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2020/0097 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• **Reasons for and objectives of the proposal**

The proposal is intended to introduce some targeted changes to Decision No 1313/2013/EU ('the Decision') on a Union Civil Protection Mechanism ('Union Mechanism'), under which the European Union supports, coordinates and supplements the action of Member States in the field of civil protection to prevent, prepare for and respond to natural and man-made disasters within and outside the Union. Building on the principles of solidarity and shared responsibility, the overall objective of this proposal is to ensure that the Union can provide a better crisis and emergency support to its citizens in Europe and beyond.

This proposal builds on the progress achieved to date by the European Parliament and the Council in their consideration and deliberations on Commission proposal COM(2019) 125 final¹.

The Union Mechanism has proven to be a useful tool to mobilise and coordinate the assistance provided by the Participating States responding to crises inside and outside the Union, constituting a tangible proof of European solidarity. Similarly, the Union will temporarily facilitate, under the Emergency Support Instrument, the transfer of patients and medical personnel between Member States, an essential contribution which brings tangible benefits given the cross-border dimension of the actions. However, the COVID-19 pandemic has shown - the need for better European Union preparedness for future large-scale emergencies, while proving the limitations of the current framework. The inter-connectedness of our societies confronting the same emergency and their resulting difficulty to help each other has demonstrated the need of enhanced action at Union level, as also requested by the European Council Joint Statement on 26 March 2020.

The Union Mechanism currently relies totally on Member States' resources. As shown in recent months, this system of mutual European solidarity tends to falter if all, or most, Member States are impacted by the same emergency simultaneously and are therefore unable to offer each other assistance. In such cases of large-scale high impact emergencies, the Union is currently unable to step in sufficiently to fill these critical gaps. Ensuring an effective overall Union response to large-scale emergencies, the Union Mechanism requires more flexibility and autonomy to act at Union level, in situations when overwhelmed Member States cannot do so.

The Commission is proposing to harness the full power of the EU budget to mobilise investment and frontload financial support in the crucial first years of recovery. These proposals are based on:

- an emergency European Union Recovery Instrument as an exceptional measure, based on Article 122 of TFEU, the financing of which will be based on an empowerment provided in the proposal for the Own Resources Decision. The funds will enable implementation of fast-acting measures to protect livelihoods, increase prevention and strengthen resilience and recovery in response to the crisis.
- a reinforced Multi-Annual Financial Framework for 2021-2027.

¹ COM(2019)125 of 7.3.2019.

Against this background, the Commission proposes a targeted revision of the current Union Mechanism's legislation in order to address the main challenges that the Union Mechanism faces today. The changes will enable the Union Mechanism to act more efficiently and effectively, fill existing gaps and save lives. In concrete terms, the changes contained in this proposal are aimed at achieving the following objectives:

- a) Reinforce a cross-sectoral and societal preparedness approach to trans-boundary disaster risk management, including establishing a baseline and planning elements at a European level, taking into account how climate change affects disaster risk.
- b) ensure that the Commission is able to directly procure an adequate safety net of rescEU capacities;
- c) provide the Commission with the logistical capacity to provide multi-purpose air services in case of emergencies and to ensure timely transport and delivery of assistance;
- d) design a more flexible system for response to large-scale emergencies;
- e) enhance the Emergency Response Coordination Centre's operational coordination and monitoring role in support of the EU's swift and effective response to a broad range of crises inside and outside the Union, in complementarity with existing crisis response mechanisms and in line with existing inter-institutional arrangements;
- f) enable stronger investment in preparedness at Union level and further simplification of budget implementation;
- g) enable the implementation of recovery and resilience measures under the Union Civil Protection Mechanism through financing from the European Union Recovery Instrument, constituting external assigned revenues according to Article 21(5) of the Financial Regulation.

The enhanced Union Mechanism would allow the Union and the Member States to be better prepared for and react quickly and effectively in a future crisis, in particular those with a high-impact given the potential disruption to our economies and societies, as seen so clearly in the COVID-19 emergency. Over the long-term, preventing and minimising the impact of disasters with better preparedness is more cost-effective than responding in particular given how climate change and environmental degradation are increasing disaster risk globally and in the Union.

- **Consistency with existing policy provisions in the policy area**

Europe has a responsibility to show solidarity and to support those in need. Solidarity, which underpins Decision No 1313/2013/EU, will be strengthened under this proposal, alongside the principles of shared responsibility and accountability.

This proposal builds on the positive results the existing framework has delivered so far, and intends to correct its shortcomings with reinforced provisions so as to continue to support, coordinate and complement the action of the Member States in this area.

- **Consistency with other Union policies**

The actions envisaged under the revised Union Mechanism are aligned with the overall objective of the Union to ensure that all relevant Union policies and instruments contribute to reinforcing the Union's capacities in terms of disaster risk management taking an 'all hazards' approach, from response and recovery to disaster prevention.

In particular, special attention is being given to ensuring close coordination and consistency with actions carried out under other Union policies and instruments aiming in particular at preserving people's lives, preventing and alleviating human suffering and protecting human dignity, including avoiding, minimising and addressing the adverse consequences of climate change.

Specifically important is the coordination with the new Union 'EU4Health' programme. Where the Union Mechanism will focus on the direct crisis response capacities which will have to be immediately ready and available in case of an emergency, the 'EU4Health' programme will include structural, large-scale reserves, including a reserve of ready medical staff and experts, and the underlying resilience of the health-care systems. Those resources will be crucial for a coordinated crisis response at Union level.

This proposal also provides the necessary budgetary resources to support Union actions in the field of civil protection, notably via a strengthened Union Mechanism. The latter contributes to the overarching objective of a 'Europe that Protects' as referred to in the Communication from the Commission to the European Parliament, the European Council and the Council on 'a new, modern multiannual financial framework for a European Union that delivers efficiently on its priorities post-2020'. Under the new multiannual financial framework proposal, funding related to civil protection has been subsumed into one single heading: Heading 5 'Resilience, Security and Defence'. The specific cluster 'Resilience and Crisis Response', will encompass both the internal and external dimensions of civil protection.

No legislative act under other Union policies can currently achieve the objectives pursued by this proposal. There should therefore also be no overlap of actions in the field.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis for this proposal is Article 196 and Article 322(1)(a) of the Treaty on the Functioning of the European Union.

