available for operations under the Mechanism. The need for increased visibility of the capacities is also highlighted;
- identification and filling gaps in the response capacities by supporting the development of complementary EU-funded capacities, where this has been considered more cost-efficient than Member States' individual investments. A special monitoring procedure is envisaged and the Commission is obliged to report every two years to the Council and the Parliament on the progress;
- enlarging the scope of the current EU preparedness actions in the field of training, including through the establishment of a training network and diversification of the training programme. The Commission can also provide guidance on EU and international civil protection training;
- sending expert teams to advise on prevention and preparedness measures at the request of an affected state or the UN and its agencies;
- providing the possibility to assist Member States in pre-positioning emergency response capacities in logistical hubs inside the EU.

3) Response: the proposed changes seek to ensure more effective and swifter response through:

- temporary pre-positioning of capacities in situations of increased risk;
- proposal of an emergency response plan and request for deployment of the capacities;
- requiring Member States to ensure host nation support for the incoming assistance, as called for in the Council Conclusions on Host Nation support.

4) Other specific measures: to enable the implementation of the mechanism, the Commission shall be authorised to finance preparation, follow-up, monitoring, audit and evaluation actions that are necessary for the management of the programme and the achievement of its objectives.

External dimension of civil protection operations: in operations outside the Union, the proposal promotes consistency in the international civil protection work through:

- providing assistance through the Mechanism at the request of the United Nations or its agencies, or a relevant international organisation;
- the Commission informing the European External Action Service to allow for consistency between civil protection operation and the overall EU relations with the affected country;
- clarifying the cases when consular support assistance can be provided, taking into account a forthcoming proposal for a Council Directive on coordination and cooperation measures regarding consular protection for unrepresented EU citizens.

The countries concerned would be the following:

- European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA);
- acceding countries, candidate countries and potential candidates;
- countries coming under the European Neighbourhood Policy as well as potential candidate countries not participating in the Mechanism; and
- international or regional organisations where relevant bilateral or multilateral agreements between these organisations and the Union so allow.

Financial support provisions: eligible actions fall within the following 4 fields:

1. general actions,
2. prevention and preparedness,
3. response, and
4. transport.

The provisions relating to the support for transport under the current Instrument are amended and simplified and introduce revised conditions for financing increasing the co-financing rates up to 85% of the total eligible cost and up to 100% in limited cases when certain criteria are met. New provisions allow one Member State to take the lead in requesting EU financial support for operations, which involve several Member States and allowing an affected Member State requesting assistance to request also co-financing of transport costs.

Changes are also introduced to the types of financial intervention to allow for the reimbursement of expenses and the establishment of trust funds. In the case of grants and public procurement, it will not be necessary to include emergency response related operations in the annual work programme of the Commission.

Lastly, the proposal contains the classic provisions with regard to the protection of the financial interests of the Union against fraud and other irregularities, implementation, evaluation and transitional measures until the entry into force of this decision.

Repeal: when the decision enters into force, the existing mechanisms will be repealed.

BUDGETARY IMPLICATION: the Commission's Communication on 'A Budget for Europe 2020' envisages budgetary commitments for the EU civil protection policy of EUR 513 million in current prices, as follows:

- EUR 276 million inside the Union and
- EUR 237 million for operations outside the Union.

The financial provisions of this Decision should apply as of 1 January 2014 as they are related to the Multi-annual Financial Framework 2014-2020.