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Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on a Union Civil Protection Mechanism

(Text with EEA relevance)

{SEC(2011) 1630 final}

{SEC(2011) 1632 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

This proposal is to replace the Council Decisions on the Civil Protection Mechanism,¹ which facilitates reinforced cooperation between the Member States and the Union in the field of civil protection and the Civil Protection Financial Instrument,² which provides funding for the actions under the Mechanism to ensure protection against natural and man-made disasters.

After a comprehensive evaluation of the Civil Protection legislation for the period 2007-2009³ and taking account of lessons learnt from past emergencies, this proposal merges the two Council Decisions in a single legal act. The financial provisions should be viewed in the context of the proposals for the financial perspective 2014-2020, as outlined in the Commission's Communication from 29 June 2011 on 'A Budget for Europe 2020'⁴.

Based on the new Treaty Article 196 for civil protection policy, the aim of the Mechanism is to support, coordinate and supplement the actions of the Member States in the field of civil protection in improving the effectiveness of systems for preventing, preparing for and responding to natural and man-made disasters of all kinds within and outside the Union. Specific objectives include (a) to achieve a high level of protection against disasters by preventing or reducing their effects and by fostering a culture of prevention (b) to enhance the Union's state of preparedness to respond to disasters (c) to facilitate rapid and efficient emergency response interventions in the event of major disasters.

The proposal builds on the 2010 Commission Communication 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance'⁵ and the 2009 Communication on 'A Community approach on the prevention of natural and man-made disasters'⁶.

The proposal contributes to Europe's 2020 objectives and to increasing the security of EU citizens and building resilience to natural and man-made disasters as an important part of the Stockholm Programme⁷ and the EU Internal Security Strategy⁸. Furthermore, by supporting and promoting measures to prevent disasters, EU Civil Protection policy would reduce the costs to the EU economy from disasters and therefore obstacles to growth. The higher level of protection of citizens, material assets and the environment would minimise the adverse social, economic and environmental impact of disasters likely to affect the most vulnerable regions and people and thus contribute to a more sustainable and inclusive growth.

¹ OJ L 314, 1.12.2007, p. 9.

² OJ L 71, 10.3.2007, p. 9.

³ COM(2011)696 final.

⁴ COM(2011) 500 final.

⁵ COM(2010)600 final.

⁶ COM(2009) 82 final.

⁷ C 115/1, 4.5.2010.

⁸ COM(2010) 673 final.

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

The strengthened Mechanism will contribute to the implementation of the Solidarity Clause, on which the European Commission and the High Representative will bring forward a proposal in 2012.

Existing provisions in the area of the proposal

Two legal instruments govern civil protection cooperation at the EU level: (1) Council Decision 2007/779/EC, Euratom of 8 November 2007 establishing a Community Civil Protection Mechanism (recast)⁹ and (2) Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument¹⁰ both repealed by this Decision.

Consistency with other policies and objectives of the Union

Particular attention has been given to ensure close coordination between civil protection and humanitarian aid, as well as consistency with actions carried out under other EU policies and instruments, in particular in the fields of justice, liberty and security policy, including consular support and protection of critical infrastructure, environment, in particular flood management and control of major accidental hazards; climate change adaptation; health; marine pollution; external relations and development.

Consistency with other EU financial instruments is ensured by a number of provisions which clearly define the scope of the instrument and exclude double financing.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

An impact assessment report was prepared to examine policy options and their impacts, including all relevant aspects of an ex-ante evaluation.¹¹ The impact assessment process was accompanied by an Impact Assessment Steering Group involving 21 Commission services and benefitted from input of an external study.

Consultation of interested parties

⁹ OJ L 314, 1.12.2007, p.9.

¹⁰ OJ L 71/9, 10.3.2007, p.9.

¹¹ OJ L 357, 31.12.2002, p.1.

Three targeted stakeholder consultations¹² were carried out, in addition to a series of stakeholder events preceding the Commission's 2010 Disaster Response Communication.¹³

Other interested stakeholders are actors active in the field of emergency management, the humanitarian community, UN bodies, research, internal security, environment, foreign policy and other related policy areas.

All comments by stakeholders were fully considered and are reflected in the impact assessment report.

Impact assessment

The main problems identified are: (1) Reactive and ad hoc mechanics of the EU Civil protection cooperation limit the effectiveness, efficiency and coherence of European disaster response, (2) Unavailability of critical response capacities (capacity gaps), (3) Limited transport solutions and heavy procedures hinder optimal response, (4) Limited preparedness in training and exercises, and (5) Lack of integration of prevention policies.

The impact assessment assessed a number of policy options

Availability of assistance: (1) voluntary pool without EU financing; (2) voluntary pool with a limited EU co-financing; and (3) voluntary pool with a higher degree of EU co-financing; as well as a wider range of options (from discontinuation to the EU Civil Protection Force);

Addressing capacity gaps: (1) no EU action; (2) supporting Member States in developing the deficit capacity; (3) filling the gaps with EU level capacities;

Addressing limited logistical and financial resources for transport: (1) discontinuation of the scheme; (2) no policy change; (3) increase of the maximum co-financing for the most urgent priority needs; and (4) increase of the maximum co-financing across the board;

Simplification of transport provisions: (1) no policy change; (2) simplification of the current transport provisions;

Preparedness: (1) no new EU legislation; no increase in EU funding; (2) general EU preparedness policy framework without binding provisions plus supplementary EU funding; (3) EU funding for national training conditional on training centres meeting certain minimum requirements;

Prevention: (1) no new EU legislation no increase in EU funding; (2) general EU prevention policy framework without binding provisions plus supplementary EU funding; (3) completion of national disaster risk management plans by a certain date;

The impact assessment is submitted with this proposal.

¹² General stakeholder meetings were held on 6 April and 17 June 2011 with 600 invited stakeholders and about 120 participants each. Meeting of CP Directors-General held in Budapest on 23-25 May 2011.

¹³ COM(2010) 600 final.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The text follows a structure based on the main four blocks of civil protection policy: prevention, preparedness, response and the external dimension plus a chapter on the financial provisions.