• Subsidiarity (for non-exclusive competence)

The Commission has a supporting competence in the area of civil protection. Member States still bear the primary responsibility when it comes to preventing, preparing for and responding to disasters. The Union Mechanism was established because major disasters can overwhelm the response capacities of any Member State acting alone. The provision of well-coordinated and rapid mutual assistance amongst Member States is at its core.

The objectives of the proposal cannot be sufficiently achieved by the Member States acting on their own. Union action in this field involves managing situations with a strong trans-boundary and multi-country components, which necessarily require overall coordination and concerted action beyond the national level.

As shown by the COVID-19 outbreak, in case of serious emergencies where the European Union as a whole is concerned by the scale and the scope of the emergency, a collective, coordinated and urgent response is needed to avoid a fragmented approach which would limit the effectiveness of the Union response. Due to the pressing demands to mobilise resources in sufficient scale and deploy them across the Member States on the basis of their needs, it is necessary that the Union acts in cooperation with Member States. The global dimension and the effects of these emergencies indeed require a coordinated action, which ensures the rapid and effective mitigation of disasters, alongside with the prevention of their resurgence.

Taking into account the benefits in terms of reducing the loss of human life, environmental, economic and material damage as well as social impact, the proposal brings clear EU added value.

- **Proportionality**

The proposal does not go beyond what is necessary to achieve the objectives. It addresses gaps that have been identified since the adoption of Decision (EU) 2019/420 of the European Parliament and the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism and proposes solutions in line with the mandate given by the Council and the European Parliament.

The administrative burden for the Union and the Member States is limited and does not go beyond what is necessary to achieve the objectives of the proposal.

- **Choice of the instrument**

Proposal for a Decision amending Decision No 1313/2013 of the European Parliament and of the Council on a Union Civil Protection Mechanism.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

Due to the urgency to prepare the proposal so that it can be adopted on time by the Council, a stakeholder consultation could not be carried out.

- **Collection and use of expertise**

Not relevant.

- **Impact assessment**

Due to the urgent nature of the proposal, no impact assessment was carried out. However, preliminary lessons learnt from the COVID-19 outbreak, identified in close cooperation with relevant stakeholders, both at national and Union level, have fed into the proposal, thus contributing to a thorough evaluation of the impact of the proposed policies.

- **Regulatory fitness and simplification**

The proposed amendments are targeted in scope and nature, balances Member States' interests, and are proportional to what is operationally required.

More generally, this proposal seeks to establish a more flexible system to ensure that response to disasters is agile and straightforward to apply, therefore ensuring Member States are able to access support and facilitation from the Union Mechanism when needed. For example, recent disasters have highlighted that the Union might not be sufficiently equipped for emergencies with wide-ranging impact affecting several Member States at the same time. In such circumstances, Member States, notwithstanding their intention to help, are not always able to offer assistance. In response to the global COVID-19 outbreak, more than 30 countries (10 Member States and Participating States of the Union Mechanism as well as more than 20 third countries) have requested assistance through the Union Mechanism. The Union Mechanism was not able to respond fully to a majority of requests for assistance received during the COVID-19 outbreak. Through this proposal, the Commission aims to deliver better and more efficient results in future situations of similar scale. In such cases of large scale high impact emergencies, the Union is unable to step in to fill these critical gaps as it requires the capacity,

legal and financial instruments to also fulfil its supporting competence in the field of civil protection when Member States are under pressure simultaneously and cannot offer each other assistance. Even though the Commission immediately reacted to the outbreak by creating a Union medical stockpile, the first procurement was only launched some four weeks after the first confirmed cases of COVID-19 in Europe, as Member States were busy in dealing with the emergency and were not in a position to ensure a quick procurement and storage of rescEU capacities in Member State's facilities.

In terms of simplification, it is important to consider that direct procurement of rescEU capacities by the Commission would, alongside allowing autonomous action at Union level, alleviate the financial and administrative burden on Member States which would not be required to directly acquire, rent or lease the relevant capacities, as is also the case during the COVID-19 outbreak. The new proposed modality would help the Commission save critical time and intervene more rapidly, bringing clear added value to the emergency response efforts laying out the foundation for a sustainable recovery.

Transport, logistics and communication are core elements of any major international assistance operation. The Commission would therefore wish to reinforce provisions in this area to ensure that the Union is able to react quickly to a crisis.

Adding indirect management as a mode of budget implementation would also facilitate budget implementation.

4. BUDGETARY IMPLICATIONS

The total budget allocated for the Union Civil Protection Mechanism amounts to EUR 3 455 902 000 (in current prices) for the 2021-2027 period.

1. EUR 1 268 282 000 shall derive from heading 5 "Resilience, Security and Defense" of the MFF 2021-2027 (new paragraph 1a in article 19)
2. EUR 2 187 620 000 shall be made available through the European Recovery Instrument based on empowerment provided in the new Own Resources Decision.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Article 34 of Decision No 1313/2013/EU on a Union Civil Protection Mechanism applies. It provides that actions receiving financial assistance shall be monitored regularly in order to follow their implementation. More general requirements for the Commission to evaluate the application of the Decision and submit interim and ex post evaluation reports, as well as a communication on implementation are also provided therein. Such evaluations should be based on the indicators provided for in Article 3 of the Decision.

- **Detailed explanation of the specific provisions of the proposal**

This proposal amends a limited number of articles of Decision No 1313/2013/EU in order to achieve the objectives set out in the explanatory memorandum (section 1).

The interdependency of Member States in terms of their ability to react early and rapidly to a developing emergency with trans-boundary impact has been clearly demonstrated by COVID-19. Such interdependencies are not limited to pandemics, but would apply to a range of large-scale disasters that could impact several Member States simultaneously. To address those interdependencies and ensure stronger preparedness at the Union level, reinforcement of

collective work on disaster resilience and planning is necessary. To that end, the Commission proposes to work, in coordination with Member States, on the development of Union disaster resilience goals and scenario planning, including addressing the impacts of climate change on disaster risk.

To ensure that rescEU provides an adequate safety net for when Member State capacities are overwhelmed, the Commission should be in a position to directly procure rescEU capacities to ensure that a sufficient safety net of strategic assets can be constituted in order to support Member States in overwhelming situations such as a large-scale emergency. In doing so, the Commission will ensure consistency and complementarity between rescEU procurement and other Union action, such as the ‘EU4Health’ programme.

