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THE EUROPEAN UNION**

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**NOTE**

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from: General Secretariat  
to: Permanent Representatives Committee

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Subject: Proposal for a Decision of the European Parliament and of the Council on a Union  
Civil Protection Mechanism  
= Analysis of the final compromise text with a view to agreement (first  
reading)

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**I. INTRODUCTION**

1. On 20 December 2011, the Commission submitted to the Council a proposal for a Decision of the European Parliament and of the Council on a Union Civil Protection Mechanism.<sup>1</sup>

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<sup>1</sup> 18919/11 - COM(2011) 934.

2. On 28 November 2012, the Committee on Environment, Public Health and Food Safety (ENVI) of the European Parliament voted 105 amendments to that proposal.<sup>2</sup>
3. The Committee of the Regions adopted its opinion on 19 July 2012.<sup>3</sup>
4. On 28 February, the Committee of Permanent Representatives discussed the outstanding issues in the Presidency compromise text (6402/13) and decided to revert to the issue in the coming weeks.
5. On 29 May, the Committee of Permanent Representatives gave a mandate (9987/13) to the Presidency to enter into negotiations with the European Parliament on the above-mentioned proposal, with a view to reach a first-reading agreement. Three informal trilogue meetings took place on 20 June, 8 July and on 17 September 2013. Technical tripartite meetings were held on 18 June, 24 June, 10 July, 11 July, 6 September, and 13 September 2013.
6. At the third informal trilogue meeting, an agreement on a possible final compromise package was reached. The main elements of such a possible final compromise package have been presented to delegations at the Working Party on Civil Protection on 24 September and were also informally discussed during the meeting of the Directors General for Civil Protection in Vilnius on 1 October. These are now presented in full, to COREPER in the consolidated text contained in the Annex to this note.
7. Revisions to the original Commission proposal are indicated in ***bold italics***. The budgetary amounts mentioned in Article 19.1 which are related to the 2014-2020 multi-annual financial framework are indicated in square brackets.

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<sup>2</sup> A7-0003/2013.

<sup>3</sup> OJ C 277, 13.09.2012, p. 164.

## II. ANALYSIS OF THE COMPROMISE TEXT WITH A VIEW TO AN AGREEMENT

8. The key elements of the possible final compromise package are the following:

- i. The name of the new centre is set as "Emergency Response Coordination Centre (ERCC)".
- ii. Risk assessments, assessments of the risk management capability and a structured process to identify potential capacity gaps are clearly established.
- iii. Co-financing was accepted in line with the Council proposal, with the following exceptions:
  - Buffer capacities to be co-financed by the Union at 40% instead of 35% and shall not exceed the 10% of the total reference amount of the Decision (Article 21.i). A flexibility clause was introduced stating that the ceiling may be exceeded up to 15% in accordance with the comitology procedure,
  - The Union shall co-finance transport resources outside the voluntary pool at 55% instead of 50% (Article 23.2),
  - The additional Union co-financing for making the pooling of Member States' transport assistance operationally effective (short term) was capped at 75 000€ instead of 50 000€ per activation of the Mechanism (Article 23.4),
  - The Union shall co-finance transport resources inside the voluntary pool at 85% instead of 70% (Article 23.3).

- iv. Delegated/Implementing acts: The proposal contains references to measures to be dealt with implementing acts (article 30) and, in one case, with delegated acts (Annex I, which is referred to in article 19a). The Annex I refers to percentage division of funding between prevention (20%), preparedness (50%) and response (30%) over the seven years financing period. A flexibility range of 8% points is also established. If the allocation will need to be amended by more than 8% and up to 16% points, only then the Commission shall use delegated acts. The annual work programmes (Article 25), will take form of an implementing act.

### III. CONCLUSION

The Permanent Representative Committee is invited to:

- analyse the consolidated text as set out in the Annex to this note and confirm the final agreement in principle on an overall compromise package on this basis; and
- allow the Presidency, to send a letter to the European Parliament stating that if the Parliament were to adopt the amended text of the draft Decision exactly in the same form as set out in the Annex to this note, the Council would adopt the Decision in the form of the position of the Council as thus amended by the Parliament, subject to the previous revision of the text by the lawyer-linguists.

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**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**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 thereof,

Having regard to the proposal from the European Commission,

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

*Having regard to the opinion of the Committee of the Regions,*

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In view of the significant increase in the numbers and severity of natural and man-made disasters in recent years and in a situation where future disasters are likely to be more extreme and more complex with far reaching and longer-term consequences, resulting, in particular, from climate change and potential interaction between several natural and technological hazards, an integrated approach to disaster management is increasingly important. The Union *should promote solidarity and* should support, *complement, and facilitate the coordination of* actions of Member States in the field of civil protection with a view to improving the effectiveness of systems for preventing, preparing for and responding to natural and man-made disasters.
- (2) A Civil Protection Mechanism was created by Council Decision 2001/792/EC, Euratom of 23 October 2001, establishing a Community mechanism to facilitate *reinforced* cooperation in civil protection assistance interventions<sup>4</sup>, recast by Council Decision 2007/779/EC, Euratom, establishing a Community Civil Protection Mechanism<sup>5</sup>. The financing of that Mechanism was ensured by Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument<sup>6</sup>. *It provides* for *EU* financial assistance to be given, both as a contribution to improving the effectiveness of *the* response to major emergencies and to enhance preventive and preparedness measures for all kinds of emergencies, including the continuation of measures that were previously taken under Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection<sup>7</sup>. The Financial Instrument *will expire* on 31 December 2013.

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<sup>4</sup> OJ L 297, 15.11.2001, p. 7.

<sup>5</sup> OJ L 314, 1.12.2007, p. 9.

<sup>6</sup> OJ L 71, 10.03.2007, p. 9.

<sup>7</sup> OJ L 327, 21.12.1999, p. 53.

- (3) The protection to be ensured under the Union Civil Protection Mechanism should cover primarily people, but also the environment and property, including cultural heritage, against all *kinds of* natural and man-made disasters, including ■ environmental *disasters* , marine pollution and acute health emergencies, occurring inside or outside the Union. Civil protection and other emergency assistance *under the Union Civil Protection Mechanism* may be required in all of these disasters to complement the response capabilities of the affected country. *As regards disasters caused by acts of terrorism, nuclear or radiological accidents, the Union Civil Protection Mechanism should cover only the preparedness and response actions within the remit of civil protection.*
- (3a) *The Union Civil Protection Mechanism should also contribute to the implementation of Article 222 of the Treaty on the Functioning of the European Union, by making available its resources and capabilities as necessary.*

- (4) The **Union** Civil Protection Mechanism constitutes a visible expression of European solidarity by ensuring a practical and timely contribution to prevention of and preparedness for disasters and the response to ■ disasters and imminence thereof ***without prejudice to the guiding principles and arrangements***. This Decision should therefore not affect the reciprocal rights and obligations of the Member States under bilateral or multilateral treaties, which relate to the matters covered by this Decision, nor Member States' responsibility to protect people, the environment, and property on their territory.
- (5) The **Union Civil Protection** Mechanism should take due account of relevant Union legislation and international commitments, and exploit synergies with relevant Union initiatives, such as the European Earth monitoring programme (***Copernicus***), the European Programme for Critical Infrastructure Protection (EPCIP) and the Common Information Sharing Environment (CISE).
- (5a) ***The role of regional and local authorities in disaster management is of great importance. Thus, these regional and local authorities need to be appropriately involved in the activities carried out under this Decision in accordance with Member States' national structures.***



- (6) *Prevention is of key importance for protection against disasters and requires further action as called for in the Council Conclusions of 30 November 2009 and in the European Parliament Resolution of 21 September 2010 on the Commission's Communication a "Community approach on the prevention of natural and man-made disasters"*<sup>8</sup>. The *Union Civil Protection* Mechanism should include a general policy framework for Union disaster risk prevention actions aimed at achieving a **higher** level of protection and resilience against disasters by preventing or reducing their effects and by fostering a culture of prevention, **including due consideration of the likely impacts of climate change and the need for appropriate adaptation action. In this perspective, risk assessments, risk management planning, the assessment of the risk management capability conducted by each Member State at national or appropriate sub-national level involving, as appropriate, other relevant services, an overview of risks prepared at EU level, and peer reviews** are essential to ensure an integrated approach to disaster management, linking risk prevention, preparedness and response actions. Therefore, the *Union Civil Protection* Mechanism should include a general framework for **the sharing of information on risks and risk management capabilities without prejudice to Article 346 of the Treaty on the Functioning of the European Union, which guarantees that no Member State should be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.**