(a) Objectives, subject matter and scope

One of the changes is to align the subject matter of the Mechanism with the new Treaty Article 196 which advocates an integrated approach to disaster management. The general objective is addressed in Article 1 and further detailed in specific objectives and supported by indicators to measure the progress (Article 3).

The Scope (Article 2) for actions to assist with the response to disasters applies inside and outside the Union. Prevention and preparedness measures cover the Union, and certain third countries mentioned in Article 28.

(b) Prevention

The proposal introduces a new chapter on prevention with a view to enhancing the importance of the EU prevention policy framework and effectively linking it to the preparedness and response actions.

Article 5 sets out the tasks for the Commission which are based on the 2009 Prevention Communication and on Council Conclusions.

Building on the ongoing work on risk assessments and to ensure effective cooperation within the Mechanism, Member States are required to communicate their risk management plans by end 2016 (Article 6). These are an important planning instrument and contribute to a coherent risk management policy, as outlined in the EU Internal Security Strategy¹⁴.

(c) Preparedness

The main focus is placed on preparedness actions to improve the response planning, to enhance EU response capacity and the overall level of preparedness for large-scale disasters. The provisions are based on the proposals from the 2010 Disaster Response Communication and the Council Conclusions on European disaster management training¹⁵. The main changes include:

- Establishing and managing of a Emergency Response Centre ('ERC'). The ERC will be built on the existing Monitoring and Information Centre (MIC), which should be strengthened to ensure 24/7 operational capacity; (Article 7 (a)).
- Developing a coherent planning framework for response operations by preparing reference scenarios, mapping existing capacities and developing

¹⁴ COM(2010) 673 final.

¹⁵ 15520/08.

contingency plans for their deployment. Synergies between in-kind assistance and humanitarian aid are also sought; (Article 10).

- Establishing a European Emergency Response Capacity in the form of a voluntary pool of pre-identified capacities, which Member States make available for operations under the Mechanism. The need for increased visibility of the capacities is also highlighted; (Article 11).
- Identification and filling gaps in the response capacities by supporting the development of complementary EU-funded capacities, where this has been considered more cost-efficient than Member States' individual investments. A special monitoring procedure is envisaged and the Commission is obliged to report every two years to the Council and the Parliament on the progress; (Article 12).
- Enlarging the scope of the current EU preparedness actions in the field of training, including through the establishment of a training network and diversification of the training programme. The Commission can also provide guidance on EU and international civil protection training; (Article 13).
- Sending expert teams to advise on prevention and preparedness measures at the request of an affected state or the UN and its agencies; (Article 13(2)).
- Providing the possibility to assist Member States in pre-positioning emergency response capacities in logistical hubs inside the EU (Article 7(f)).

(d) Response

The proposed changes aim to ensure more effective and swifter response through:

- Temporary pre-positioning of capacities in situations of increased risk; (Article 15.2).
- Proposal of an emergency response plan and request for deployment of the capacities; (Article 15(3) (c)).
- Requiring Member States to ensure host nation support for the incoming assistance, as called for in the Council Conclusions on Host Nation support¹⁶ (Article 15(6)).

(e) External dimension of civil protection operations:

In operations outside the Union, the proposal promotes consistency in the international civil protection work through:

- Providing assistance through the Mechanism at the request of the United Nations or its agencies, or a relevant international organisation; (Article 16(1)).

¹⁶ 15874/10.

- the Commission informing the European External Action Service to allow for consistency between civil protection operation and the overall EU relations with the affected country; (Article 16.3).
- Clarifying the cases when consular support assistance can be provided, taking into account a forthcoming proposal for a Council Directive on coordination and cooperation measures regarding consular protection for unrepresented EU citizens; (Article 16(7)).

(f) Financial support provisions

The financial provisions are incorporated in a new chapter. The eligible actions (Articles 20-23) are grouped in general, prevention and preparedness, response and transport, and include support for the new actions proposed above. The provisions relating to the support for transport under the current Instrument are amended and simplified and introduce revised conditions for financing increasing the co-financing rates up to 85% of the total eligible cost and up to 100% in limited cases when certain criteria are met.

New provisions allow one Member State to take the lead in requesting EU financial support for operations, which involve several Member States and allowing an affected Member State requesting assistance to request also co-financing of transport costs.

Changes are also introduced to the types of financial intervention to allow for the reimbursement of expenses and the establishment of trust funds. In the case of grants and public procurement, it will not be necessary to include emergency response related operations in the annual work programme of the Commission (Article 25). 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.

(g) Legal basis

The legal basis of this proposal is Article 196 of the Treaty on the Functioning of the European Union.

(h) Subsidiarity principle

The objectives of the proposal cannot be sufficiently achieved by the Member States acting on their own.

The Mechanism was established because major disasters can overwhelm the response capacities of any Member State, which can no longer cope alone. EU action in this field involves managing situations with a strong trans-/multinational component, which necessarily require overall coordination and concerted action beyond the national level. The joint work on prevention and risk management can progress faster thanks to exchange of experience and reinforced coherence at EU level.

Taking into account the benefits in terms of reducing the loss of human life, environmental, economic and material damage, the proposal brings clear EU added value. It allows Member States to contribute more effectively to EU assistance under the Mechanism and to benefit from improved coordination and cooperation. The proposal would increase the level of preparedness for large scale disasters and create a more coherent disaster risk management

policy. A coherent and effective response would be ensured through the rapid response capacity ready to help everywhere where needed.

The proposal furthermore pursues economies of scale, such as cost-effective logistics and transport, coherent and effective response through the voluntary pool of capacities and better use of scarce resources by sharing the EU-funded capacities.

(i) Proportionality principle

The proposal does not go beyond what is necessary to achieve the objectives. It addresses shortfalls that have been identified in past interventions and builds on the mandates given by the Council and the European Parliament.

The administrative burden falling upon the Union and Member States is limited and does not go beyond what is necessary to achieve the objectives of the review. The certification and registration procedure for the capacities is simple and will be executed through the Common Emergency Communication and Information System (CECIS)¹⁷. Member States are obliged only to inform the Commission on the completion of the risk management plans, in order to ensure consistency with the work on pre-planning and scenario development.

