

## III

(Preparatory acts)

## COMMITTEE OF THE REGIONS

129TH COR PLENARY SESSION, 16.5.2018-17.5.2018

## Opinion of the European Committee of the Regions — Review of the EU Civil Protection Mechanism

(2018/C 361/07)

<b>Rapporteur:</b>	Adam BANASZAK (PL/ECR). Vice-president of the Kujawsko-Pomorskie Regional Assembly
<b>Reference documents:</b>	Proposal for a decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism
	COM(2017) 772 final/2
	Communication from the Commission to the European Parliament, the Council and the Committee of the Regions on Strengthening EU Disaster Management: rescEU Solidarity with Responsibility
	COM(2017) 773 final

## I. RECOMMENDATIONS FOR AMENDMENTS

## Article 1(1)

Text proposed by the Commission	CoR amendment
Decision No 1313/2013/EU is hereby amended as follows:	Decision No 1313/2013/EU is hereby amended as follows:
(1) Article 3 is amended as follows:	(1) Article 3 is amended as follows:
(a) in paragraph 1 the following point (e) is added:	(a) in paragraph 1 the following point (e) is added:
‘(e) to increase the availability and use of scientific knowledge on disasters.’	‘(e) to increase the availability and use of scientific knowledge on disasters.’
(b) point (a) of paragraph 2 is replaced by the following:	(b) point (a) of paragraph 2 is replaced by the following:

Text proposed by the Commission	CoR amendment
<p>'(a) progress in implementing the disaster prevention framework: measured by the number of Member States that have made available to the Commission their risk assessments, an assessment of their risk management capability and a summary of their disaster management planning as referred to in Article 6;'</p>	<p>'(a) progress in implementing the disaster prevention framework: measured by the number of Member States that have made available to the Commission their risk assessments, an assessment of their risk management capability and a summary of their disaster management planning as referred to in Article 6;'</p> <p>(c) after paragraph 2 the following paragraph 3 is added:</p> <p><b>'3.</b> The Union Mechanism attributes a fundamental role to increasing resilience against disasters, including flooding, seismic and wildfire risks, through training opportunities with local response units including volunteer groups.'</p>

### Article 1(3)

Text proposed by the Commission	CoR amendment
<p>in Article 5(1), point (a) is replaced by the following:</p> <p>'(a) take action to improve the knowledge base on disaster risks and facilitate the sharing of knowledge, the results of scientific research, best practices and information, including among Member States that share common risks.'</p>	<p>in Article 5(1),</p> <p>(a) point (a) is replaced by the following:</p> <p>'(a) take action to improve the knowledge base on disaster risks and facilitate the sharing of knowledge, the results of scientific research, best practices and information, including among Member States as well as between local and regional authorities that share common risks.'</p> <p>(b) a new point (g) is added after point (f) in paragraph 1:</p> <p><b>'g)</b> shall draw up guidelines and intervention criteria for the seismic requalification of housing and infrastructure by 31 December 2018;'</p> <p>(c) point (h) of paragraph 1 is amended as follows:</p> <p><b>'(h)</b> promote the use of various Union Funds which may support sustainable disaster prevention and provide easily accessible information online and in hard copy in the Commission offices in the Member States on how to access those funding opportunities;'</p>

**Reason**

In many cases, local or regional authorities have more knowledge about disaster risks than national authorities.

A modern, homogeneous framework of technical norms is needed in order to determine, together with the Eurocodes, the classification of seismic vulnerability and priority criteria. The implementing guidelines should combine the seismic reinforcement of existing buildings with energy efficiency.