The availability of an adequate safety net of rescEU capacities will be achieved by funding strategic capacities as well as an inter-connected emergency information management infrastructure that can cater for any type of emergency, deployable under the auspices of the rescEU.

These strategic capacities will be supplementary to those of Member States and provide additional support where Member States are overwhelmed given the magnitude of an emergency. They should be strategically pre-positioned to ensure most effective geographic coverage in response to an emergency and should be accompanied by the necessary logistical, warehousing and transport capacity.

The warehousing of assistance and the transport capacity should be strategically interlinked to increase rapidness in the delivery and ensure the well-functioning of the supply chain.

The need for a more flexible system for response to large-scale emergencies has emerged as a clear lesson learnt from the COVID-19 outbreak. The effectiveness of the whole response mechanism would be maximised via the availability of additional capacities and more flexibility when it comes to deployability of rescEU resources – irrespectively of where the need for such assets arise.

The operational role of the Emergency Response Coordination Centre at the centre of a network of national crisis centres supporting the Union’s swift and effective response to a broad range of crises at home and around the world should be enhanced, in line with the conclusions of the March 2020 European Council. Without prejudice to existing sectoral early warning and alert systems and crisis response mechanisms, this is to be achieved via reinforcing links with other relevant EU-level entities involved in crisis management and by strengthening its monitoring and early warning functions.

Improving Union preparedness and allocating additional resources to the Union Mechanism is attained through an ambitious budget to reinforce the collective capacity of the Member States and the Union to respond to disasters and via a greater focus on prevention and on improving coherence with other key Union policies. Emergency response also requires appropriate flexibility for budget implementation and for the adoption of urgency measures in exceptional cases which require a rapid response.

This proposal envisages the deletion of Annex I, which currently establishes the relative percentages that each pillar of the Union Mechanism (prevention, preparedness and response) should receive in terms of funding from the overall financial envelope. As the COVID-19 outbreak has shown, the percentages outlined in Annex I do not appear to ensure sufficient

flexibility so that the Union can achieve the objectives it has set. During an emergency, the percentages in Annex I lead to undue administrative burden and may limit the flexibility needed to adapt to the disaster needs in any given year. The need to invest in all phases of the disaster risk management cycle, prevention, preparedness and response is firmly embedded in the Union Mechanism and reinforced with this proposal.

As a result of the deletion of Annex I, current paragraphs 5 and 6 of Article 19 should also be deleted since they refer directly to the percentages mentioned in Annex I.

As a result, the proposal also amends Article 30 on the exercise of the delegation of powers conferred on the Commission. While the substance of the Article remains unchanged, the cross-references to Article 19 are removed. Article 30 has not been deleted in order to cater for the possibility to adopt delegated acts.

Proposal for a

DECISION 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 Article 322(1)(a) 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 Committee²,
Having regard to the opinion of the Committee of the Regions³,
Having regard to the opinion of the Court of Auditors
Acting in accordance with the ordinary legislative procedure,
Whereas:

- (1) The Union Civil Protection Mechanism ('the Union Mechanism') governed by Decision No 1313/2013/EU of the European Parliament and of the Council⁴ strengthens cooperation between the Union and the Member States and facilitates coordination in the field of civil protection in order to improve the Union's response to natural and man-made disasters.
- (2) Whilst recognising the primary responsibility of Member States for preventing, preparing for and responding to natural and man-made disasters, the Union Mechanism promotes solidarity between Member States in accordance with Article 3(3) of the Treaty on European Union.
- (3) The unprecedented experience of the COVID-19 pandemic has demonstrated that the Union effectiveness in managing a crisis is limited by the scope of its governance framework, but also by the degree of Union preparedness in case of disasters impacting a majority of Member States.
- (4) The European Council in its Joint Statement of 26 March 2020⁵ and the European Parliament in its resolution of 17 April 2020⁶ have invited the Commission to make

² OJ C , , p. .

³ OJ C , , p. .

⁴ 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).

⁵ Joint statement of the Members of the European Council,
<https://www.consilium.europa.eu/media/43076/26-vc-euco-statement-en.pdf>

proposals for a more ambitious and wide-ranging crisis management system within the Union.

- (5) In order to be better prepared when confronted with such events in the future, urgent action is required for reinforcing the Union Mechanism.
- (6) To improve planning in prevention and preparedness, the Union should continue advocating for investment in prevention of disasters across sectors, and for comprehensive risk management approaches that underpin prevention and preparedness, taking into account a multi-hazard approach, an ecosystem-based approach and the likely impacts of climate change, in close cooperation with the relevant scientific communities and key economic operators. To that effect, cross-sectoral and all-hazard approaches should be put at the forefront and be based on Union wide resilience goals feeding into a baseline definition of capacities and preparedness. The Commission is to work together with Member States when defining Union wide resilience goals.
- (7) The Union Mechanism should continue to exploit synergies with the European Programme for Critical Infrastructure Protection and the Union framework on critical infrastructure protection and resilience should account for the establishment of such Union wide resilience goals.
- (8) As a 24/7 operational centre at Union level 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 crisis systems and 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.
- (9) The Union Mechanism should make use of Union space infrastructures 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 are providing support to the ERCC in the various emergency phases from early warning and prevention to disaster and recovery. GOVSATCOM is 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 will include an emergency service, which broadcasts, through emitting signals, warnings regarding natural disasters or other emergencies in particular areas. The Member States should be able to use this service. Where they decide to use it, in order to validate the system, they should identify and notify to the Commission the national authorities competent to use that emergency service.
- (10) In order to have the operational capacity to respond swiftly to a large-scale emergency or to a low probability event with a high impact such as the COVID-19 pandemic, the Union should have the possibility of acquiring, renting, leasing or contracting rescEU

⁶ European Parliament resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences (2020/2616(RSP))

capacities to be able to assist Member States overwhelmed by large-scale emergencies, in line with the supporting competence in the area of civil protection and with a particular attention to vulnerable people. Those capacities are to be pre-positioned in logistical hubs inside the Union or, for strategic reasons, via trusted networks of hubs such as the UN Humanitarian Response Depots.