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<sup>8</sup> *COM (2009) 82 Final.*

- (7) By contributing to the further development *and better integration* of *transnational* detection and early warning *and alert* systems *of European interest*, the Union should assist Member States in minimising the lead time to respond to disasters and to alert Union citizens. These systems should take into account and build upon existing and future information sources and systems, *while encouraging relevant new technologies*.
- (8) The *Union Civil Protection* Mechanism should include a general policy framework aimed at continuously improving the level of preparedness of civil protection systems, *services, their* personnel and *population* within the Union. This includes *an exercise programme, a programme of lessons learnt as well as* training programmes and a training network, at Union and Member State level, on disaster prevention, preparedness, and response as called for in the Council Conclusions of 14 November 2008 on European disaster management training arrangements.

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- (9) The development of civil protection assistance intervention modules, consisting of resources of one or more Member States which aim to be fully interoperable, is pursued █ in order to *strengthen cooperation in the field of* civil protection *and further develop Member States coordinated joint* rapid response █. Modules should be organised at the level of the Member States and subject to their █ command *and control*.

- (10) The *Union Civil Protection* Mechanism should make it possible to facilitate *the mobilisation and* coordination of assistance interventions. The *Union Civil Protection Mechanism* should be based on a Union structure consisting of an *Emergency Response Coordination Centre*, a European *Emergency Response Capacity* in the form of a voluntary pool of pre-committed capacities from the Member States, trained experts, a *Common Emergency Communication and Information System* managed by the Commission and contact points in the Member States. It should provide a framework for collecting validated information *on the situation*, for disseminating that information to the Member States and for sharing lessons learnt from interventions.
- (11) In order to improve the planning of disaster response operations *under the Union Civil Protection Mechanism* and to *enhance* the availability of key capacities, it is necessary to develop a European Emergency Response Capacity in the form of a voluntary pool of pre-committed capacities of Member States *and a structured process to identify potential capacity gaps*.

- (12) With respect to disaster response assistance interventions outside the Union, the **Union Civil Protection Mechanism** should facilitate and support actions undertaken by the Member States and the Union as a whole in order to promote consistency in international civil protection work. The United Nations, where present, has an overall coordinating role for relief operations in third countries. Assistance provided under the **Union Civil Protection Mechanism** *will* be coordinated with the United Nations and other relevant international actors to maximise the use of available resources and avoid any unnecessary duplication of effort. Enhanced coordination of civil protection assistance through the **Union Civil Protection Mechanism** is a prerequisite to supporting the overall coordination effort and ensuring a comprehensive Union contribution to the overall relief effort. In ■ disasters where assistance is provided under both the **Union Civil Protection Mechanism** and Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid<sup>9</sup>, the Commission shall ensure the effectiveness, coherence and complementarities of the overall Union response respecting the European Consensus on Humanitarian Aid<sup>10</sup>.
- (13) The availability *and accessibility* of adequate means of transport needs to be improved to support the development of a rapid response capability at the Union level. The Union should support and *complement* the efforts of Member States by facilitating the *coordination and* pooling of transport resources of Member States and contributing, where necessary, to the financing of additional means of transport, subject to certain criteria *and taking into account existing systems*.

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<sup>9</sup> OJ L 163, 2.7.1996, p.1.

<sup>10</sup> OJ C 25, 30.1.2008, p.1.

- (14) Assistance interventions should be ***demand driven and*** subject to full coordination *in situ* so as to maximise the effectiveness and ensure access to ***affected*** populations. The Commission should provide appropriate logistical support for the dispatched expert teams.
- (15) The ***Union Civil Protection*** Mechanism ***may*** also be used for ***civil protection support to*** consular assistance to the citizens of the Union in ***disasters*** in third countries, if requested by the consular authorities of ***the concerned Member States***. ***The latter should, whenever possible, coordinate such requests among each other and with any other relevant actor to ensure optimal use of the Union Civil Protection Mechanism and avoid practical difficulties on the ground. This support could be requested for instance*** by the Lead State or the Member State coordinating assistance for all Union citizens. The Lead State concept should be understood in accordance with the European Union guidelines on the implementation of the consular Lead State concept<sup>1</sup>. ***This Decision applies without prejudice to the EU rules on consular protection for citizens of the Union abroad***
- (15a) ***When planning for response operations, it is useful to also liaise with relevant non-governmental organisations and other relevant entities to identify any additional response capacities that they may be able to make available in disasters via the competent authorities of the Member States.***

- (16) ***The use of military means under civilian lead as a last resort may constitute an important contribution to disaster response.*** Where the use of military capacities is considered in support of civil protection operations to be appropriate, cooperation with the military should follow the modalities, procedures and criteria established by the Council or its competent bodies for making available to the ***Union Civil Protection Mechanism*** military capacities relevant to ***civil protection and be coherent with the relevant international guidelines.***
- (16a) ***When assistance under the Union Civil Protection Mechanism contributes to a Union humanitarian response, particularly in complex emergencies, actions receiving financial assistance under this Decision should be consistent with the humanitarian principles and the principles on the use of civil protection and military resources set out in the European Consensus on Humanitarian Aid.***
- (17) Participation of European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA), acceding countries, candidate countries and potential candidates should be possible. ***Candidate countries and potential candidates not participating in the Union Civil Protection Mechanism, as well as countries coming under the European Neighbourhood Policy should also benefit from certain actions financed under this Decision.***

(18) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission *with respect to the interaction of the Emergency Response Coordination Centre with the Member States' contact points and the operational procedures for the response to disasters inside and outside the Union; the components of CECIS and the organisation of information sharing through CECIS; the process for deploying expert teams; the identification of modules, other response capacities and experts; the operational requirements for the functioning and interoperability of modules; the capacity goals, the quality and interoperability requirements and the certification and registration procedure necessary for the functioning of the European Emergency Response Capacity, as well as the financial arrangements; identifying and filling gaps in the European Emergency Response Capacity; the organisation of the training programme, exercise framework and lessons learnt programme; and the organisation of support for the transport of assistance.* Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, in particular in accordance with the examination procedure<sup>11</sup>.

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<sup>11</sup> OJ L 55, 28.2.2011 p.13.

(19) *This Decision strenghtens the cooperation between the Union and Member States and facilitates coordination in the field of Civil Protection, allowing more effective actions by reasons of scale and complementarity. Where a disaster overwhelms the response capabilities of a Member State, this State may decide to appeal to the Union Civil Protection Mechanism to complement its own civil protection and other disaster response resources. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.*

(20) This Decision shall not affect actions falling under Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability<sup>12</sup> [to be updated for the 2014-2020 period, once adopted], the public health measures adopted under Union legislation concerning Union action programmes in the field of health, nor the consumer safety measures adopted under Decision No 1926/2006/EC of the European Parliament and of the Council of 18 December 2006 establishing a programme of Community action in the field of consumer policy (2007-2013)<sup>13</sup> [to be updated for the 2014-2020 period, once adopted].

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<sup>12</sup> OJ L 327, 24.11.2006, p. 1.

<sup>13</sup> OJ L 404, 30.12.2006, p. 39.



- (21) For reasons of coherence, actions falling under Council Decision 2007/124/EC, Euratom of 12 February 2007 establishing for the period 2007 to 2013 [to be updated, once adopted for the 2014-2020 period], as part of the General Programme on Security and Safeguarding Liberties, the specific Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks"<sup>14</sup> or relating to the maintenance of law and order and the safeguarding of internal security should not be covered by this Decision. This Decision does not apply to activities covered by Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid<sup>15</sup>.
- (22) The provisions of this Decision should be without prejudice to the adoption of legally binding acts under the Euratom Treaty, setting out specific emergency measures in case of nuclear or radiological *disasters*.
- I**
- (23) This Decision covers actions in the field of marine pollution prevention, preparedness and response with the exception of actions falling under Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing the European Maritime Safety Agency [to be updated, once the new act is adopted].