**Article 1(4)**

Text proposed by the Commission	CoR amendment
<p>(4) Article 6 is amended as follows:</p> <p>(a) points (a) <i>and</i> (b) are replaced by the following:</p> <p>‘(a) develop risk assessments at national or appropriate sub-national level <i>and make them</i> available to the Commission by 22 December 2018 and every three years thereafter;</p> <p>‘(b) develop and refine their disaster risk management planning at national or appropriate sub-national level based on the risk assessments referred to in point (a) and taking into account the assessment of their risk management capability referred to in point (c) and the overview of risks referred to in point (c) of Article 5(1).’</p> <p>(b) the following second and third subparagraphs are added:</p> <p>‘A summary of the relevant elements of the risk management planning shall be provided to the Commission, including information on the selected prevention and preparedness measures, by 31 January 2019 and every three years thereafter. In addition, the Commission may require Member States to provide <i>specific</i> prevention and preparedness plans, which shall cover both short- and long-term efforts. The Union shall duly consider the progress made by the Member States with respect to disaster prevention and preparedness as part of any future <i>ex-ante</i> conditionality mechanism under the European Structural and Investment Funds.’</p>	<p>(4) Article 6 is amended as follows:</p> <p>(a) points (a), (b) <i>and</i> (d) are replaced by the following:</p> <p>‘(a) develop risk assessments at national or appropriate sub-national level <i>in consultation with relevant local and regional authorities and aligned with the Sendai Framework for Disaster Risk Reduction. Selected information from the risk assessments, which is essential to the proper functioning of the Mechanism, should be made</i> available to the Commission by 22 December 2018 and every three years thereafter;</p> <p>‘(b) develop and refine their disaster risk management planning at national or appropriate sub-national level based on the risk assessments referred to in point (a) and taking into account the assessment of their risk management capability referred to in point (c) and the overview of risks referred to in point (c) of Article 5(1).’</p> <p>‘<b>(d)</b> <i>participate, on a voluntary basis, in peer reviews on the assessment of risk management capability and organise stress tests to address crisis situations.</i>’</p> <p>(b) the following second and third subparagraphs are added:</p> <p>‘A summary of the relevant elements of the risk management planning shall be provided to the Commission, including information on the selected prevention and preparedness measures, by 31 January 2019 and every three years thereafter. In addition, the Commission may require Member States to provide prevention and preparedness plans <i>within the limits set in Art. 346 (1a) TFEU in relation to the disclosure of information on essential interests of their security and will provide them with a guiding framework for the preparation of such plans</i>, which shall cover both short- and long-term efforts. The Union shall duly consider the progress made by the Member States with respect to disaster prevention and preparedness as part of any future <i>ex-ante</i> conditionality mechanism under the European Structural and Investment Funds.’</p>

Text proposed by the Commission	CoR amendment
<p>'The Commission may also establish specific consultation mechanisms to enhance appropriate prevention and preparedness planning and coordination among Member States prone to similar type disasters.'</p>	<p>'The Commission may also establish specific consultation mechanisms to enhance appropriate prevention and preparedness planning and coordination among Member States — <i>also at regional and local level</i> — prone to similar type disasters.'</p>

### Reason

It is necessary that risk assessments are not prepared in a top-down manner, i.e. bypassing local/regional authorities. Subnational authorities can have more information about risks in a given territory and their representatives need to be actively involved in preparing risk assessments.

### Article 1 (4 bis) — add new point

Text proposed by the Commission	CoR amendment
—	<p><i>Article 8a is amended as follows:</i></p> <p><i>'The Commission shall carry out the following preparedness actions:</i></p> <p><i>(a) manage the ERCC in coordination with the relevant existing national and local and regional bodies;'</i></p>

### Reason

It is essential to ensure and provide for the fact that the ERCC is managed in coordination with relevant national and regional bodies to prevent the use of parallel structures or unclear deployment procedures at European level.

### Article 1(6)

Text proposed by the Commission	CoR amendment
<p>(7) Response capacities that Member States make available for the European Civil Protection Pool shall be available for response operations under the Union Mechanism following a request for assistance through the ERCC, <i>unless Member States are faced with an exceptional situation substantially affecting the discharge of national tasks.</i></p>	<p>(7) Response capacities that Member States make available for the European Civil Protection Pool shall be <i>made</i> available for response operations under the Union Mechanism <i>by decision of the sending State</i> following a request for assistance through the ERCC.</p>

### Reason

Since it is not possible to predict the specific situations — both from the point of view of the sending and of the requesting States — in which assistance will be required, it must remain a matter for the sovereign decision-making bodies of the two States to decide whether any operation is carried out.