- (11) rescEU capacities acquired, rented, leased or otherwise contracted by Member States could be used for national purposes, but only when not used or needed for response operations under the Union Mechanism.
- (12) Where needed, the Union has an interest in responding to emergencies in third countries. Whilst primarily established for use as a safety net within the Union, in duly justified cases and taking into account the humanitarian principles, rescEU capacities could be deployed outside the Union.
- (13) In order to support Member States to deliver the assistance, the European Civil Protection Pool should be further reinforced by co-financing the operational costs of the committed capacities when deployed outside the Union.
- (14) Obtaining the necessary transport and logistical capacity is essential to allow the Union to respond to any kind of emergency situation within and outside the Union. It is key to provide multi-purpose aircraft services in case of emergencies and to ensure timely transport and delivery of assistance and aid within the Union, but also to and from outside the Union. Therefore rescEU capacities should also include transport capacities.
- (15) The Union Mechanism should also provide transport assistance needed in environmental disasters through the furtherance of the "polluter pays" principle in line with Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), as well as Directive 2004/35/CE of the European Parliament and of the Council⁷ on environmental liability with regard to the prevention and remedying of environmental damage.
- (16) 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 made to provide Union prominence.
- (17) In order to increase flexibility as well as achieve optimal budget execution, indirect management should be included as a method of budget implementation.
- (18) 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 budget execution and thereby enhance prevention and preparedness actions.
- (19) In accordance with Regulations (EU, Euratom) 2018/1046⁸ ('the Financial Regulation') and (EU, Euratom) No 883/2013 of the European Parliament and of the

⁷ 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 143, 30.04.2004 p.56.)

⁸ 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)

Council⁹ and Council Regulations (Euratom, EC) No 2988/95¹⁰, (Euratom, EC) No 2185/96¹¹ and (EU) 2017/1939¹², the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, 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) may 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. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office ('EPPO') may investigate and prosecute offences against the financial interests of the Union, as provided for in Directive (EU) 2017/1371¹³ of the European Parliament and of the Council. 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 EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, and the European Court of Auditors, 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 international organisations, and any contract or agreement resulting from the implementation of this Decision, should contain provisions expressly empowering the Commission, the European Court of Auditors, 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.

- (20) Third countries which are members of the European Economic Area may participate in Union programmes in the framework of the cooperation established under the Agreement on the European Economic Area, which provides for the implementation of the programmes by a decision under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Decision to grant the necessary rights for and access to the authorising officer responsible, OLAF, EPPO and the European Court of Auditors to comprehensively exert their respective competence.

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)

⁹ 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)

¹⁰ 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)

¹¹ 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)

¹² 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)

¹³ 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)

- (21) The Commission should be empowered to adopt immediately applicable implementing acts, in the case of an emergency which needs to be dealt with immediately, where, in duly justified cases, imperative grounds of urgency so require. This would allow the Union to react without delay to large-scale emergencies which might have a high impact on human lives, health, environment, property, and cultural heritage, affecting at the same time the majority or all Member States.
- (22) The financial envelope set out in Article 19 of Decision No 1313/2013/EU needs to be replaced by the new figures provided for in the Commission's updated proposal for the 2021-2027 multiannual financial framework ('MFF').
- (23) While prevention and preparedness measures are essential to enhance the robustness of the Union in facing natural and man-made disasters, the occurrence, timing and magnitude of disasters is by its nature unpredictable. As shown in the recent COVID-19 crisis, financial resources requested to ensure an adequate response may significantly vary from year to year and should be made available immediately. Reconciling the principle of predictability with the need to react rapidly to new needs consequently means adapting the financial implementation of the programmes. Consequently, it is appropriate to authorise carry-over of unused appropriations, limited to the following year and solely devoted to response action, in addition to Article 12(4) of the Financial Regulation.
- (24) In accordance with Regulation (European Union Recovery Instrument) and within the limits of resources allocated therein, recovery and resilience measures under the Union Civil Protection Mechanism should be carried out to address the unprecedented impact of the COVID-19 crisis¹⁴. Such additional resources should be used in such a way as to ensure compliance with the time limits provided for in Regulation [ERI].
- (25) Annex I to Decision No 1313/2013/EU is not flexible enough to allow the Union to properly adjust investments in prevention, preparedness and response and thus it is deleted. Investment levels to be allocated to the different phases of the disaster risk management cycle need to be determined in advance. This absence of flexibility prevents the Union from being able to react to the unpredictable nature of disasters.
- (26) Decision No 1313/2013/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

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

- (1) In Article 3(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 CECIS and the number of rescEU capacities established to provide assistance in overwhelming situations;’;
- (2) Article 6 is amended as follows:

¹⁴ OJ L

(a) In paragraph 1, point (e) is replaced by the following:

‘(e) participate, on a voluntary basis, in peer reviews on the assessment of risk management capability;’;

(b) The following point (f) is inserted:

‘(f) improve disaster loss data collection at the national or appropriate sub-national level to ensure evidence-based scenario building as referred to in Article 10(1).’;

(c) The following paragraph 5 is added:

‘5. The Commission shall define Union disaster resilience goals to support prevention and preparedness actions. Disaster resilience goals shall ensure a common baseline for maintaining critical societal functions in the face of cascading effects of a high impact disaster and for ensuring the functioning of the internal market. The goals shall be based on forward looking scenarios, including the impacts of climate change on disaster risk, data on past events and cross-sectoral impact analysis with a particular attention to vulnerable people.

The Commission shall be empowered to adopt, where necessary, delegated acts in accordance with Article 30 to define Union disaster resilience goals.’;

(3) Article 7 is replaced by the following:

‘Article 7

Emergency Response Coordination Centre

1. An Emergency Response Coordination Centre (‘ERCC’) is 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 crisis systems, civil protection authorities and relevant Union bodies.

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

(4) Article 8 is amended as follows:

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

‘(c) work with Member States

- to develop transnational detection and warning systems of Union interest;
- to better integrate existing systems following a multi-hazard approach and minimising the lead time to respond to disaster;
- to maintain and further develop the situational awareness and analysis capability;
- to monitor and provide advice based on scientific knowledge on disasters and, where relevant, climate change impacts;
- to translate scientific information into operational information;

- to create, maintain and develop European scientific partnerships to cover natural and man-made hazards, which in turn should promote the inter-linkage between national early warning and alert systems and their linkage to the ERCC and the CECIS;
- to support the efforts of Member States and mandated international organisations with scientific knowledge, innovative technologies and expertise when those bodies further develop their early warning systems.’ ;

(b) The following point (1) is inserted:

‘(1) support Member States with targeted situational awareness analysis including through cooperation with early warning services.’;

(5) In Article 9, the following paragraph is added:

‘10. When emergency services are provided by Galileo, Copernicus, GOVSATCOM, or other components of the Space Programme¹⁵, each Member State may decide to use them.