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<sup>14</sup> OJ L 58, 24.2.2007, p. 1.

<sup>15</sup> OJ L 163, 2.7.1996, p. 1.

- (24) In order for the Commission to ensure the implementation of this Decision, the Commission may finance such activities related to preparation, monitoring, control, audit and evaluation that are required for the management of the *Union Civil Protection Mechanism* and the achievement of its objectives.
- (25) The reimbursement of expenses and award of public procurement contracts and grants under *this Decision* should be implemented in accordance with Regulation (EC, Euratom) No *966/2013* of 25 *October 2012* on the *financial rules* applicable to the general budget of the European *Union*<sup>16</sup> (the Financial Regulation). Due to the specific nature of action in the field of civil protection, it is appropriate to provide that grants may also be awarded to private law persons. It is also important that the rules of that Regulation have been met, in particular regarding the principles of economy, efficiency and effectiveness laid down therein.

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<sup>16</sup> OJ L 298, 26.10.2012, p.1.

- (26) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, **administrative and financial** penalties ■ in accordance with ■ Regulation (EU) No XXXX/2012 of the European Parliament and of the Council **on the financial rules applicable to the annual budget of the Union**<sup>17</sup>.
- (27) For the period 2014-2020 a financial reference amount is laid down in this Decision constituting the prime reference, within the meaning of point [17] of the Interinstitutional Agreement of XX/YY/2012 between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management, for the budgetary authority during the annual budgetary procedure. This reference amount is partly fed from Heading 3 "Security and Citizenship" and partly from Heading 4 "Global Europe" of the financial framework 2014-2020.
- (27a) ***The financial envelope should be allocated according to the percentages set out in Annex I. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to review this breakdown, at the latest by 30 June 2017, in light of the outcome of the interim evaluation, or through the urgency procedure if immediate change is needed for response operations. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.***
- (28) 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.

HAVE ADOPTED THIS DECISION:

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<sup>17</sup> OJ C [...], [...], p. [...].

## CHAPTER I

### Objective, Scope and Definitions

#### *Article 1*

##### *General objective and subject matter*

1. The Union Civil Protection Mechanism (hereinafter referred to as "**the *Union Mechanism***") shall aim to ***strengthen the cooperation between the Union and Member States and facilitate coordination*** in the field of civil protection in ***order to improve*** the effectiveness of systems for preventing, preparing for and responding to natural and man-made disasters.
  
2. The protection to be ensured by the ***Union Mechanism*** shall cover primarily people, but also the environment and property, including cultural heritage, against all ***kinds of*** natural and man-made disasters, including ***the consequences of*** acts of terrorism, technological, radiological or environmental ***disasters***, marine pollution and acute health emergencies, occurring inside or outside the Union. ***In case of the consequences of acts of terrorism or radiological disasters the Union Mechanism may only cover preparedness and response actions.***
  
3. ***The Union Mechanism shall promote solidarity between Member States through practical cooperation and coordination, without affecting Member States' primary*** responsibility to protect people, the environment and property ***including cultural heritage*** on their territory against disasters and ***provide*** their ***disaster*** management systems with sufficient capabilities to enable them to cope adequately ***and in a consistent manner*** with disasters of a magnitude and nature that can reasonably be expected and prepared for.

4. ***This Decision lays down the general rules and the rules for the provision of financial assistance under the Union Mechanism.***
5. The ***Union*** Mechanism shall not affect obligations under existing relevant legislation of the Union or the European Atomic Energy Community or under existing international agreements.
6. This Decision shall not apply to the actions carried out under [Regulation (EC) No 1717/2006; Regulation (EC) No 1257/96; Regulation (EC) No 1406/2002 [and Union legislation concerning action programmes in the fields of health, home affairs, justice] ***[and Decision on serious cross-border threats to health]***].

## *Article 2*

### *Scope*

1. This Decision shall apply to ***cooperation in the field of civil protection. This shall include:***
  - (a) ***Prevention*** and preparedness ***actions*** inside the Union ***and, as far as Articles 5(2) and 13(7) and 28 are concerned, also outside the Union .***
  - (b) ***Actions*** to assist with the response to immediate adverse consequences of a disaster inside or outside the Union, ***including the countries referred to in Article 28(1), following*** a request is made for assistance ***through the Mechanism .***
2. This Decision shall take into account the special needs of isolated, outermost and other regions or islands of the Union in ***terms of prevention of, preparedness and response to disasters as well as the special needs of the overseas countries and territories in disaster response.***

*Article 3*  
*Specific objectives*

1. The **Union** Mechanism shall support, **complement and facilitate coordination of** Member States' **action** in pursuit of the following **common** specific objectives:
  - (a) to achieve a high level of protection against disasters by preventing or reducing their **potential** effects and by fostering a culture of prevention **and by improving cooperation between civil protection and other relevant services**;
  - (b) to enhance the **Member States' and the** Union's **level** of preparedness to respond to disasters;
  - (c) to facilitate rapid and efficient **█** response **█** in the event of **█** disasters or their imminence.

**(ca) to increase public awareness and preparedness for disasters.**

2. *The indicators shall be used for monitoring, evaluating and reviewing as appropriate the application of this Decision. The indicators shall be:*

- (a) progress in implementing the disaster prevention framework measured by the number of Member States *having made available a summary of their risk assessments and an assessment of their risk management capability* as referred to in Article 6.
- (b) progress in increasing the level of readiness for disasters measured by the number of response *capacities included in the voluntary pool in relation to the capacity goals referred to in Article 11 and the number of modules registered in CECIS* ;
- (c) progress in improving the response to disasters measured by the speed **█** of interventions under the *Union* Mechanism and the *extent to which* the assistance *contributes* to the needs on the ground;  
**█**
- (d) *progress in increasing public awareness and preparedness for disasters measured by the level of awareness of EU citizens of the risks in their region.*

*Article 4*  
*Definitions*

For the purpose of this Decision, the following definitions shall apply:

1. "disaster" means any situation, which has or may have **a severe** impact on people, the environment **■**, property, **including cultural heritage**;  
**■**
2. "response" means any action taken under the **Union Mechanism in the imminence of**, during or after a **■** disaster, **where a request for assistance is made**, to address its immediate adverse consequences;
3. "preparedness" means a state of readiness and capability of human and material means, **structures, communities and organisations** enabling them to ensure an effective rapid response to **a disaster**, obtained as a result of action taken in advance;
4. "prevention" means any action aimed at reducing risks or **mitigating adverse consequences of disasters** to people, the environment, **property, including cultural heritage**;



5. "early warning" means the timely and effective provision of information that allows action to be taken to avoid or reduce risks and *adverse impacts of a disaster and to facilitate* preparedness for an effective response;
6. "module" means a self-sufficient and autonomous predefined task- and needs-driven arrangement of Member States' capabilities or a mobile operational team of the Member States, representing a combination of human and material means that can be described in terms of its capacity for intervention or by the task(s) it is able to undertake;
7. "risk assessment" means the overall cross-sectoral process of risk identification, risk analysis, and risk evaluation undertaken *at national or appropriate sub-national* level;
8. "*risk management capability*" means the ability of a Member State or its regions to reduce, adapt to and/or mitigate risks (impacts and likelihood) identified in its risk assessments to levels acceptable in that Member State. Risk management capability is assessed in terms of the capacity (technical, financial, administrative) to carry out adequate (1) risk assessments (2) risk management planning (for prevention and preparedness), and (3) risk prevention and preparedness measures;