## Article 1(9)

Text proposed by the Commission	CoR amendment
<p>(9) in Article 13, the title and the first sentence of paragraph 1 are replaced by the following:</p> <p>‘Union Civil Protection Knowledge Network</p> <p>1. The Commission shall establish a network of relevant civil protection and disaster management actors <i>and</i> institutions, forming together with the Commission a Union Civil Protection Knowledge Network.</p> <p>The Network shall carry out the following tasks in the field of training, exercises, lessons learnt and knowledge dissemination, in close coordination with relevant knowledge centres, where appropriate.’</p>	<p>(9) in Article 13, the title and the first sentence of paragraph 1 are replaced by the following:</p> <p>‘Union Civil Protection Knowledge Network</p> <p>1. The Commission shall establish a network of relevant civil protection and disaster management actors, institutions, <i>as well as voluntary and community sector organisations</i>, forming together with the Commission a Union Civil Protection Knowledge Network.</p> <p>The Network shall carry out the following tasks in the field of training, exercises, lessons learnt and knowledge dissemination, in close coordination with relevant knowledge centres, where appropriate.’</p>

**Reason**

The voluntary and community sector can play an important role in providing resilience after a disaster but its role is often underestimated.

## Article 1(10)

Text proposed by the Commission	CoR amendment
<p>(10) in Article 15, paragraph 1 is replaced by the following:</p> <p>‘1. When a disaster occurs within the Union, or is imminent, the affected Member State may request assistance through the ERCC. The request shall be as specific as possible. A request for assistance shall lapse after a maximum period of 90 days, unless new elements justifying the need for continued or additional assistance are provided to the ERCC.’</p>	<p>(10) in Article 15, paragraph 1 is replaced by the following:</p> <p>‘1. When a disaster occurs within the Union, or is imminent, the affected Member State may request assistance through the ERCC. The request shall be as specific as possible <i>and include at least the following information:</i></p> <ul style="list-style-type: none"> <li>a) <i>the type of major disaster,</i></li> <li>b) <i>the area affected by the disaster as well as areas potentially threatened by it,</i></li> <li>c) <i>the time and the financial and material resources needed to remedy the consequences of an imminent or actual disaster.</i></li> </ul>

Text proposed by the Commission	CoR amendment
	A request for assistance shall lapse after a maximum period of 90 days, unless new elements justifying the need for continued or additional assistance are provided to the ERCC.'

**Reason**

More accurate information from Member States in the event of a major disaster would enable more effective, targeted and cost-efficient action under the Mechanism, besides enabling the desired objectives to be achieved more rapidly, which is of great importance in responding to disasters.

**Article 1 (11bis) — new point**

Text proposed by the Commission	CoR amendment
—	<b>(11)</b> in Article 16, paragraph 3b is replaced by the following: <i>‘immediately making recommendations, when possible in cooperation with the affected country and, where relevant, with regional and local contact points, 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;’</i>

**Reason**

Direct contact with regional and local contact points can have a positive impact on shortening the time to make recommendations and how detailed the information will be. This applies especially to large scale disasters during which the ability to respond quickly by national authorities is limited.

**Article 1(14)**

Text proposed by the Commission	CoR amendment
(14) Article 21 is amended as follows:  (a) point (j) of paragraph 1 is replaced by the following: ‘(j) establishing, managing and maintaining rescEU in accordance with Article 12;’  [...]	(14) Article 21 is amended as follows:  (a) point (j) of paragraph 1 is replaced by the following: ‘(j) establishing, managing and maintaining rescEU in accordance with Article 12;’  <b>(b)</b> points (n) and (o) are added:  ‘ <b>(n)</b> supporting counsel and workshops for local and regional authorities and other relevant organisations, which aim to integrate policies/programmes with financial instruments, the implementation of which could help prevent and limit the consequences of meteorological phenomena and disasters.  <b>(o)</b> supporting stress tests and a process for certification of the response capacities that the Member States make available to the European Civil Protection Pool.’  [...]

**Reason**

Preventing disasters is associated with lower costs than recovering from disasters. It is therefore justified to integrate actions which would lead to investments which directly or indirectly reduce the risk of disasters or would help to reduce their consequences.