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

(6) Article 10 is replaced by the following:

‘Article 10

Disaster resilience planning

‘1. The Commission and the Member States shall work together to improve cross-sectorial resilience planning, both for natural and man-made disasters likely to have a trans-boundary effect, including the adverse effects of climate change. The resilience planning shall include scenario-building at Union level for disaster prevention and response based on the risk assessments referred to in point (a) of Article 6(1) and the overview of risks referred to in point (c) of Article 5(1), disaster risk management planning referred to in point (c) of Article 6(1), disaster loss data referred to in point (f) of Article 6(1), asset mapping and the development of plans for the deployment of response capacities, taking into account the Union disaster resilience goals referred to Article 6(5).

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 disaster resilience planning of response operations for humanitarian crises outside the Union.’;

(7) In Article 11, paragraph 2 is replaced by the following:

‘2. On the basis of identified risks, resilience goals referred to in Article 6(5), scenario-building referred to in Article 10(1) and overall capacities and gaps, the Commission shall define, by means of implementing acts in accordance with the examination procedure referred to in Article 33(2), the types and the number of key

¹⁵ Regulation (EU) 2019/... of the European Parliament and of the Council establishing the space programme of the Union and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013, (EU) No 377/2014 and Decision 541/2014/EU

response capacities required for the European Civil Protection Pool ("capacity goals").

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 in accordance with Article 20 and Article 21(1)(i) and (2).’;

(8) Article 12 is amended as follows:

(a) Paragraphs 2 and 3 are replaced by the following:

‘2. The Commission shall define, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 33(2), the capacities rescEU shall consist of, based on the resilience goals referred to in Article 6(5), 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 fire fighting, chemical, biological, radiological and nuclear incidents, and emergency medical response.

3. rescEU capacities shall be acquired, rented, leased, and/or otherwise contracted by the Commission or Member States. The Commission may acquire, rent, lease or otherwise contract rescEU capacities to stock and distribute supplies or to provide services to Member States, through procurement procedures in accordance with the Union's financial rules. 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 the Financial Regulation with a view of acquiring rescEU capacities.

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

(b) In paragraph 10, the first subparagraph is replaced by the following:

‘rescEU capacities may be deployed outside the Union in accordance with paragraphs 6 to 9 of this Article.’;

(9) 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 situational awareness, and disseminate it to the Member States;’;

(10) 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 13(3);
- (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 may facilitate additional experts, technical and scientific support, through deployment, 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 available 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.’;

(11) 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 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) assisting Member States to identify, and facilitating their access to, transport and logistical resources that may be available from other sources, including the commercial market; or
- (c) 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 country.’;

(12) 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 2021 to 2027 shall be EUR 1 268 282 000 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 4 is replaced by the following:

‘4. The financial envelope referred to in paragraphs 1 and 1a shall be allocated to cover actions on preventing, preparing for and responding to natural and man-made disasters.’;

(d) paragraphs 5 and 6 are deleted.

(13) The following Article is inserted:

‘Article 19a

Resources from the European Union Recovery Instrument

Measures referred to in Article 2 of Regulation [ERI] shall be implemented under this Decision through amounts referred to in point (iv) of Article 3(2)(a) of that Regulation, subject to its Article 4(4) and (8).

These amounts shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council.’;

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

‘Article 20a

Visibility and awards

1The recipients of Union funding, as well as the beneficiaries of the delivered assistance, shall acknowledge the origin 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 assistance or funding provided under this Decision shall be given appropriate visibility. In particular, Member States shall ensure that public communication for operations funded under the Union Mechanism:

- include appropriate references to the Union Mechanism;

- provide visual branding on the capacities funded or co-funded by the Union Mechanism;
- deliver actions with the Union emblem;
- proactively communicate the Union support to national media and stakeholders as well as on their own communication channels;
- support the Commission's communication actions on the operations.

2. The Commission shall implement information and communication actions relating to this Decision, and its actions and results. Financial resources allocated to this Decision shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3(1).

3. The Commission shall award medals in order to recognise and honour longstanding commitments and extraordinary contributions to Union Mechanism.';

(15) Article 21 is amended as follows:

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

'(g) developing resilience planning under the Union Mechanism, 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.

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

(c) paragraph 4 is deleted.

(16) 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;';

(17) 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 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, and facilitating their access to, transport and logistical resources that may be available from other sources, including the commercial market;
- (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;
 - (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, in addition, 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 financing 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 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 2, 3 and 4.

6a. Without prejudice to paragraphs 2 and 3, Union financial support for the transport of assistance, as referred to in paragraph 1a, 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 assistance is requested by the affected Member State based on a duly justified needs assessment;

(b) the affected Member State takes all necessary steps to request and obtain compensation from the polluter, in accordance with all the applicable international, Union or national legal provisions;

(c) upon receiving compensation from the polluter, the affected Member State shall immediately reimburse the Union.

7. The following costs shall be eligible for Union financial support 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.'

(18) 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 accordance with the Financial Regulation in direct management or in indirect management with bodies referred to in Article 62(1)(c) 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 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 support referred to in Article 28(2), the annual or multi-annual work programmes shall describe the actions foreseen for countries referred to therein.

However 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.

5. In addition to Article 12(4) of the Financial Regulation, commitment and payment appropriations, which 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 used first in the following financial year.'

(19) 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 a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, OLAF and the European Court of Auditors to comprehensively exert 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.'

(20) 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 6(5) and in the second subparagraph of Article 21(3) shall be conferred on the Commission until 31 December 2027.'

(b) paragraph 4 is replaced by the following:

'4. The delegation of power referred to in Article 6(5) 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.’

(c) paragraph 7 is replaced by the following:

‘7. A delegated act adopted pursuant to Article 6(5) 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.’

(21) In Article 32 (1), point (i) is replaced by the following :

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

(22) In Article 33, the following paragraph is added:

‘3. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 8 of Regulation (EU) No 182/2011’;

(23) Annex I is deleted.