No specific format beyond what the Financial Regulation provides is required for submitting applications for funding. Particular attention has been given to ensure that the procedures to be followed in the event of major disasters provide for the necessary flexibility and allow urgent action to be taken.

(j) Choice of instrument

Proposal for a Decision of the European Parliament and of the Council.

4. BUDGETARY IMPLICATION

The Commission's Communication on 'A Budget for Europe 2020'¹⁸ envisages budgetary commitments for the EU civil protection policy of EUR 513 million in current prices, as follows: EUR 276 million inside the Union and EUR 237 million for operations outside the Union.

¹⁷ CECIS facilitates communication between the MIC with National Authorities, making response to disasters faster and more effective.

¹⁸ COM(2011) 500 final.

Proposal for a

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,

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 support, coordinate and supplement 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 reinforce cooperation in civil protection assistance interventions¹⁹ recast by Council Decision 2007/779/EC, Euratom establishing a Community Civil Protection Mechanism²⁰. The financing of that Mechanism was ensured by Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument²¹, which provided for financial assistance to be given, both as a contribution to improving the effectiveness of 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

¹⁹ OJ L 297, 15.11.2001, p. 7.

²⁰ OJ L 314, 1.12.2007, p. 9.

²¹ OJ L 71, 10.03.2007, p. 9.

1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection²². The Financial Instrument expires on 31 December 2013.

- (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 natural and man-made disasters, including acts of terrorism and technological, radiological and environmental accidents, marine pollution and acute health emergencies, occurring inside or outside the Union. Civil protection and other emergency assistance may be required in all of these disasters to complement the response capabilities of the affected country.
- (4) The 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 major disasters and imminence thereof. 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 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 (GMES), the European Programme for Critical Infrastructure Protection (EPCIP) and the Common Information Sharing Environment (CISE).
- (6) The Mechanism should include a general policy framework for Union disaster risk prevention actions aimed at achieving a high level of protection and resilience against disasters by preventing or reducing their effects and by fostering a culture of prevention. Risk management plans are essential to ensure an integrated approach to disaster management, linking risk prevention, preparedness and response actions. Therefore, the Mechanism should include a general framework for their communication and implementation.
- (7) 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"²³.
- (8) An overview of risks conducted at EU level, drawing on national risk assessment efforts, will allow for added value in the form of advanced scenario and contingency planning in view of optimal coordination of European response, preparedness and prevention actions.
- (9) By contributing to the further development of detection and early warning systems, 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.

²² OJ L 327, 21.12.1999, p. 53.

²³ COM (2009) 82 Final.

- (10) The Mechanism should include a general policy framework aimed at continuously improving the level of preparedness of civil protection systems, personnel and citizens within the Union. This includes 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.
- (11) Other preparatory measures include pooling of information related to necessary medical resources and stimulating the use of new technologies. In accordance with Article 346 of the Treaty, no Member State should be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.
- (12) 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 at Union level in order to contribute to the development of a civil protection rapid response capability. Modules should be organised at the level of the Member States and subject to their direction and command.
- (13) The Mechanism should make it possible to mobilise and facilitate coordination of assistance interventions. The reinforced cooperation should be based on a Union structure consisting of an emergency response 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 emergency information, for disseminating that information to the Member States and for sharing lessons learnt from interventions.
- (14) In order to improve the planning of disaster response operations and to ensure the availability of key capacities, it is necessary to develop reference scenarios for the main types of disasters, map key existing capacities available in Member States, develop contingency plans for the deployment of the capacities and develop a European Emergency Response Capacity in the form of a voluntary pool of pre-committed capacities of Member States. The contingency planning exercise could also be used to determine whether there are gaps in the emergency response capacities available in the Member States that may be filled with capacities to be developed with Union support, which would be shared across the Union.
- (15) With respect to disaster response assistance interventions outside the Union, the 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 Mechanism should 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 Mechanism is a prerequisite to supporting the overall coordination effort and ensuring a comprehensive Union contribution to the overall relief effort. In major disasters where assistance is provided under both the Mechanism and Council Regulation (EC) No

1257/96 of 20 June 1996 concerning humanitarian aid²⁴, the Commission shall ensure the effectiveness, coherence and complementarities of the overall Union response respecting the European Consensus on Humanitarian Aid²⁵.

- (16) The availability 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 supplement the efforts of Member States by facilitating the pooling of transport resources of Member States and contributing, where necessary, to the financing of additional means of transport subject to certain criteria.
- (17) Assistance interventions should be subject to full coordination *in situ* so as to maximise the effectiveness and ensure access to suffering populations. The Commission should provide appropriate logistical support for the dispatched expert teams.
- (18) The Mechanism should also be used for supporting consular assistance to the citizens of the Union in major emergencies in third countries, if requested by the consular authorities of a Member State for its own citizens or 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 concept²⁶.
- (19) 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 Mechanism military capacities relevant to the protection of civilian populations
- (20) 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.
- (21) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. 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.²⁷
- (22) The objective of this Decision cannot be sufficiently achieved by the Member States, and can therefore, by reason of the scale or effects of the proposed action, taking into account the benefits resulting from the operation of the Mechanism in terms of reducing the loss of human life and damage, be better achieved at Union level. If a major emergency overwhelms the response capabilities of an affected Member State, this State should be able to appeal to the Mechanism to supplement its own civil

²⁴ OJ L 163, 2.7.1996, p.1.

²⁵ OJ C 25, 30.1.2008, p.1.

²⁶ OJ C 317, 12.12.2008, p. 6.

²⁷ OJ L 55, 16.2.2003 p.13.

protection and other emergency 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.

- (23) 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 Stability²⁸ [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)²⁹ [to be updated for the 2014-2020 period, once adopted].
- (24) 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"³⁰ 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 aid³¹.
- (25) 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 emergencies.
- (26) As regards disasters caused by terrorist action, nuclear or radiological accidents, the Mechanism should cover only the preparedness and response actions within the remit of civil protection.
- (27) 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].
- (28) 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 programme and the achievement of its objectives.
- (29) The reimbursement of expenses and award of public procurement contracts and grants under the Civil Protection Financial Instrument should be implemented in accordance

²⁸ OJ L 327, 24.11.2006, p. 1.