9. "host nation support" means any action undertaken in the preparedness and response phases by *a* country receiving *or sending* assistance, *or the Commission*, to remove foreseeable obstacles to **■** international assistance *offered through the Union Mechanism, including support from Member States to facilitate the transiting of this assistance through their territory*;
10. "response capacity" means assistance that may be provided through the *Union* Mechanism upon request
11. *"logistical support" for the purpose of this Decision means essential equipment or services required for expert teams referred to in Article 17(1) to perform their tasks, inter alia communication, temporary accommodation, food or in-country transport.*

## CHAPTER II

### Prevention

#### *Article 5*

##### *Prevention actions*

- I.** To fulfill the prevention objectives and actions, the Commission shall:
- (a) take action to improve the knowledge base on disaster risks and facilitate the sharing of knowledge, best practices and information, ***including among Member States that share common risks;***
  - (b) support and promote Members States' risk assessment and mapping ***activity through the sharing of good practice, and facilitating access to specific knowledge and expertise on issues of common interest;***
  - (c) establish and regularly update ***a cross-sectoral overview and map*** of natural and man-made ***disaster*** risks the Union may face ***following a coherent approach across different policy areas that may address or affect disaster prevention and taking due account of the likely impacts of climate change;***
  - (ca) ***encourage an exchange of good practices on preparing national civil protection systems to cope with the impact of climate change;***

- (d) promote and support the development and implementation of Members States' risk management *activity through the sharing of good practice, and facilitating access specific knowledge and expertise on issues of common interest;*
- (e) *compile and disseminate the information made available by Member States, organise an exchange of experience about the assessment of risk management capability, develop, together with the Member States and within 12 months following the entry into force of this Decision, guidelines on the content, methodology and structure of these assessments, and facilitate the sharing of good practice in prevention and preparedness planning, including through voluntary peer reviews;*
- (f) *report periodically, in accordance with the deadlines set out in Article 6(3) to the European Parliament and the Council on the progress made in the implementation of Article 6;*
- (fa) *promote the use of various Union funds which may support sustainable disaster prevention and encourage Member States and regions to exploit these funding opportunities;*

- (g) **highlight** the importance of risk prevention and support Member States in **awareness-raising**, public information **and** education;
- (h) **promote prevention measures in** Member States and third countries, referred to in Article 28, **through the sharing of good practice, and facilitating access to specific knowledge and expertise on issues of common interest**;
- (i) **in close consultation with Member States, take additional necessary supporting and complementary prevention action in order** to achieve the objective specified in point (a) of Article 3(1);

2. **Upon request of a Member State, third country, the United Nations or its agencies, the Commission may support the provision of advice on prevention measures through the deployment of an expert team on site.**

*Article 6*  
*Risk management*

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

- 1) develop risk assessments at national or appropriate sub-national level and make available to the Commission a summary of the relevant elements thereof within two years following the entry into force of this Decision and then every three years;***
- 2) develop and refine their disaster risk management planning at national or appropriate sub-national level;***
- 3) make available to the Commission the assessment of their risk management capability at national or appropriate sub-national level every three years following the finalisation of the relevant guidelines (in Article 5) or earlier than every three years in the even of important changes;***
- 4) participate, on a voluntary basis, in peer reviews on the assessment of risk management capability.***

## CHAPTER III

### Preparedness

#### *Article 7*

#### *General preparedness actions of the Commission*

The Commission shall carry out the following preparedness actions:

- (a) **█** manage the Emergency Response *Coordination* Centre (*ERCC*), *which is hereby established. The ERCC shall ensure* 24/7 operational capacity, and *serve* the Member States and the Commission for the purposes of the *Union* Mechanism;
- (b) manage a Common Emergency Communication and Information System (CECIS) to enable communication and sharing of information between the *ERCC* and contact points of the Member States;
- (c) contribute to the development *and better integration of transnational* detection and early warning and alert systems *of European interest* in order to enable a rapid response, *as well as* to promote *the* inter-linkage *between national early warning and alert systems* and their linkage to the *ERCC* and the CECIS. Those systems shall take into account and build upon existing and future information, monitoring and detection sources and systems;

- (d) establish and **manage** a capability to mobilise and dispatch █ teams of experts responsible for:
- assessing the needs ***that can possibly be addressed under the Union Mechanism*** in a state requesting assistance,
  - facilitating, when necessary, the coordination of ***disaster response*** assistance █ on site and liaising █ with the competent authorities of the state requesting assistance,
  - supporting the requesting state with expertise on prevention, preparedness or response actions;
- (e) establish and maintain a capability to provide logistical support █ for ***these*** expert teams;
- (f) ***develop and maintain a network of trained experts of Member States, who can be available at short notice to assist the ERCC in the monitoring, information and facilitating coordination;***
- (g) ***facilitate the coordination of Member States' prepositioning of disaster response capacities*** inside the Union;

█



- (h) support efforts to improve the inter-operability of modules and other response capacities, taking into account the best practices at Member States' and international levels;*
- (fa) take, within its sphere of competence, the necessary actions to facilitate host nation support, including developing and updating, together with Member States, guidelines on host nation support, on the basis of operational experience;*
- (fb) support the creation of voluntary peer review assessment programmes for the Member States' preparedness strategies, based on pre-defined criteria, that will enable recommendations to be formulated to strengthen the Union's level of preparedness;*
- (i) in close consultation with Member States, take additional necessary supporting and complementary preparedness action to achieve the objective specified in point (b) of Article 3(1).*

*Article 9*

*General preparedness actions of Member States*

1. ***Member States shall, on a voluntary basis, work towards developing modules, in particular to meet priority intervention or support needs under the Union Mechanism.***

Member States shall identify in advance modules **■**, other ***response*** capacities, ***as well as experts*** within their competent services, in particular their civil protection or other emergency services, which ***could*** be ***made*** available for intervention ***upon request through the Union Mechanism.*** . They shall take into account that the composition of modules or other ***response*** capacities may depend on the type of **■** disaster and on its particular needs.

**■**

2. ***Modules shall be made up of the resources of one or more Member States and shall:***

***(a) be able to perform pre-defined tasks in the areas of response in accordance with established international guidelines and therefore be able to:***

- i. be dispatched at very short notice following a request for assistance through the ERCC;***
- ii. work self-sufficiently and autonomously for a given period of time;***

- (b) be interoperable with other modules;*
- (c) undertake training and exercises in order to meet the interoperability requirement;*
- (d) be placed under the authority of a person who is responsible for their operation;*
- (e) be able to cooperate with other Union bodies and/or international institutions, especially the United Nations, as appropriate.*

3. Member States shall, *on a voluntary basis*, identify in advance experts that *could* be dispatched as *members* of expert teams, as specified in point (d) of Article 7.

4. Member States shall consider providing, as required, other *response capacities*, which *could* be available from the competent services, *or* which may be provided by non-governmental organisations and other relevant entities.

*Other response capacities may comprise resources from one or more Member States and, where appropriate, shall:*

*(a) be able to perform tasks in the areas of response in accordance with established international guidelines and therefore be able to:*

- i. be dispatched at very short notice following a request for assistance through the ERCC;*
- ii. work self-sufficiently and autonomously where necessary for a given period of time;*

*(b) be able to cooperate with other Union bodies and/or international institutions, especially the United Nations, as appropriate.*

5. Member States may, subject to appropriate security safeguards, provide information about relevant military capacities that could be used as a last resort as part of the assistance through the *Union* Mechanism, such as transport and logistical or medical support.
6. Member States shall provide relevant information on the experts, modules and other *response capacities that they make available for assistance through the Union Mechanism as* referred to in paragraphs 1 to 5 to the Commission and update this information when necessary.
7. Member States shall designate contact points, *as referred to in Article 7(b)* and inform the Commission accordingly.
8. Member States shall take *the appropriate preparedness* actions to *facilitate* host nation support .
9. Member States, supported by the Commission, *in accordance with Article 23* , shall take the *appropriate* measures to ensure the timely transport of assistance they offer.

*Article 10*

*Planning of operations*

1. The Commission and Member States shall work together to improve the planning of ***disaster*** response operations under the ***Union*** Mechanism, ***including through scenario-building, asset mapping and the development of plans for the deployment of response capacities.***

2. The Commission and the Member States shall identify and ***promote*** synergies between ***civil protection*** assistance and humanitarian aid funding provided by the Union and Member States in the planning of response operations ***to humanitarian crisis*** outside the Union.