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

‘Categories of eligible costs in accordance with Article 21(3)’

Article 2

Entry into force

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

However, points (a) and (c) of Article 1(12) shall apply from 1 January 2021.

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

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LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Decision of the European Parliament and the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism.

1.2. Policy area(s) concerned (*Programme cluster*)

14 Crisis Response

This proposal concerns the field of civil protection, and intends to strengthen the Union Civil Protection Mechanism (Union Mechanism).

Under the new multiannual financial framework proposal, funding related to civil protection has been subsumed into one single heading: Heading 5 ‘Resilience, Security and Defence’. The specific cluster is ‘Resilience and Crisis Response’, Title 14, Chapter 02. This cluster will encompass both the internal and external dimensions of civil protection.

1.3. The proposal/initiative relates to:

a new action

a new action following a pilot project/preparatory action¹⁶

the extension of an existing action

a merger or redirection of one or more actions towards another/a new action

1.4. Grounds for the proposal/initiative

1.4.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The proposal is intended to introduce some targeted changes to Council Decision No. 1313/2013/EU (‘the Decision’) on a Union Civil Protection Mechanism (‘Union Mechanism’), under which the European Union supports, coordinates and supplements the action of Member States in the field of civil protection to prevent, prepare for and respond to natural and man-made disasters within and outside the Union. Building on the principles of solidarity and shared responsibility, the overall objective of this proposal is to ensure that the Union can provide a better crisis and emergency support to its citizens in Europe and beyond.

The Decision amends an existing action (Union Mechanism) and is to be considered in parallel to the pending proposal also amending the Union Mechanism, which was adopted by the Commission in 2019¹⁷.

The COVID-19 pandemic has shown the need for better European Union preparedness for future large-scale emergencies, proving the limitations of the current framework. In this light, it is considered necessary to propose additional modifications to the existing legal framework to strengthen the Union Mechanism .

¹⁶ As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

¹⁷ COM(2019) 125 final of 7.03.2019

This initiative refers to the financial envelope available to the Union Mechanism in the 2021-2027 multiannual financial framework.

1.4.2. *Added value of Union involvement.*

Reasons for action at European level (ex-ante)

The Union Mechanism has proven to be a useful tool to mobilise and coordinate the assistance provided by the Participating States responding to crises inside and outside the Union, constituting a tangible proof of European solidarity. However, the Covid-19 outbreak and the operational lessons learnt from other crises, have pointed out to the need to further reinforce the Union Mechanism. In concrete terms, the changes contained in this proposal are aimed at achieving the following objectives:

- a) Reinforce a cross-sectoral and societal preparedness approach to trans-boundary disaster risk management, including establishing a baseline and planning elements at a European level.
- b) ensure that the Commission is able to directly procure an adequate safety net of rescEU capacities;
- c) provide the Commission with the logistical capacity to provide multi-purpose air services in case of emergencies and to ensure timely transport and delivery of assistance;
- d) design a more flexible system for response to large-scale emergencies;
- e) enhance the Emergency Response Coordination Centre's operational coordination and monitoring role in support of the EU's swift and effective response to a broad range of crises inside and outside the Union;
- f) enable stronger investment in preparedness at EU level and further simplification of budget implementation;
- g) enable the financing of operations of efficient and scalable sustainable recovery and resilience measures underof the Union Civil Protection Mechanism by external assigned revenues through financing made available under the draft Regulation establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 pandemic (COM(2020)441 final).

The objectives of the proposal cannot be sufficiently achieved by the Member States acting on their own. EU action in this field involves managing situations with a strong trans-boundary and multi-country components, which necessarily require overall coordination and concerted action beyond the national level.

As shown by the COVID-19 outbreak, in case of serious emergencies where the Union as a whole is concerned by the scale and the scope of the emergency, a collective, coordinated and urgent response is needed to avoid a fragmented approach which would limit the effectiveness of the Union response. Due to the pressing demands to mobilise resources in sufficient scale and deploy them across the Member States on the basis of their needs, it is necessary that the Union acts in cooperation with Member States. The global dimension and the effects of these emergencies indeed require a coordinated action, which ensures the rapid and effective mitigation of disasters, alongside with the prevention of their resurgence.

Taking into account the benefits in terms of reducing the loss of human life, environmental, economic and material damage, the proposal brings clear Union added value.

1.4.3. *Lessons learned from similar experiences in the past*

The Union Mechanism has showed encouraging results in terms of performance in each of the three pillars (prevention/preparedness/response) so far. It is viewed positively in general by the Participating States and by the main stakeholders. This was the overall conclusion from the interim evaluation of the Union Mechanism (2014-2016), which was conducted by an external consultant and published in August 2017.

Another lesson from the interim evaluation, as well as from the report of the European Court of Auditors¹⁸, was the need to improve the Union Mechanism's results monitoring framework. This includes better measurability in the form of possible quantitative indicators and baselines to help focus more on the impact over time. The Commission has introduced measurable output indicators for all actions. This is the first step in a longer-term process of ensuring financial assistance under the Mechanism is framed by a more results-focused approach.

Another relevant source on which the Commission has based its proposal to improve the current functioning of the Union Mechanism is the Union overview of risks¹⁹. National risk assessments submitted by Member States were used to produce this overview based on the existing legislation.

The Commission also builds upon the experience gained:

- in emergencies handled by the Union Mechanism since its creation in 2001, and notably on the lessons identified during the Covid-19 outbreak;
- as a result of the projects financed within the framework of the calls launched since 2013 on preparedness and prevention; and
- as a result of the pilot project financed within the framework of the call launched in 2008 to step up cooperation between Member States on combating forest fires.

1.4.4. *Compatibility and possible synergy with other appropriate instruments*

The actions envisaged under the revised Union Mechanism are aligned with the overall objective of the Union to ensure that all relevant Union policies and instruments contribute to reinforcing the Union's capacities in terms of disaster risk management, from response and recovery to disaster prevention.

In particular, special attention is being given to ensuring close coordination and consistency with actions carried out under other EU policies and instruments aiming in particular at preserving people's lives, preventing and alleviating human suffering and protecting human dignity.

¹⁸ European Court of Auditors, 'Union Civil Protection Mechanism: the coordination of responses to disasters outside the EU has been broadly effective', Special Report no. 33, 2016.