²⁹ OJ L 404, 30.12.2006, p. 39.

³⁰ OJ L 58, 24.2.2007, p. 1.

³¹ OJ L 163, 2.7.1996, p. 1.

with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities³² (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.

- (30) 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, penalties. Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the Communities financial interests³³, Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities³⁴ and 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)³⁵.
- (31) 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.
- (32) 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.

³² OJ L 248, 16.9.2002, p.1.

³³ OJ L 312, 23.12.1995, p.1.

³⁴ OJ L 292, 15.11.1996, p.2.

³⁵ OJ L 136, 31.05.1999, p.1.

HAVE ADOPTED THIS DECISION:

CHAPTER I

Objective, scope and definitions

Article 1

General objective and subject matter

1. The Union Civil Protection Mechanism (hereinafter referred to as 'the Mechanism') shall aim to support, coordinate and supplement the actions of the Member States in the field of civil protection in improving the effectiveness of systems for preventing, preparing for and responding to natural and man-made disasters.
2. The protection to be ensured by the Mechanism shall cover primarily people, but also the environment and property, including cultural heritage, against all natural and man-made disasters, including acts of terrorism, technological, radiological or environmental accidents, marine pollution and acute health emergencies, occurring inside or outside the Union.
3. The Union intervention enhances prevention, preparedness and response capacity of Member States to face major disasters minimising human and material loss. The objective of this Decision cannot be sufficiently achieved by Member States operating alone and can be better achieved at Union level by reason of the scale or effects of the proposed action.
4. This Decision lays down the general rules and the rules for the provision of financial assistance under the Mechanism.
5. The Mechanism shall not affect Member States' responsibility to protect people, the environment and property on their territory against disasters and endowing their emergency management systems with sufficient capabilities to enable them to cope adequately with disasters of a magnitude and nature that can reasonably be expected and prepared for.
6. The Mechanism shall not affect obligations under existing relevant legislation of the Union or the European Atomic Energy Community or under existing international agreements.
7. 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]

Article 2

Scope

1. This Decision shall apply to preventive and preparedness measures for all kinds of disasters inside the Union and in countries referred to in Article 28.

2. This Decision shall apply to actions to assist with the response to immediate adverse consequences of a major disaster regardless of its nature, inside or outside the Union, where a request is made for assistance in accordance with this Decision.
3. This Decision shall take into account the special needs of isolated, outermost and other regions or islands of the Union in the case of a disaster.

Article 3

Specific objectives

1. The Mechanism shall support, coordinate or supplement reinforced cooperation between the Union and Member States in pursuit of the following specific objectives:
 - (a) to achieve a high level of protection against disasters by preventing or reducing their effects and by fostering a culture of prevention;
 - (b) to enhance the Union's state of preparedness to respond to disasters;
 - (c) to facilitate rapid and efficient emergency response interventions in the event of major disasters or their imminence.
2. Progress towards the achievement of the specific objectives set out in paragraph 1 shall be assessed through indicators that cover *inter alia*:
 - (a) progress in implementing the disaster prevention framework measured by the number of Member States with disaster management plans as set out in Article 4;
 - (b) progress in increasing the level of readiness for disasters measured by the number of response capacities available for emergency interventions under the Mechanism and the degree of their interoperability;
 - (c) progress in improving the response to disasters measured by the speed and degree of coordination of interventions under the Mechanism and the adequacy of assistance provided to the needs on the ground.

The indicators shall be used for monitoring, evaluation and review of performance as appropriate.

Article 4

Definitions

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

1. "disaster" means any situation, which has or may have an adverse impact on people, the environment or property;
2. "major disaster" means any situation, which has or may have an adverse impact on people, the environment or property and which may result in a call for assistance under the Mechanism;

3. "response" means any action taken under the Mechanism during or after a major disaster to address its immediate adverse consequences;
4. "preparedness" means a state of readiness and capability of human and material means enabling them to ensure an effective rapid response to an emergency, obtained as a result of action taken in advance;
5. "prevention" means any action aimed at reducing risks or prevent harm to people, the environment or property resulting from disasters;
6. "early warning" means the timely and effective provision of information that allows action to be taken to avoid or reduce risks and ensure preparedness for an effective response;
7. "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;
8. "risk assessment" means the overall cross-sectoral process of risk identification, risk analysis, and risk evaluation undertaken for the purposes of national level assessments.
9. "risk management plan" means planning instrument prepared by a Member State to foresee risks, to estimate their impacts, and to develop, select and implement measures to reduce, adapt to and mitigate the risks and their impacts cost-effectively, as well as to set the framework for integrating different sector or hazard-specific risk management instruments into a common overall plan;
10. "host nation support" means any action undertaken in the preparedness and response phases by country receiving assistance and transit countries to remove foreseeable obstacles to the delivery and use of international assistance;
11. "response capacity" means assistance that may be provided through the Mechanism upon request, including modules, equipment, relief supplies, expertise and services.

CHAPTER II

Prevention

Article 5

Prevention actions

To fulfil 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;
- (b) support and promote Members States' risk assessment and mapping;

- (c) establish and regularly update an overview of natural and man-made risks the Union may face taking into account the future impact of climate change;
- (d) promote and support the development and implementation of Member States' risk management plans including guidelines on their content and provide for adequate incentives, where needed;
- (e) raise awareness about the importance of risk prevention and support Member States in public information, education and awareness-raising;
- (f) support Member States and third countries, referred to in Article 28, in preventing major disasters;
- (g) undertake additional prevention tasks necessary to achieve the objective specified in point (a) of Article 3(1).

Article 6

Risk management plans

1. In order to ensure an effective cooperation within the Mechanism, Member States shall communicate to the Commission their risk management plans.
2. The risk management plans shall take into account the national risk assessments and other relevant risk assessment and shall be coherent with other relevant plans in force in that Member State.
3. Member States shall ensure by the end of 2016 at the latest that their risk management plans are ready and communicated to the Commission in their most up-to-date form.