*Article 11*

*European Emergency Response Capacity*

1. A European Emergency Response Capacity ***shall be established. It shall consist of a voluntary pool of pre-committed response capacities of the Member States and include modules, other response capacities and experts.***
2. On the basis of ***identified risks*** , the Commission **█** shall define the types and number of ***key response*** capacities required for the European Emergency Response Capacity (hereinafter referred to as 'capacity goals').
3. The Commission shall define quality requirements for the ***response*** capacities ***that Member States commit*** to the European Emergency Response Capacity. ***The quality requirements shall be based on established international standards where they already exist.*** Member States shall be responsible for ensuring ***the*** quality ***of their response capacities.***
4. The Commission shall establish and manage a process for certification and registration of ***the response*** capacities that Member States make available to the European Emergency Response Capacity.

5. Member States shall on a voluntary basis identify and register *the response* capacities, which they commit to the European Emergency Response Capacity. The registration of multinational modules provided by two or more Member States shall be undertaken jointly by all Member States concerned.
6. *Response capacities that Member States make available for the European Emergency Response Capacity shall remain available for national purposes of Member States at all times.*
7. *Member States's response capacities forming part of the European Emergency Response Capacity shall be available for response operations under the Union Mechanism following a request for assistance through the ERCC. The ultimate decision on their deployment shall be taken by the Member States which registered the response capacity concerned. When domestic emergencies, force majeure or, in exceptional cases, serious reasons prevent a Member State from making these response capacities available in a specific disaster, this Member State shall inform the Commission as soon as possible by referring to this Article.*
8. In the event of deployment, *Member States' response* capacities shall remain under Member States' command and *control and can be withdrawn when domestic emergencies, force majeure, or in exceptional cases, serious reasons prevent a Member State from maintaining these response capacities available, in consultation with the Commission.* The coordination among the different *response* capacities shall be *facilitated where appropriate* by the Commission through the *ERCC in accordance with Articles 15 and 16.*
9. Member States and the Commission shall ensure an appropriate *awareness* of the interventions *involving* the European Emergency Response Capacity.

*Article 12*

*Addressing **response** capacity gaps*

1. The Commission shall monitor progress towards the capacity goals **set in Article 11(2) and identify potentially significant response capacity** gaps in the European Emergency Response Capacity.
2. ***If potentially significant gaps have been identified, the Commission shall examine whether the necessary capacities are available to Member States outside the European Emergency Response Capacity.***
3. ***The Commission shall encourage Member States to address, either individually or through a consortium of Member States cooperating together on common risks, any strategic capacity gaps that have been identified in accordance with paragraph 2. The Commission may support Member States in these activities in accordance with Articles 20 and 21 (i) and (j).***
4. The Commission shall inform the European Parliament and the Council every two years on the progress made on the achievement of capacity goals and remaining gaps in the European Emergency Response Capacity.



Article 13

*Training, exercises, lessons learnt and knowledge dissemination*

■ The Commission shall ***within the Union Mechanism*** carry out the following tasks in the field of training, ***exercises***, lessons learnt and knowledge dissemination:

1. Setting up ***and managing*** a training programme ■ for civil protection and ■ emergency management personnel on disaster prevention, preparedness, and response. ***The programme shall include joint courses and an exchange of experts system, whereby individuals may be seconded to other Member States.***

***The training programme shall aim at enhancing*** the coordination, compatibility and complementarity between ■ capacities referred to in Articles ■ 9 and 11, and ■ improving the competence of the experts referred to in ***Article 7(d) and (f)***;

2. ***Setting up and managing a training network open to training centres for civil protection and emergency management personnel as well as other relevant actors and institutions on disaster prevention, preparedness, and response.***

***The training network shall aim at:***

- (a) ***enhancing all phases of disaster management, taking into account adaptation to and mitigation of climate change;***
- (b) ***creating synergies among its members through exchange of experience and best practices, relevant research, lessons learnt, courses and workshops, exercises and pilot projects;***

- (c) developing guidance on Union and international civil protection training, including training on prevention, preparedness and response;

**3. *Developing a strategic framework setting out the objectives and the role of exercises, a long-term comprehensive plan outlining exercise priorities, as well as setting up and managing an exercises programme.***

**4. *Setting up and managing a programme of lessons learnt from civil protection actions conducted within the framework of the **Union Mechanism** including aspects from the entire disaster management cycle, in order to provide a broad basis for learning processes and knowledge development. The programme would include:***

- (a) monitoring, analysing and evaluating all the relevant civil protection actions within the **Union Mechanism**;***
- (b) promoting implementation of lessons learnt in order to obtain an experience-based foundation for the development of activities within the disaster management cycle;***
- (c) developing methods and tools for gathering, analysing, promoting and implementing lessons learnt;***

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

5. *Developing guidance on knowledge dissemination and implementation of the different abovementioned programmes at national level in the Member States.*
6. *Stimulating* and encouraging the introduction and use of *relevant* new technologies for the purpose of the *Union* Mechanism.
- 1a. *When carrying out the tasks set out in paragraphs in this Article, the Commission shall take particular account of the need and interest of Member States facing disaster risks of a similar nature.*
7. Upon request of a Member State, third country, the United Nations or its agencies, the Commission may support the provision of advice on ■ preparedness measures through the deployment of an expert team on site.

## CHAPTER IV

### Response

#### *Article 14*

#### *Notification of ■ disasters within the Union*

1. In the event of a ■ disaster within the Union, or of the imminence thereof, which causes or is capable of causing trans-boundary effects ***or affecting other Member States***, the Member State in which the disaster has occurred or is likely to occur shall, without delay, notify the ■ potentially affected Member States ***and, where the effects are potentially significant, the Commission***.

The first subparagraph shall not apply where the obligation of notification has already been addressed under relevant Union legislation or the European Atomic Energy Community or existing international agreements.

2. In the event of a ■ disaster within the Union, or of the imminence thereof, which ***is likely to*** result in a call for assistance from one or more Member States, the Member State in which the ***disaster*** has occurred or is likely to occur shall, without delay, notify the Commission, when a possible request for assistance through the ***ERCC*** can be anticipated, in order to enable the Commission, as appropriate, to inform the other Member States and activate its competent services.
3. The notifications referred to in paragraphs 1 and 2 shall, as appropriate, be made through CECIS.

Article 15

Responding to ■ disasters within the Union

1. **When** a ■ disaster occurs within the Union, or in the imminence thereof, **the affected** Member State may request assistance through the **ERCC**. The request shall be as specific as possible.
  2. In **exceptional** situations of increased risk a Member State may also request assistance in the form of temporary pre-positioning of response capacities.
  3. Upon receiving a request for assistance, the Commission shall, as appropriate and without delay:
    - (a) forward the request to the contact points of other Member States;
    - (b) collect, **in conjunction with the affected Member State**, validated information on the **situation** and disseminate it to the Member States;
    - (c) **formulate, in consultation with the requesting Member State, recommendations for the provision of assistance through the Union Mechanism**, based on the needs on the ground and **any relevant** pre-developed ■ plans, **as referred to in Article 10(1)**, invite Member States to deploy specific capacities **and facilitate the coordination of the required assistance accordingly** ;
- 
- (d) **take additional action to facilitate the coordination of response.**

4. Any Member State to which a request for assistance is addressed *through the Union Mechanism* shall promptly determine whether it is in a position to render the assistance required and inform the requesting Member State thereof through the CECIS, indicating the scope **■**, terms *and, where applicable, costs of the* assistance it *could* render. The *ERCC* shall keep Member States informed.
5. The requesting Member State shall be responsible for directing assistance interventions. The authorities of the requesting Member State shall lay down guidelines and, if necessary, define the limits of the tasks entrusted to the **■** modules or other *response* capacities. The details of the execution of those tasks shall be left to the person in charge appointed by the Member State rendering assistance. The requesting Member State may also request the deployment of an expert team to support its assessment, facilitate coordination on site (between Member States' teams), *or* provide technical advice **■**.
6. The requesting Member State shall take the *appropriate* actions to *facilitate* host nation support for the incoming assistance.
7. *The role of the Commission referred to in this Article shall not affect the Member States' competences and responsibility for their teams, modules and other support capacities, including military capacities. In particular, the support offered by the Commission shall not entail command and control over Member States' teams, modules and other support, which shall be deployed on a voluntary basis in accordance with the coordination at headquarters level and on site.*