¹⁹ Staff Working Document, 'Overview of Natural and Man-made Disaster Risks the European Union may face', SWD (2017)176 final, 23.5.2017.

Specifically important is the coordination with the new Union EU4Health programme. Where the Union Mechanism will focus on the direct crisis response capacities which will have to be immediately ready and available in case of an emergency, the EU4Health programme will include structural, large-scale reserves, including a reserve of ready medical staff and experts, and the underlying resilience of the health-care systems. Those resources will be crucial for a coordinated crisis response at Union level.

Consistency with:

- Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid;
- Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency;
- Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund;
- Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability;
- Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism;
- Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).
- Regulation (EU) No 375/2014 of the European Parliament and of the Council of 3 April 2014 establishing the European Voluntary Humanitarian Aid Corps ('EU Aid Volunteers initiative');
- Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union.
- Council Regulation (EU) 2020/521 activating the emergency support under Regulation (EU) 2016/369, and amending its provisions taking into account the COVID-19 outbreak.
- Council Regulation (EU) XXX/XX establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 pandemic

1.5. Duration and financial impact

limited duration

- in effect from 1/01/2021 to 31/12/2027
- Financial impact from 2021 to 2027 for commitment appropriations and from 2021 to 2032 for payment appropriations.

unlimited duration

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

1.6. Management mode(s) planned²⁰

Direct management by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies

Shared management with the Member States

Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
- international organisations and their agencies (to be specified);
- the EIB and the European Investment Fund;
- bodies referred to in Articles 70 and 71 of the Financial Regulation;
- public law bodies;
- bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

COMMENTS:

Introducing the possibility of the indirect management mode of execution of the Union Mechanism budget alongside the direct management mode used until now provides an additional instrument to optimise budget implementation. The variety of bodies as per list will enhance overall efficiency in absorbing Union funds in light of the increased budget. Given the context of civil protection policy which often deals with unpredictable events (different kind of man-made and natural disasters), it is essential to guarantee an inclusive (in terms of actors involved) and flexible MFF framework.

²⁰ Details of management modes and references to the Financial Regulation may be found on the BudgWeb site:
<https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx>

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

Actions and measures receiving financial assistance under these Decisions shall be monitored regularly.

The Commission is required to evaluate the Union Mechanism in accordance with Article 34 of Decision No 1313/2013/EU.

2.2. Management and control system(s)

2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

Financial assistance on prevention and preparedness under the Union Mechanism is spent in accordance with an annual work programme adopted by the Civil Protection Committee. The Commission regularly informs the Committee on the implementation of the work programme.

Implementation will be done through grants and contracts with payment modalities based on the experience built-up in the past.

Based on the lessons learned from the implementation of the Union Mechanism in the past and to ensure an effective implementation of the objectives of the Union Mechanism, the Commission intends to implement the actions in direct and indirect management by fully taking into consideration the principles of economy, efficiency and best value for money.

2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

The European Commission's existing internal control system applies to ensure that funds available under the Union Mechanism are used properly and in line with appropriate legislation.

The current system is setup as follows:

1. The internal control team within the lead service (Directorate-General for European Civil Protection and Humanitarian Aid Operations /DG ECHO) focuses on compliance with administrative procedures and legislation in force in the area of civil protection. The Internal Control Framework of the Commission is used for this purpose.

2. Regular audit of grants and contracts by external auditors, which are awarded under the civil protection budget are fully incorporated in DG ECHO annual audit plan.

3. Evaluation of overall activities by external evaluators.

Actions performed may be audited by the European fraud office OLAF and the Court of Auditors.

On supervision and monitoring, the extensive experience acquired by implementing the humanitarian aid instrument will be applied, with the necessary changes, to implementing the Union Mechanism under indirect management.

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

The estimated cost of DG ECHO's control strategy represents 0.3% of indirect management of the 2019 budget and 0.4 % of direct management of the 2019 budget. The main components of this indicator are:

- the total staff costs of DG ECHO experts in the field, plus those of the financial and operational units multiplied by the estimated portion of time dedicated to quality assurance, control and monitoring activities;
- the total resources in DG ECHO's external audit sector devoted to audits and verifications.

Taking into account the low cost of such controls together with the quantifiable (corrections and recoveries) and unquantifiable (deterrent effect and quality insurance effect of controls) benefits linked to these, the Commission is able to conclude that the quantifiable and unquantifiable benefits from controls largely outweigh the limited cost of these.

With regard to the entrusted entities implementing Union funding under indirect management mode, the Commission contributes up to 7% of their direct eligible costs to ensure supervision and management of the Union funding.

This is confirmed by the 0.87% multi-annual residual error rate reported by the Commission in 2019 for its humanitarian aid and civil protection department.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.

DG ECHO's anti-fraud strategy, in line with the Commission's anti-fraud strategy, is used in order to ensure that:

- DG ECHO's internal anti-fraud related controls are fully aligned with the Commission's anti-fraud strategy; AFS;
- DG ECHO's fraud risk management approach is geared to identify fraud risk areas and adequate responses.

The systems used for spending Union funds in third countries enable relevant data to be retrieved so that this data can be fed into fraud risk management (e.g. to detect double funding).

Where necessary, networking groups and adequate IT tools dedicated to analysing fraud cases related to the sector may be set up.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading of the multiannual financial framework and new expenditure budget line(s) proposed

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number 14: Crisis Response Heading 5: Security & Defence	Diff./Non-diff. ²¹	from EFTA countries ²²	from candidate countries ²³	from third countries ²⁴	within the meaning of Article [21(2)(b)] of the Financial Regulation
5	14 01 01 Union civil protection mechanisms – Support expenditure	Non-diff.	YES	YES	YES	NO
5	14 02 01 – Union civil protection mechanism: Prevention and preparedness, and response	Diff	YES	YES	YES	NO

²¹ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

²² EFTA: European Free Trade Association. EFTA countries that are part of the EEA can join the Union Civil Protection Mechanism as ‘Participating States’ as provided for in Article 28(1)a of Decision No 1313/2013/EU.

²³ Candidate countries and, where applicable, potential candidates from the Western Balkans. These countries can join the Union Civil Protection Mechanism as ‘Participating States’ as provided for in Article 28(1)b of Decision No 1313/2013/EU.