CHAPTER III

Preparedness

Article 7

General preparedness actions of the Commission

The Commission shall carry out the following preparedness actions:

- (a) establish and manage the Emergency Response Centre (ERC), ensuring 24/7 operational capacity, and serving the Member States and the Commission for the purposes of the Mechanism;
- (b) manage a Common Emergency Communication and Information System (CECIS) to enable communication and sharing of information between the ERC and contact points of the Member States;
- (c) contribute to the development of detection and early warning and alert systems for disasters in order to enable a rapid response, and to promote their inter-linkage and their linkage to the ERC 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 maintain a capability to mobilise and dispatch, as quickly as possible, teams of experts responsible for:
 - assessing the needs in a state requesting assistance,
 - facilitating, when necessary, the coordination of emergency assistance operations on site and liaising, when necessary and appropriate, 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 and assistance for expert teams, modules and other response capacities deployed under the Mechanism, as well as other actors on the ground;
- (f) assist Member States in prepositioning emergency response assets in logistical hubs inside the Union;
- (g) take any other supporting and complementary action necessary in the framework of the Mechanism to achieve the objective specified in point (b) of Article 3(1).

Article 8

Modules

1. Member States shall work towards developing modules, in particular to meet priority intervention or support needs under the Mechanism.
2. The modules shall be made up of the resources of one or more Member States.

The modules shall be able to perform pre-defined tasks in the areas of response in accordance with acknowledged international guidelines and therefore able to be dispatched at very short notice and to work self-sufficiently and autonomously for a given period of time.

The modules shall be interoperable with other modules. They shall undertake training and exercises in order to meet the interoperability requirement and shall be placed under the authority of a person who is responsible for their operation.

The Modules shall be able to provide assistance to other Union bodies and/or international institutions, especially the United Nations.

3. The Commission shall support efforts to improve the inter-operability of the modules, taking into account the best practices at Member States' and international levels.

Article 9

General preparedness actions of Member States

1. Member States shall identify in advance modules or other capacities within their competent services, in particular their civil protection or other emergency services, which might be available for intervention or could be established at very short notice and be dispatched, generally within 12 hours following a request for assistance. They shall take into account that the composition of modules or other capacities may depend on the type of major disaster and on its particular needs.
2. Member States shall identify in advance experts that can be dispatched as parts of expert teams, as specified in point (d) of Article 7.
3. Member States shall consider providing, as required, other intervention support, which might be available from the competent services, such as specialised personnel and equipment to deal with a particular disaster, including for the purpose of Article 16(7), and of calling upon resources, which may be provided by non-governmental organisations and other relevant entities.
4. 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 Mechanism, such as transport and logistical or medical support.
5. Member States shall provide relevant information on the experts, modules and other intervention support referred to in paragraphs 1 to 4 to the Commission and promptly update this information when necessary.
6. Member States shall designate the contact points and inform the Commission accordingly.
7. Member States shall take the necessary actions to ensure host nation support for assistance coming from other Member States.
8. Member States, supported by the Commission if they so request, shall take the necessary 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 response operations under the Mechanism. For this purpose:
 - (a) the Commission, in cooperation with Member States, shall produce reference scenarios for disasters inside and outside the Union, taking into account the risk management plans referred to in Article 6;
 - (b) Member States shall identify and map key existing capacities that could be made available for the response under the Mechanism to these scenarios and inform the Commission thereof;

- (c) the Commission, in cooperation with Member States, shall develop contingency plans for the deployment of these capacities, including transport, and review them on the basis of lessons learned from emergencies and exercises.
- 2. The Commission and the Member States shall identify and ensure synergies between in-kind assistance and humanitarian aid funding provided by the Union and Member States in the planning of response operations outside the Union.

Article 11

European Emergency Response Capacity

- 1. A European Emergency Response Capacity in the form of a voluntary pool of pre-committed response capacities of Member States shall be established.
- 2. On the basis of reference scenarios, the Commission, in cooperation with the Member States, shall define the types and number of capacities required for the European Emergency Response Capacity (hereinafter referred to as 'capacity goals').
- 3. The Commission shall define quality requirements for the capacities to be committed to the European Emergency Response Capacity. Member States shall be responsible for ensuring their quality.
- 4. The Commission shall establish and manage a process for certification and registration of capacities that Member States make available to the European Emergency Response Capacity.
- 5. Member States shall on a voluntary basis identify and register 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. The capacities registered in the European Emergency Response Capacity shall be available for emergency response operations under the Mechanism at the request of the Commission through the ERC. Member States shall inform the Commission as soon as possible of any compelling reasons that prevent them from making these capacities available in a specific emergency.
- 7. In the event of deployment, the capacities shall remain under Member States' command and direction. The coordination among the different capacities shall be ensured by the Commission through the ERC. The capacities shall remain available for the national purposes of Member States when not deployed in operations under the Mechanism.
- 8. Member States and the Commission shall ensure an appropriate visibility of the interventions of the European Emergency Response Capacity.

Article 12

Addressing capacity gaps

1. The Commission shall monitor progress towards the capacity goals and, in cooperation with Member States, identify gaps in the European Emergency Response Capacity.
2. The Commission shall support Member States in addressing the capacity gaps and in filling these gaps in the most appropriate and cost-effective way, including by:
 - (a) supporting interested Member States in developing response capacities that are not, or not in sufficient quantities, available from the European Emergency Response Capacity; or
 - (b) developing response capacities at Union level, where it is more cost-effective, that can serve as a common buffer against shared risks.
3. Any capacities developed according to this Article shall be controlled and managed by interested Member States. The Commission shall develop templates for agreements between the Commission and Member States involved. The Member States managing the capacities shall be responsible for their registration in accordance with national procedures.
4. These capacities shall be a part of the European Emergency Response Capacity. They shall be available for emergency response operations under the Mechanism at the request of the Commission through the ERC. When not in use under the Mechanism, these capacities shall be available for the national purposes of Member States managing them.
5. Member States and the Commission shall ensure appropriate visibility for the capacities developed in accordance with this Article.
6. 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.
7. The Commission may define, by means of implementing acts, the following modalities on the development, management, maintenance and making these capacities available to all Member States through the Mechanism:
 - (a) modalities on supporting Member States in developing response capacities that are otherwise not, or not in sufficient quantities, available from the European Emergency Response Capacity;
 - (b) modalities on developing response capacities at Union level to serve as a common buffer against shared risks;
 - (c) modalities on the management and maintenance of the capacities mentioned under points (a) and (b);
 - (d) modalities on how to make the capacities mentioned in points (a) and (b) available to all Member States through the Mechanism.
8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