Article 16

Promoting consistency in the response to ■ disasters outside the Union

1. **When a** disaster **occurs** outside the Union, or **in** the imminence thereof, the affected country **may request assistance through the ERCC. The assistance may also be requested through or by** the United Nations and its agencies, or a relevant international organisation ■ .
2. **Interventions under this Article may either be conducted as an autonomous assistance intervention or as a contribution to an intervention led by an international organisation. The Union coordination shall be fully integrated with the overall coordination provided by the United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), and respect its leading role.**
3. The Commission shall support the consistency in the delivery of the assistance through the following actions:
  - (a) maintaining a ■ dialogue with Member States' contact points in order to ensure an effective and coherent European **disaster** response contribution through the **Union Mechanism** to the overall relief effort, in particular by:
    - informing Member States without delay of the full requests for assistance;
    - supporting a common assessment of situation and needs, providing technical advice and/or facilitating the coordination on site of assistance through the presence of **a civil protection** expert team on site;
    - sharing relevant assessments and analyses with all relevant actors;

- providing an overview of assistance being offered by Member States and other actors;
  - advising on the type of assistance required in order to ensure that the assistance provided is consistent with the needs assessments;
  - assisting in overcoming any practical difficulties in the delivery of assistance in areas such as transit and customs;
- (b) immediately *formulating recommendations , when possible in cooperation with the affected country*, based on the needs on the ground and *any relevant* pre-developed ■ plans, ■ inviting Member States to deploy specific capacities *and facilitating the coordination of the requested assistance accordingly*;
- (c) liaising with the affected third country on technical details, such as the precise needs for assistance, the acceptance of offers and the practical arrangements for the local reception and distribution of assistance;
- (d) liaising *with* or *supporting* UN-OCHA, and *cooperating with* ■ other relevant actors *that contribute* to the overall relief effort, in order to maximise synergies, seek complementarities and avoid duplication and gaps;
- (e) liaising with all relevant actors, in particular in the closing phase of the assistance intervention under the *Union* Mechanism, to facilitate a smooth handover.



4. Without prejudice to the Commission's role, as defined in paragraph 3, and respecting the imperative for an immediate operational response through the **Union** Mechanism, upon activation the Commission shall inform the European External Action Service - to allow for consistency between the civil protection operation and the overall Union relations with the affected country. ***The Commission shall keep Member States fully informed in accordance with paragraph 3.***
5. On site, liaison shall be ensured as appropriate with the Union ***delegation*** for the latter to facilitate contacts with the government of the affected country. Where necessary, the Union ***delegation*** shall provide logistical support to the civil protection expert teams referred to in the second indent of point (a) of paragraph 3.
6. Any Member State to which a request for assistance is addressed ***through the Union Mechanism*** shall promptly determine whether it is in a position to render the assistance required and inform the ***ERCC*** thereof through the CECIS, indicating the scope and terms of any assistance it ***could*** render. The ***ERCC*** shall keep Member States informed.
7. The **Union** Mechanism may also ***be used to provide civil protection*** support to consular assistance to the citizens of the Union in **■** disasters in third countries if requested by ***the*** consular authorities of ***the concerned*** Member ***States***.

8. *When receiving a request for assistance*, the Commission may *take* additional *necessary supporting and complementary action in order* to ensure consistency in the delivery of the assistance.
9. Coordination through the *Union* Mechanism shall not affect bilateral contacts between Member States and the affected country, nor cooperation between the Member States and the United Nations *and other relevant international organisations*. Such bilateral contacts may also be used to contribute to the coordination through the *Union* Mechanism.
10. The role of the Commission referred to in this Article shall not affect the Member States' competences and responsibility for their teams, modules and other support, including military capacities. In particular, the support ■ offered by the Commission shall not entail *command and control over* Member States' teams, modules and other support, which shall be deployed on a voluntary basis in accordance with the coordination at headquarters level and on site.

11. Synergies shall be sought with other instruments of the Union, in particular, with actions financed under Regulation (EC) No 1257/96. ***The Commission shall ensure coordination between the instruments and, where appropriate, ensure that Member States' civil protection actions contributing to a wider humanitarian response are as far as possible financed under this Decision.***
12. ***Whenever the Union Mechanism is activated,*** Member States providing ***disaster*** assistance ■ shall keep the ***ERCC*** fully informed of their activities.
13. Member States' teams and modules on site participating in the intervention through the ***Union*** Mechanism shall liaise closely with the ***ERCC*** and the expert teams on site, as referred to in the second indent of point (a) of paragraph 3.

*Article 17*

*Support on site*

1. The Commission may select, appoint and dispatch an expert team composed of experts provided by the Member States ***in the event of a disaster outside the Union according to Article 16(3)***, in the event of a disaster within the Union **■** in accordance with Article 15(5) **■**, upon **■** request for prevention ***expertise in accordance with Article 5(2) or upon request for preparedness expertise*** **■** in ***accordance with*** Article 13(7). ***Experts from the Commission and 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-OCHA or other international organisations may be integrated in the team in order to strengthen cooperation and facilitate joint assessments.***  
**■**
2. The procedure for the selection and appointment of experts is 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 these 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, so as to ensure that the team as a whole has available skills needed in a specific situation;
  - (c) ***The Commission shall appoint experts/team leaders for a mission in agreement with their nominating Member State.***
3. Where expert teams are dispatched, they shall facilitate coordination between Member States' intervention teams and liaise with the competent authorities of the requesting state ***as described under Article 7(d)***. The ***ERCC*** shall maintain close contact with the expert teams and provide them with guidance and logistical **■** support.  
**■**

*Article 18*

*Transport and equipment*

1. ***In the event of a disaster the*** Commission may support Member States in obtaining access to equipment ***or*** transport resources by:
  - (a) providing and sharing information on equipment and transport resources that can be made available by the Member States, with a view to facilitating the pooling of such equipment or transport resources;
  - (b) assisting Member States to identify, and facilitating their access to, transport 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.
  
2. The Commission may complement the transport ***resources*** provided by Member States by providing additional transport resources necessary for ensuring a rapid response to **■** disasters.

CHAPTER V  
Financial provisions

*Article 19*  
*Budgetary resources*

1. The financial *envelope* for the implementation of this Decision for the period 2014 to 2020 shall be **[EUR 368 300 000 at current prices]**.

**[EUR 223 700 000 at current prices]** shall derive from heading 3 "Security and Citizenship" of the financial framework and **[EUR 144 600 000 at current prices]** from heading 4 "Global Europe."

2. Appropriations resulting from reimbursement made by the beneficiaries for emergency response actions shall constitute assigned revenue within the meaning of Article 18(2) of the Financial Regulation.

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

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

*Article 19a new*

- 1. *The financial envelope referred to in Article 19(1) shall be allocated, over the period 2014-2020, according to the percentages and principles set out in Annex I.***
- 2. *The Commission shall review the breakdown set out in Annex I in the light of the outcome of the interim evaluation referred to in Article 32(2)(a). Where necessary following the results of such review, the Commission shall be empowered to adopt delegated acts, in accordance with Article 29a, to adjust each of the figures in Annex I by more than 8 and up to 16 percentage points. Those delegated acts shall be adopted by 30 June 2017 at the latest.***
- 3. *Where, in case of a necessary revision of the budgetary resources available for response actions, imperative grounds of urgency so require, the Commission shall be empowered to adopt delegated acts to revise each of the figures in Annex I by more than 8 and up to 16 percentage points, within the available budgetary allocations and in accordance with the procedure provided for in Article 29b.***

*Article 20*

*General eligible actions*

The following general actions shall be eligible for financial assistance ***to enhance prevention, preparedness and effective response***:

- (a) studies, surveys, modelling and scenario building to facilitate the sharing of knowledge, best practices and information ■ ;
- (b) training, exercises, workshops, exchange of staff and experts, creation of networks, demonstration projects and technology transfer ■ ;
- (c) monitoring, assessment and evaluation actions;
- (d) public information, education and awareness raising and associated dissemination actions, so as to ***involve citizens in preventing and minimising*** the effects of disasters ***in the*** Union ■ and to help Union citizens to protect themselves more effectively ***and in a sustainable manner***;
- (e) establishment ***and running*** of a programme of lessons learnt from interventions and exercises in the context of the ***Union*** Mechanism, including on areas relevant to prevention and preparedness;
- (f) communication actions and measures to ***raise awareness*** of the European civil protection work in the areas of prevention, preparedness and response.