**II. POLICY RECOMMENDATIONS**

## THE EUROPEAN COMMITTEE OF THE REGIONS

**General comments**

1. agrees that the recent extensive disasters have demonstrated the limitations of the EU's Civil Protection Mechanism; underlines, however, that while the Mechanism does need to undergo reform, the main focus must remain on achieving disaster resilience. Focusing on disaster response at a time when the frequency and intensity of disasters is increasing will not address the heart of the problem. At the level of the European Union, the principle of disaster resilience and 'building back better' must be streamlined into all EU policies and Funds. Reiterates that the principle of disaster resilience must also be a cornerstone of the EU's investment policies, so that public money helps communities become more resilient to the negative effects of disasters and does not put the lives of citizens at risk <sup>(1)</sup>;
2. notes that the public supports the idea of the EU helping to coordinate the response to disasters in Member States (through its civil protection role), as indicated by the results of the May 2017 Eurobarometer survey;
3. notes that the Commission's proposal and Communication represent a step forward on the part of the European Commission towards further simplifying and streamlining legislation;
4. agrees with the Commission's conclusion that climate change is increasing the risk of natural disasters; calls therefore on the EU institutions to ensure that the EU's climate action focuses more on mitigating the risk of disasters and building a more disaster-resilient Europe through a local-led, place-based and multi-level governance approach;
5. notes that the Commission's proposal focuses strongly on response and that a significant number of the Mechanism's activations has its roots in cyclical disasters. The pressure should therefore be put on the Member States to undertake adequate preventive actions in terms of preserving the sufficient amount of national capacities;
6. underlines the importance of aligning the Commission's proposals with the Sendai Framework for Disaster Risk Reduction to ensure joint efforts, enhance capacity support and avoid duplication, especially in connection with developing national and local strategies on disaster risk reduction;
7. notes that improving the Union Civil Protection Mechanism forms an integral part of the activities aimed at dealing with the consequences of climate change. Underlines the need for greater synergies between networks aimed at addressing climate change and those dealing with disaster resilience. Underlines the need for greater synergies between the Covenant of Mayors for Climate and Energy and the United Nations Office for Disaster Risk Reduction's 'Making Cities Resilient Campaign'.

**The role of local and regional authorities**

8. agrees with the need to strengthen civil protection in the light of disaster trends (both weather-related and those relating to internal security); however, underlines that the best way to do this is through a stronger territorial and community-led approach. EU level action must be focused on coordinating and supporting the actions of Member States and their local and regional authorities. Underlines that local community action is the fastest and most effective way of limiting the damage caused by a disaster;
9. calls on the Commission and the Member States to also involve local and regional authorities in the screening of planned investments in all relevant programmes and in discussing possible changes;

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<sup>(1)</sup> COR 02646/2014; CDR 5035/2016.

10. underlines that risk assessment and risk management planning provisions, such as those required under the Civil Protection legislation or EU Floods Directive, need to be drawn up in partnership with local and regional authorities. Notes that in many cases, the local and regional levels of government have more knowledge about the risk than the national government. Calls for a code of conduct for the involvement of local and regional authorities in the preparation of such plans. Underlines also the need to share best practices at local, regional and national levels of government;
11. reiterates <sup>(2)</sup> the need for a framework for risk management plans that can then be used by Member States as a guideline. This would also facilitate comparability of their content; notes that an EU framework would be in line with the principle of subsidiarity; underlines that local and regional authorities should be in a position to devise their own risk management plans but that an EU framework to help provide guidance would be helpful;
12. recommends that the management of the Emergency Response Coordination Centre (ERCC) by the European Commission be conducted in cooperation with the national and regional authorities of the countries participating in the Union Mechanism;
13. highlights the need to involve local and regional authorities as well as the voluntary and community sector in the newly established EU Civil Protection Knowledge Network;
14. calls on the Commission, in partnership with national, regional and local authorities, to develop a disaster preparedness strategy, which would cover training and exercise programme, and other elements such as the Union Mechanism's call for proposals, the exchange of experts programme and risk scenarios development;
15. notes that the Union Mechanism should be well communicated to regional and local actors in order to improve risk management, not only at the transboundary level, but also between European, national, regional and local authorities;
16. underlines the importance of national and sub-national information campaigns disseminating information about the Union Mechanism and the local and regional risks identified in the relevant local and regional risk assessment documents; reiterates the importance of such information campaigns also targeting schools.
17. supports the call to create a new Erasmus civil protection programme in line with the rules and principles of Regulation (EU) No 1288/2013 establishing 'Erasmus + <sup>(3)</sup>'. A new such programme should include an international dimension and be open not only to national, but also regional and local representatives;