Article 13

Training, lessons learnt and knowledge dissemination

1. The Commission shall carry out the following tasks in the field of training, lessons learnt and knowledge dissemination:
 - (a) setting up a training programme and training network for civil protection and other emergency management personnel on disaster prevention, preparedness, and response, with a view to enhance the coordination, compatibility and complementarity between the modules and other capacities referred to in Articles 8, 9 and 11, and by improving the competence of the experts referred to in point (d) of Article 7. The programme shall include joint courses, exercises and exchange of experts system, whereby individuals may be seconded to other Member States;
 - (b) developing guidance on Union and international civil protection training, including training on prevention, preparedness and response;
 - (c) organising and supporting workshops, seminars and pilot projects on major aspects of prevention, preparedness and response;
 - (d) setting up a programme of lessons learned from the interventions, exercises and trainings conducted within the framework of the Mechanism, including relevant prevention, preparedness and response aspects, disseminating these lessons and implementing them as appropriate;
 - (e) stimulating and encouraging the introduction and use of new technologies for the purpose of the Mechanism.
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 and preparedness measures through the deployment of an expert team on site.

CHAPTER IV

Response

Article 14

Notification of major disasters within the Union

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

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 major disaster within the Union, or of the imminence thereof, which may result in a call for assistance from one or more Member States, the Member State in which the emergency has occurred or is likely to occur shall, without delay, notify the Commission, when a possible request for assistance through the ERC 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 major disasters within the Union

1. Where a major disaster occurs within the Union, or in the imminence thereof, a Member State may request assistance through the ERC. The request shall be as specific as possible.
2. In 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 validated information on the disaster and disseminate it to the Member States;
 - (c) propose a response plan based on the needs on the ground and pre-developed contingency plans, and invite Member States to deploy specific capacities from the European Emergency Response Capacity in accordance with the plan;
 - (d) facilitate the mobilisation of teams, experts, modules and intervention support other than that from the European Emergency Response Capacity;
 - (e) undertake additional tasks necessary to achieve the objective specified in point (c) of Article 3(1).
4. Any Member State to which a request for assistance is addressed 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 and terms of assistance it might render. The ERC 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 intervention modules or other 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), provide technical advice, or support with performing any other task as needed.

6. The requesting Member State shall take the necessary actions to ensure host nation support for the incoming assistance.

Article 16

Promoting consistency in the response to major disasters outside the Union

1. In the event of a major disaster occurring outside the Union, or the imminence thereof, the affected country, the United Nations and its agencies, or a relevant international organisation may request assistance through the ERC.
2. The Commission shall support the consistency in the delivery of the assistance through the following actions:
 - (a) maintaining a continuous dialogue with Member States' contact points in order to ensure an effective and coherent European emergency response contribution through the 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 an 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 proposing a response plan based on the needs on the ground and pre-developed contingency plans, and inviting Member States to deploy specific capacities from the European Emergency Response Capacity in accordance with the plan;
 - (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 or cooperating with the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and other relevant actors contributing 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 Mechanism, to facilitate a smooth handover.
3. Without prejudice to the Commission's role, as defined in paragraph 2, and respecting the imperative for an immediate operational response through the 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.
 4. 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 2.
 5. Any Member State to which a request for assistance is addressed shall promptly determine whether it is in a position to render the assistance required and inform the ERC thereof through the CECIS, indicating the scope and terms of any assistance it might render. The ERC shall keep Member States informed.
 6. 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 UNOCHA, when it is present, and respect its leading role.
 7. The Mechanism may also support consular assistance to the citizens of the Union in major disasters in third countries if requested by:
 - (a) consular authorities of a Member State for its own citizens;
 - (b) the Lead State or the Member State coordinating the assistance for all citizens of the Union.

This support may notably be requested if needed for unrepresented citizens of the Union under the Council Directive 2012/X/EU³⁶.
 8. Where appropriate, the Commission may, on a case-by-case basis, undertake additional tasks to ensure consistency in the delivery of the assistance.
 9. Coordination through the Mechanism shall not affect bilateral contacts between Member States and the affected country, nor cooperation between the Member States and the United Nations. Such bilateral contacts may also be used to contribute to the coordination through the 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 for consistency offered by the Commission shall not entail giving orders to Member States' teams, modules and

³⁶

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.
12. Member States providing emergency assistance as referred to in paragraph 1 shall keep the ERC fully informed of their activities.
13. Member States' teams and modules on site participating in the intervention through the Mechanism shall liaise closely with the ERC and the expert teams on site, as referred to in the second indent of point (a) of paragraph 2.

Article 17

Support on site

1. The Commission may select, appoint and dispatch an expert team composed of experts provided by the Member States, the Commission and other services and agencies of the Union, the UNOCHA or other international organisations, depending on the specificity of the mission in the event of major disaster within the Union, in accordance with Article 15.(5) or upon a request for prevention and preparedness expertise, as referred to in Article 13(2).
2. Paragraph 1 shall also apply when the Commission supports a common assessment of the situation and the needs and/or facilitating the coordination on site of the assistance through the dispatch of an expert team on site as referred to in the second indent of point (a) of Article 16(2).
3. 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 part 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 Mechanism training undertaken, previous experience of missions under the 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.
4. Where expert teams are dispatched, they shall facilitate coordination between Member States' intervention teams and liaise with the competent authorities of the requesting state. The ERC shall maintain close contact with the expert teams and provide them with guidance and logistical and other support.
5. Where appropriate, the Commission may deploy the logistical support and assistance capability to support expert teams, modules of Member States and other response capacities deployed in the framework of the Mechanism.