*Article 21*

*Eligible prevention and preparedness actions*

The following prevention and preparedness actions shall be eligible for financial assistance:

- 
- (a) ■ *co-financing of projects, studies, workshops, surveys and similar actions and activities referred to in Article 5;*
  - (b) *co-financing peer reviews, referred to in Article 6(4) and Article 7(fa);*
  - (c) maintaining the functions provided by the *ERCC*, in accordance with point (a) of Article 7■ ;
- 
- (d) *preparing for the mobilisation and dispatch of the teams of experts referred to in Articles 7(d) and 17 and developing and maintaining a surge capacity through a network of trained experts of Member States, referred to in Article 7(e);*
  - (e) establishing and maintaining the CECIS and tools to enable communication and sharing of information between the *ERCC* and the contact points of the Member States and of other participants in the context of the *Union* Mechanism;

- (f) contributing to the development of *transnational* detection, early warning and alert systems **■** *of European interest*, in order to enable a rapid response *as well as* to promote *the* interlinkage *between national early warning and alert systems* and their linkage to the *ERCC* and the CECIS. Those systems shall take into account and build upon existing and future information, monitoring or detection sources and systems;
- (g) planning response operations under the *Union Mechanism, in accordance with Article 10*;
- 
- (h) *supporting the preparedness activities described in Article 13.*
- (i) *developing* the European Emergency Response Capacity, as referred to in Article 11.

*This shall be limited to:*

- *costs at EU level of setting up and managing the European Emergency Response Capacity and the associated processes set out in Article 11.*
- *costs of obligatory training courses, exercises and workshops necessary for the certification of Member States' response capacities for the purposes of the European Emergency Response Capacity ("certification costs"). It may consist of unit costs or lump sums determined per type of capacity, covering up to 100% of the eligible costs.*

- *non-recurrent costs necessary to upgrade Member States' response capacities from their purely national use to a state of readiness and availability that makes them deployable as part of the European Emergency Response Capacity, in accordance with the quality requirements of the voluntary pool and recommendations formulated in the certification process ("adaptation costs"). This may include costs related to interoperability of modules and other response capacities, autonomy, self-sufficiency, transportability, packaging and similar costs, as well as the costs of forming multinational response capacities (workshops, trainings, development of common methodologies, standards, procedures and similar activities), provided that these costs specifically relate to the capacities' participation in the voluntary pool. It shall not cover the costs of the equipment or human resources necessary to initially set-up the response capacities or on-going maintenance or running costs. These adaptation costs may consist of unit costs or lump sums determined per type of capacity, covering up to 100% of the eligible costs, provided this does not exceed 30% of the average cost of developing the capacity.*
  
- *Costs of establishing and managing framework contracts, framework partnership agreements or similar arrangements to address temporary shortcomings in extraordinary disasters, taking into account a multi hazard approach.*

*The funding under this indent :*

- (i) may cover the costs or fees necessary to design, prepare, negotiate, conclude and manage the contracts or arrangements as well as the costs of developing standard operating procedures and exercises to ensure the effective use of the assets. It may also cover a maximum of 40% of the costs of ensuring rapid access to the assets.*
- (ii) shall not cover the costs of purchasing or developing new response capacities, nor the cost of operating these additional capacities in a disaster situation. Costs of operating these additional capacities in a disaster situation shall be borne by the Member States requesting the assistance.*
- (iii) shall not exceed 10% of the total reference amount set out in Article 19. In case of this ceiling is reached before the end of the programming period, and when required to ensure the appropriate functioning of the Union Mechanism, the ceiling may be exceeded up to 15% in accordance with the procedure set out in Article 31(2).*

- (j) identifying ■ gaps in the European Emergency Response Capacity in accordance with Article 12 *and supporting Member States in addressing these gaps by co-financing new response capacities, up to a maximum of 20% of the eligible costs, provided that:*
- (1) *the need for new capacities is confirmed by risk assessments,*
  - (2) *the gap identification process set out in Article 12 demonstrates that these capacities are not available to Member States,*
  - (3) *these capacities are developed by Member States, either acting individually or through a consortium,*
  - (4) *these capacities are committed to the voluntary pool for a minimum period of two years, and*

**(5) this approach is cost-effective.**

**Where appropriate, preference shall be given to consortia of Member States cooperating on a common risk;**

- (k) ensuring the availability of [ ] logistical support for the expert teams referred to in Article 17(1);**
- (l) facilitating the coordination of Member States [ ] ' prepositioning of disaster response capacities in accordance with Article 7(g) inside the Union;**
- (m) support the provision of advice on prevention and preparedness measures through the deployment of an expert team on site, upon request of a Member State, third country, the United Nations or its agencies, as referred to in Articles 5(2) and 13(7).**

*Article 22*

*Eligible response actions*

The following response actions shall be eligible for financial assistance:

(a) dispatching expert teams *referred to in Article 17(1)* together with *logistical support and dispatching experts referred to in Article 7(f)*;

■

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

■

(c) *when receiving a request for assistance, taking additional necessary* supporting and complementary action *in order to facilitate the coordination of response in the most effective way* .

*Article 23*

*Eligible actions linked to equipment **and** transport resources*

1. The following actions shall be eligible for financial assistance in order to allow access to equipment **and** transport resources under the *Union* Mechanism:
  - (a) providing and sharing information on equipment and transport resources that Member States *decide to make available* , with a view to facilitating the pooling of such equipment or transport resources;
  - (b) assisting Member States to identify, and facilitating their access to, transport 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 resources necessary for ensuring a rapid response to disasters. Such actions shall be eligible for financial support only if the following criteria are met:
    - a request for assistance has been made under the *Union* Mechanism in accordance with Articles 15 and 16;
    - the additional transport resources are necessary for ensuring the effectiveness of *disaster* response under the *Union* Mechanism;



- 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 ■ ;
- 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**;
- the assistance complements, for disasters in third countries, the overall Union humanitarian response, where present.

2. The amount of **Union** financial support for transport resources ■ shall not exceed **55% of the total eligible cost**.

3. **The Union financial support for transport may in addition cover a maximum of 85% of the total eligible cost in the following situations:**

**(a) the costs relate to the transport of the capacities pre-committed to the voluntary pool in accordance with Article 11; .**

**(b) the assistance is necessary to address a critical need and the assistance is not, or not sufficiently, available in the voluntary pool.**

4. *The Union financial support for transport resources may in addition cover a maximum of 100% of the total eligible cost described under litera (i), (ii) and (iii) if this is necessary to make the pooling of Member States' assistance operationally effective and the costs relate to one of the following:*

(i) *the short-term rental of warehousing capacity to temporarily store the assistance from Member States with a view to facilitating their coordinated transport;*

(ii) *the repackaging of Member States' assistance to make maximum use of available transport capacities or to meet specific operational requirements;*

(iii) *the local transport of pooled assistance with a view to ensuring a coordinated delivery at the final destination in the requesting country.*

*The Union financial support under this paragraph shall not exceed 75000€ in current prices per activation of the Union Mechanism. In exceptional cases, this threshold may be exceeded in accordance with the procedure referred to in Article 31(2).*

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 the previous paragraphs.

7. *The following costs shall be eligible for Union financial support for transport resources under this Article: all costs related to the movement of the transport 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.*

*Article 24*

*Beneficiaries*

Grants awarded under this Decision may be awarded to legal persons, whether governed by private or public law.