### **Funding opportunities**

18. calls on the Commission, Council and Parliament to step up their efforts to strengthen coherence with other EU instruments on disaster risk prevention and management. This should be done by not only creating a link between the Union Mechanism and cohesion, rural development, and health and research policies, and encouraging the integration of these activities into environmental policies, but also by looking into how these linkages can be reinforced in the new Multiannual Financial Framework and the rules governing the use of funds;
19. takes note of the fact that the Commission is considering *ex-ante* conditionalities for making use of risk assessment and risk management planning post-2020, both under Cohesion Policy and the European Agricultural Funds for Rural Development; underlines that *ex-ante* conditionalities based on risk assessment and risk management planning alone will not help achieve disaster resilience. Disaster resilience must be set as a criteria in the rules governing the use of Funds as something that has to be met by each project funded by the EU;
20. welcomes the objective of making scientific knowledge more widely available and relying more on the results of scientific research when taking and carrying out prevention actions; underlines the importance of working with the private sector to achieve an open data policy and ensure that commercial interests do not take precedence over public safety and wellbeing;

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<sup>(2)</sup> CDR 740/2012.

<sup>(3)</sup> 2017/0309(COD) (OJ 347, 20.12.2013, p. 50).



21. underlines the need to encourage communities to plan for self-help, as it often takes a significant amount of time for external assistance to arrive. Therefore, calls for EU action to focus on providing technical training assistance so that the capacity of communities for self-help can be enhanced, leaving them better prepared to provide an initial response and contain a disaster. Targeted training and education for public safety practitioners, such as community leaders, social and medical care practitioners and the rescue and firefighting services, can help contain a disaster and reduce fatalities both during and in the aftermath of the crisis <sup>(4)</sup>;

22. reiterates the important role of the private sector in achieving disaster resilience and also enabling effective and timely recovery from disasters. For example, private insurance is key to discouraging risky behaviour, promoting risk awareness and facilitating recovery after a disaster <sup>(5)</sup>.

#### **A dedicated reserve of EU assets: rescEU**

23. takes note of the proposal to create a separate dedicated reserve of assets — rescEU — to complement the national response capacities of Member States and reinforce the collective ability to respond to disasters. Under the Commission proposal, 'rescEU' will become an important response instrument in the future, particularly for cross-border implementation. Regrets however that the Commission proposal is not accompanied by an impact assessment, which has resulted in the Commission failing to deliver alternative options. To ensure compliance with subsidiarity, the purpose and task of 'rescEU' needs to be pursued in a manner that maintains the core responsibility at Member State level while at the same time facilitating the increase of interaction among affected Member States and local and regional authorities. For immediate and effective response, well-qualified and well-equipped local units are crucial as is the role played by community-level voluntary groups. Member States must ensure adequate financial support for public response units; however, underlines that the main focus needs to remain on building disaster resilience so as to mitigate the risk of disasters and minimise the damage that they cause;

24. welcomes the simplification of the current system effected by introducing a single co-financing rate (75 %) for adaptation, repair, transport and operating costs for assets in the European Civil Protection Pool; also welcomes the decision to relieve the financial burden on participating states by enhancing eligible costs and increasing the co-financing rate to 75 %, while highlighting that the new reserve must support, and not relieve Member States from their obligation to develop their own rescue potentials;

25. notes that the proposed configuration of the rescEU reserve includes resources that have already been committed to the voluntary pool in sufficient numbers; therefore supports maintaining possibility for the Commission to recompose the rescEU pool in agreement with the Member States, in order to fully adapt it to the identified capacity gaps;

26. proposes that the participation of public institutions from the Member States and of the private sector entities in the rescEU should be based on a voluntary principle.

#### **Subsidiarity and proportionality**

27. stresses that civil protection is an area where the EU acts to support, coordinate or supplement the action of its Member States. In turn, stresses that the Commission must ensure that the new reserve being created is aimed at coordinating, supporting and supplementing the action of Member States rather than giving the EU its own resources or new competences. Underlines that a focus on supporting and helping to enhance local community response capacities can be a way of ensuring a more effective disaster response in a manner that would comply with the principle of subsidiarity.

Brussels, 16 May 2018.

*The President  
of the European Committee of the Regions*

Karl-Heinz LAMBERTZ

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<sup>(4)</sup> CDR 02646/2014.

<sup>(5)</sup> CDR 05035/2016; CDR 02646/2014.