Article 18

Transport

1. The Commission may support Member States in obtaining access to equipment and 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 provided by Member States by providing additional transport resources necessary for ensuring a rapid response to major disasters.

CHAPTER V

Financial provisions

Article 19

Budgetary resources

1. The financial reference amount for the implementation of this Decision for the period 2014 to 2020 shall be EUR 513 000 000 at current prices.

EUR 276 000 000 at current prices shall derive from heading 3 "Security and Citizenship" of the financial framework and EUR 237 000 000 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 programme 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 20

General eligible actions

The following general actions shall be eligible for financial assistance:

- (a) studies, surveys, modelling and scenario building to facilitate the sharing of knowledge, best practices and information, and to enhance prevention, preparedness and effective response;
- (b) training, exercises, workshops, exchange of staff and experts, creation of networks, demonstration projects and technology transfer to enhance prevention, preparedness and effective response;
- (c) monitoring, assessment and evaluation actions;
- (d) public information, education and awareness raising and associated dissemination actions, so as to minimise the effects of disasters on Union citizens and to help Union citizens to protect themselves more effectively;
- (e) establishment of a programme of lessons learnt from interventions and exercises in the context of the Mechanism, including on areas relevant to prevention and preparedness;
- (f) communication actions and measures to promote the visibility 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) preparing risk management plans and a Union-wide overview of risks;
- (b) maintaining the functions provided by the ERC, in accordance with point (a) of Article 7 to facilitate a rapid response in the event of a major disaster;
- (c) developing and maintaining a surge capacity through a network of trained experts of Member States, who can be available at short notice to assist in the monitoring, information and coordination tasks of the ERC;
- (d) establishing and maintaining the CECIS and tools to enable communication and sharing of information between the ERC and the contact points of the Member States and of other participants in the context of the Mechanism;
- (e) contributing to the development of detection, early warning and alert systems for disasters, in order to enable a rapid response and to promote their interlinkage and their linkage to the ERC and the CECIS. Those systems shall

take into account and build upon existing and future information, monitoring or detection sources and systems;

- (f) planning response operations under the Mechanism, including through the development of reference scenarios, capacity mapping and contingency plans;
- (g) creating and maintaining the European Emergency Response Capacity, as referred to in Article 11.

The Union financial contribution for actions under this point shall take the form of unit costs determined per type of capacity and shall not exceed 25% of the total eligible costs.

- (h) identifying and filling gaps in the European Emergency Response Capacity in accordance with Article 12.

Actions taken in accordance with this point shall be based on a thorough needs and cost-benefit analysis per type of capacity, taking into account the probability and impact of the relevant risks. The Union financial contribution for the actions under this point shall not exceed 85% of the total eligible costs;

- (i) ensuring the availability of necessary logistical capacities to provide technical assistance and support to the European Emergency Response Capacity, expert teams, other modules and response capacities dispatched under the Mechanism, as well as other actors on the ground;
- (j) assisting Member States in prepositioning emergency aid assets in logistical hubs inside the Union.

Article 22

Eligible response actions

The following response actions shall be eligible for financial assistance:

- (a) dispatching expert teams together with the necessary equipment, in accordance with Article 17;
- (b) deploying the capacities referred to in points (g), (h) and (i) of Article 21 in the event of major disasters, at the request of the Commission through the ERC;
- (c) supporting Member States in obtaining access to equipment, transport resources and related logistics as specified in Article 23;
- (d) any other supporting and complementary action necessary in the framework of the Mechanism to achieve the objective specified in point (c) of Article 3(1)..

Article 23

Eligible actions linked to equipment, transport resources and related logistics

1. The following actions shall be eligible for financial assistance in order to allow access to equipment, transport resources and related logistics under the Mechanism:
 - (a) providing and sharing information on equipment and transport resources that can be made available by 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;
 - (d) financing transport resources and related logistics necessary for ensuring a rapid response to major 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 Mechanism in accordance with Articles 15 and 16;
 - the additional transport resources are necessary for ensuring the effectiveness of emergency response under the Mechanism;
 - the assistance corresponds to the needs identified by the ERC and is delivered in accordance with the recommendations given by the ERC on the technical specifications, quality, timing and modalities for delivery,
 - the assistance has been accepted by a requesting country, the United Nations or its agencies, or a relevant international organisation, under the 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 and related logistics shall not exceed 85% of the total eligible cost. The Union financial support for transport resources and related logistics may cover a maximum of 100% of the total eligible cost when one of the following criteria is met:
 - (a) the costs relate to logistical operations in transport hubs (including among others cargo loading or off-loading and warehousing rental),
 - (b) the costs relate to the local transportation and are necessary to facilitate the pooling of capacities or a coordinated delivery of assistance,
 - (c) the costs relate to the transport of the capacities mentioned in points (g), (h) and (i) of Article 21.
3. In case of transport and related logistics operations involving several Member States, a Member State may take the lead in requesting Union financial support for the entire operation.

4. When a Member State requests assistance through the Mechanism, it may also request Union financial support for transporting capacities located outside its territory.
5. When a Member State requests the Commission to contract transport and related logistics services, the Commission may request partial reimbursement of the costs according to the funding rates set out in the previous paragraphs.

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 grants, they shall include the priorities, the essential evaluation criteria and the maximum rate of co-financing.

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 ongoing applications for receiving such assistance.
2. Synergies and complementarity shall be sought with other instruments of the Union. In the case of a response 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 Mechanism contributes to a wider Union humanitarian response, actions receiving financial assistance under this Decision shall be consistent with the humanitarian principles referred to 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 deterrent 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.

The European Anti-fraud Office (OLAF) may carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by such funding in accordance with the procedures laid down in Regulation (Euratom, EC) No 2185/96 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, grant decision or a contract concerning Union funding.

Without prejudice to paragraphs 1 and 2, cooperation agreements with third countries and international organisations, grant agreements, grant decisions and contracts resulting from the implementation of this Decision shall expressly empower the Commission, the Court of Auditors and OLAF to conduct such audits, on-the-spot checks and inspections.