*Article 25*

*Types of financial intervention and implementing procedures*

1. The Commission shall implement the Union's financial assistance in accordance with the Financial Regulation.
2. Financial assistance under this Decision may take any of the forms provided by the Financial Regulation, in particular grants, reimbursement of expenses, public procurement , or contributions to trust funds.
3. In order to implement this Decision, the Commission shall adopt annual work programmes in accordance with the procedure referred to in Article 31(2), except for actions falling under the emergency response of Chapter IV, which may not be foreseen in advance. They shall set out the objectives pursued, the expected results, the method of implementation and their total amount. They shall also contain the description of actions to be financed, an indication of the amount allocated to each action and an indicative implementation timetable. For ***the actions envisaged in Article 28(2), they shall describe the actions foreseen with each country.***

Article 26

*Complementarity and consistency of the Union action*

1. Actions receiving financial assistance under this Decision shall not receive assistance from other Union financial instruments.

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

2. Synergies and complementarity shall be sought with other instruments of the Union. In the case of a response *to humanitarian crises* in third countries the Commission shall ensure the complementarity and coherence of actions financed under this Decision and actions financed under Regulation (EC) No 1257/96.

3. When assistance under the *Union* Mechanism contributes to a Union humanitarian response, *particularly in complex emergencies*, actions receiving financial assistance under this Decision shall be *based on identified needs and shall be* consistent with the humanitarian principles *as well as the principles on the use of civil protection and military resources as set out* in the European Consensus on Humanitarian Aid.

*Article 27*

*Protection of the financial interests of the Union*

1. The Commission shall take appropriate measures ensuring that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and **dissuasive administrative and financial** penalties.
2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors, who have received Union funds under this Decision.
3. The European Anti-fraud Office (OLAF) may carry out **investigations, including** on-the-spot checks and inspections ■, in accordance with the **provisions and** procedures laid down in Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)<sup>18</sup> and 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 or other irregularities<sup>19</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement **or** grant decision or a contract **funded under this Decision**
4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and **with** international organisations, **contracts**, grant agreements **and** grant decisions ■, resulting from the implementation of this Decision shall **contain provisions** expressly **empowering** the Commission, the Court of Auditors and OLAF to conduct such audits **and investigations, according to their respective competences** .

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<sup>18</sup> OJ L 136, 31.5.1999, p. 1.

<sup>19</sup> OJ L 292, 15.11.1996, p. 2.

CHAPTER VI  
General provisions

*Article 28*

*Third countries ■ and international organisations*

1. The **Union** Mechanism shall be open to the participation of:
  - (a) European Free Trade Association (EFTA) countries which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA Agreement, and other European countries when agreements and procedures so provide;
  - (b) Acceding countries, candidate countries and potential candidates in accordance with the general principles and general terms and conditions for the participation of those countries in Union's programmes established in the respective Framework Agreements and Association Council Decisions, or similar arrangements;
2. Financial Assistance referred to in Articles 20 and Article 21 (a) ■, (b) (f) **and** (h) may also be granted to *candidate countries and potential candidates not participating in the Union Mechanism, as well as to* countries coming under the European Neighbourhood Policy ■, *to the extent that it complements funding available from the Instrument for Pre-Accession Assistance (IPA) and the European Neighbourhood Instruments.*
3. International or regional organisations may cooperate in activities under the **Union** Mechanism where relevant bilateral or multilateral agreements between these organisations and the Union so allow.

*Article 29*

*Competent authorities*

For the purposes of applying this Decision, Member States shall appoint the competent authorities and inform the Commission accordingly.

*Article 29a*

*Exercise of the delegation*

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
- 2. The power to adopt delegated acts referred to in Article 19a(2) shall be conferred on the Commission until 31 December 2020.*
- 3. The delegation of power referred to in Article 19a(2) may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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 delegated acts already in force.*
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
- 5. A delegated act pursuant to Article 19a(2) 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 the Council.*

*Article 29b*  
*Urgency procedure*

1. *Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*
  
2. *Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 29a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.*



Article 30

Implementing acts

1. The Commission shall adopt implementing acts on the following matters:
  - (a) ***The interaction of the ERCC with Member States' contact points, as provided for in point (a) of Article 7, paragraph 3 of Article 15 and paragraph 3 of Article 16; and the operational procedures for the response to disasters inside the Union, as provided for in Article 15 as well as outside the Union, as provided for in Article 16, including identification of relevant international organisations.***
  - (b) **■ the components of CECIS as well as the organisation of information sharing through CECIS, as provided for in point (b) of Article 7;**
  - (c) **the process for deploying expert teams, as provided for in Article 17 ■ ;**
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  - (d) **the identification of modules, other response capacities and experts as provided for in paragraph 1 of Article 9**
  - (e) **the operational requirements for the functioning and interoperability of modules, as provided for in paragraph 2 of Article 9, including their tasks, capacities, main components, self-sufficiency and deployment;**

- (f) *the capacity goals, the quality and interoperability requirements and the certification and registration procedure necessary for the functioning of the European Emergency Response Capacity* ■ , as provided for in Article 11, *as well as the financial arrangements, as provided for in Article 21(i)*;
- (g) ■ identifying and filling gaps in the European Emergency Response Capacity, as provided for in Article 12;
- (h) *the organisation of the training programme, exercise framework and lessons learnt programme*, as provided for in Article 13;

■

- (j) *the organisation of support for the transport of assistance* , as provided for in Articles 18 and 23.

2. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

*Article 31*  
*Committee procedure*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

*Article 32*  
*Evaluation*

1. Actions receiving financial assistance shall be monitored regularly in order to follow their implementation.
2. The Commission shall evaluate the application of this Decision and submit to the European Parliament and to the Council:
  - (a) an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of this Decision no later than by 30 June 2017;
  - (b) a communication on the continued implementation of this Decision no later than by 31 December 2018,
  - (c) an ex post evaluation report no later than by 31 December 2021.

The conclusions shall be accompanied, if appropriate, by proposals for amendments to this Decision.

CHAPTER VII  
Final provisions

*Article 33*  
*Transitional provision*

1. Actions which are initiated before 1 January 2014 on the basis of Decision 2007/162/EC, Euratom<sup>20</sup> shall continue to be administered, whether relevant, in conformity with that Decision.
2. Member States shall ensure at national level the uninhibited transition between the actions carried out in the context of the previous Civil Protection Financial Instrument and those to be implemented under the new provisions set out in this Decision.

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<sup>20</sup> OJ L 71, 10.03.2007, p. 9-17.

*Article 34*

*Repeal*

Decisions 2007/162/EC, Euratom 2007/779 /EC, Euratom are repealed. ■ References to the repealed Decisions shall be construed as references to this Decision and shall be read in accordance with the correlation table in the Annex.

*Article 35*

*Entry into force*

This Decision shall enter into force on the **first** day following that of its publication in the *Official Journal of the European Union*. **It** shall ■ apply from 1 January 2014.

*Article 36*

*Addressees*

This Decision is addressed to the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

■

*Annex -I new*

*Percentages for allocation of the financial envelope for implementation of this Decision*

*Prevention            20% +/- 8 percentage points*

*Preparedness        50% +/- 8 percentage points*

*Response             30% +/- 8 percentage points*

*Principles*

*When implementing this Decision, the Commission shall give priority to actions for which the Decision sets a deadline within the period leading to the expiry thereof, with the objective of meeting the deadline in question.*

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*Statements - New*

*Statement by the Commission*

*“Without prejudice to the annual budgetary procedure, it is the Commission’s intention to present to the European Parliament an annual report on the implementation of the Decision, including the budget breakdown set out in Annex I, starting from January 2015. This approach is based upon the specific nature of civil protection policy and is with no precedent value to other financial instruments.”*

*Statement by the European Parliament, the Council and the Commission*

*"The European Parliament, the Council and the Commission take note of the approach taken in Article 19a and Annex I, which responds to the specificities of this Decision and is with no precedent value to other financial instruments."*