²⁴ For the purpose of this table, the reference to third countries should be understood as ‘other European countries’ that are not yet part of the Union Civil Protection Mechanism, but that might join in the future as provided for in Article 28(1)a of Decision No 1313/2013/EU. No contributions are expected from third countries other than the ones specified above.

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

This table presents the financial envelope allocated to the Union Civil protection Mechanism for the 2021-2027 period under article 19(1a). This table replaces the one presented in the Legislative Financial Statement of proposal COM (2019) 125 final.

The indicative breakdown of the expenditure from Heading 5 is as follows:

EUR million (to three decimal places)

Heading of multiannual financial framework			5	Resilience, Security & Defence								
			2021	2022	2023	2024	2025	2026	2027	Post 2027	TOTAL	
14 02 01 Union Civil Protection Mechanism Prevention and Preparedness, and Response	Commitments	(1)	89,703	94,744	101,055	106,454	282,036	292,363	298,210		1.264,565	
	Payments	(2)	25,613	47,027	72,889	87,778	143,087	187,377	236,920	463,876	1262,565	
Appropriations of an administrative nature financed from the envelope of the programme ²⁵		Commitments = Payments	(3)	0,500	0,510	0,520	0,531	0,541	0,552	0,563		3,717
TOTAL appropriations for the envelope of the programme	Commitments	=1+3	90,203	95,254	101,575	106,985	282,577	292,915	298,773		1.268,282	
	Payments	=2+3	26,113	47,537	73,409	88,309	143,628	187,929	237,483	463,876	1.268,282	

²⁵ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

In addition to the financial envelope defined in Article 19 (1a), EUR 2 187 620 000 (in current prices) will be available as external assigned revenues, within the meaning of Article 21(5) of the Financial Regulation as financing from the European Union Recovery Instrument. Out of this up to EUR 22 580 000 may be dedicated to administrative expenditure, including external staff costs.

The indicative breakdown of the expenditure from external assigned revenue is as follows:

Union Mechanism/RescEU			2021	2022	2023	2024	2025	2026	2027	Post 2027	TOTAL
Operational expenditure from EURI external assigned revenues	Commitments	(1)	525,290	535,800	546,510	557,440					2165,040
	Payments	(2)	150,192	270,024	409,595	320,738	209,535	72,916	9,477	722,563	2165,040
Administrative support expenditure from EURI external assigned revenues	Commitments = Payments	(3)	3,040	3,100	3,160	3,220	3,290	3,350	3,420		22,580
Total external assigned revenues	Commitments	=1+3	528,330	538,900	549,670	560,660	3,290	3,350	3,420		2.187,620
	Payments	=2+3	153,232	273,124	412,755	323,958	212,825	76,266	12,897	722,563	2.187,620

Heading of multiannual financial framework	7	‘Administrative expenditure’
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EUR million (to three decimal places)

		2021	2022	2023	2024	2025	2026	2027	<i>Post 2027</i>	TOTAL
Human resources		1,500	1,500	1,500	1,500	1,500	1,500	1,500		10,500
Other administrative expenditure										
TOTAL appropriations under HEADING 7 of the multiannual financial framework	XX	1,500	1,500	1,500	1,500	1,500	1,500	1,500		10,500

EUR million (to three decimal places)

		2021	2022	2023	2024	2025	2026	2027	<i>Post 2027</i>	TOTAL
TOTAL appropriations across HEADINGS of the multiannual financial framework	Commitments	91,703	96,754	103,075	108,485	284,077	294,415	300,273		1.278,782
	Payments	27,613	49,037	74,909	89,809	145,128	189,429	238,983	463,876	1.278,782

3.2.2. Summary of estimated impact on appropriations of an administrative nature

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

Years	2021	2022	2023	2024	2025	2026	2027	TOTAL
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HEADING 7 of the multiannual financial framework								
Human resources	1,500	1,500	1,500	1,500	1,500	1,500	1,500	10,500
Other administrative expenditure	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx
Subtotal HEADING 7 of the multiannual financial framework	1,500	1,500	1,500	1,500	1,500	1,500	1,500	10,500

Outside HEADING 7²⁶ of the multiannual financial framework								
Human resources ²⁷²⁸	1,600	1,600	1,600	1,600	1,600	1,600	1,600	11,200
Other expenditure of an administrative nature	0,500	0,510	0,520	0,531	0,541	0,552	0,563	3,717
Other expenditure of an administrative nature	1,440	1,500	1,560	1,620	1,690	1,750	1,820	11,380
Subtotal outside HEADING 7 of the multiannual financial framework	3,540	3,610	3,680	3,751	3,831	3,902	3,983	26,297

TOTAL	5,040	5,110	5,180	5,251	5,331	5,402	5,483	36,797
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

²⁶ Assigned revenue

²⁷ Assigned revenue.

²⁸ Assigned revenue.

3.2.2.1. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

Years	2021	2022	2023	2024	2025	2026	2027
• Establishment plan posts (officials and temporary staff)							
Headquarters and Commission's Representation Offices	10	10	10	10	10	10	10
Delegations	-	-	-	-	-	-	-
Research	-	-	-	-	-	-	-
• External staff (in Full Time Equivalent unit: FTE) - AC, AL, END, INT and JED ²⁹							
Heading 7							
Financed from HEADING 7 of the multiannual financial framework	- at Headquarters	91	92	93	94	94	94
	- in Delegations	-	-	-	-	-	-
Financed from the envelope of the programme ³⁰	- at Headquarters	-	-	-	-	-	-
	- in Delegations	-	-	-	-	-	-
Research	-	-	-	-	-	-	-
Other (assigned revenue)	20	20	20	20	20	20	20
TOTAL	30	30	30	30	30	30	30

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	<p>This table shows the figures of the staffing needs in addition to those foreseen in proposal COM(2019) 125 final . This request is justified by the significant increase in the budget proposed and the need to manage new activities or higher complexity.</p> <p>The FTEs sought will work on policy development; legal issues, with particular focus on procurement matters; financial management; audit and evaluation.</p>
External staff	<p>The FTEs sought will work on policy development; legal issues, with particular focus on procurement matters; financial management; audit and evaluation.</p>

²⁹ AC= Contract Staff; AL = Local Staff; END = Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

³⁰ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
 - on own resources
 - on other revenue

please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Impact of the proposal/initiative ³¹						
	2021	2022	2023	2024	2025	2026	2027
Article							

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

³¹ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.