CHAPTER VI

General provisions

Article 28

Third countries participation and international organisations

1. The 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) to (f) may also be granted to countries coming under the European Neighbourhood Policy as well as potential candidate countries not participating in the Mechanism.

3. International or regional organisations may cooperate in activities under the 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 30

Implementing acts

1. The Commission shall adopt implementing acts on the following matters:
 - (a) functioning of the ERC, as provided for in point (a) of Article 7;
 - (b) functioning of the CECIS, as provided for in point (b) of Article 7;
 - (c) modalities for the expert teams, as provided for in Article 17, including conditions for the selection of experts;
 - (d) conditions for identifying the modules, as provided for in Article 8;
 - (e) conditions for resources available for assistance intervention, as provided for in Article 9;
 - (f) functioning of the Emergency Response Capacity in the form of the voluntary pool, as provided for in Article 11;
 - (g) modalities on identifying and filling gaps in the European Emergency Response Capacity, as provided for in Article 12;
 - (h) modalities for the training programme, as provided for in Article 13;
 - (i) modalities applicable to interventions inside the Union, as provided for in Article 15 as well as for the interventions outside the Union, as provided for in Article 16;
 - (j) modalities on transport, 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, Euratom³⁷ 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

³⁷ OJ L71, 10.03.2007, p.9-17

Instrument and those to be implemented under the new provisions set out in this Decision.

Article 34

Repeal

Decisions 2007/162/EC, Euratom 2007/779 /EC, Euratom are repealed. Articles 1 to 14 of Decision 2007/162/EC, Euratom shall continue to apply until 31 December 2013 inclusive, without prejudice to article 33 (1)

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 twentieth day following that of its publication in the *Official Journal of the European Union*.

However Articles 19 to 27 (financial provisions) shall only 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 1

Correlation Table

Council Decision 2007/162 EC, Euratom	Council Decision 2007/779 EC, Euratom	This Decision
Article 1 (1)		–
Article 1 (2)		Article 1 (4)
Article 1 (3)		–
Article 1 (4)		Article 2(3)
	Article 1 (1)	–
	Article 1 (2) first subparagraph	Article 1 (2)
	Article 1 (2) second subparagraph	Article 1 (6)
Article 2 (1)		Article 2 (1)
Article 2 (2)		Article 2 (2)
Article 2 (3)		Article 1 (7)
	Article 2 (1)	–
	Article 2 (2)	Article 13 (1)(a)
	Article 2 (3)	Article 13 (1)(c)
	Article 2 (4)	Article 7 (d)
	Article 2 (5)	Article 7 (a)
	Article 2 (6)	Article 7 (b)
	Article 2 (7)	Article 7 (c)
	Article 2 (8)	Article 18 (1)
	Article 2 (9)	Article 18 (2)
	Article 2 (10)	Article 16 (7)
	Article 2 (11)	–

Council Decision 2007/162 EC, Euratom	Council Decision 2007/779 EC, Euratom	This Decision
Article 3	Article 3	Article 4
Article 4(1)		Article 20
Article 4 (2) (a)		Article 22 (a)
Article 4 (2) (b)		Article 22 (c) and Article 23 (1)(a) (b) (c)
Article 4 (2) (c)		Article 23 (1) (d)
Article 4(3)		Article 23 (2)
Article 4(4)		Article 30 (1) (j)
	Article 4(1)	Article 9 (1)
	Article 4 (2)	Article 9 (2)
	Article 4 (3)	Article 8 (1) and (2)
	Article 4 (4)	Article 9 (3)
	Article 4 (5)	Article 9 (4)
	Article 4 (6)	Article 9 (5)
	Article 4 (7)	Article 9 (8)
	Article 4 (8)	Article 9 (6)
Article 5		Article 24
	Article 5(1)	Article 7 (a)
	Article 5(2)	Article 7 (b)
	Article 5(3)	Article 7 (c)
	Article 5(4)	Article 7 (d)
	Article 5(5)	Article 13 (1)(a)
	Article 5(6)	–
	Article 5(7)	Article 13 (1)(d)

Council Decision 2007/162 EC, Euratom	Council Decision 2007/779 EC, Euratom	This Decision
	Article 5(8)	Article 13 (1)(e)
	Article 5(9)	Article 18
	Article 5(10)	Article 7 (e)
	Article 5(11)	Article 7 (g)
Article 6 (1)		Article 25(1)
Article 6 (2)		Article 25(2)
Article 6 (3)		Article 25(3) second and third sentences
Article 6 (4)		Article 25(3) second and third sentences
Article 6 (5)		Article 25(3) first sentence
Article 6 (6)		–
	Article 6	Article 14
Article 7		Article 28 (1)
	Article 7 (1)	Article 15 (1)
	Article 7 (2)	Article 15 (3)
	Article 7 (2) (a)	Article 15 (3) (a)
	Article 7 (2) (c)	Article 15 (3) (b)
	Article 7 (2) (b)	Article 15 (3) (d)
	Article 7 (3) first and third sentences	Article 15 (4) and Article 16(5)
	Article 7 (4)	Article 15 (5)
	Article 7 (5)	–
	Article 7 (6)	Article 17 (4) first sentence
Article 8		Article 26

Council Decision 2007/162 EC, Euratom	Council Decision 2007/779 EC, Euratom	This Decision
	Article 8 (1) first subparagraph	Article 16 (1)
	Article 8 (1) second subparagraph	Article 16(6) first sentence
	Article 8 (1) third subparagraph	–
	Article 8 (1) forth subparagraph	–
	Article 8 (2)	Article 16(3)
	Article 8 (3)	–
	Article 8 (4) (a)	Article 16(2) (a)
	Article 8 (4) (b)	Article 16(2) (c)
	Article 8 (4) (c)	Article 16(2) (d)
	Article 8 (4) (d)	Article 16(2) (e)
	Article 8 (5)	Article 16(8)
	Article 8 (6) first subparagraph	Article 17 (1) and 3(b)
	Article 8 (6) second subparagraph	Article 17 (4) second sentence
	Article 8 (7) first subparagraph	–
	Article 8 (7) second subparagraph	Article 16(6) second sentence
	Article 8 (7) third subparagraph	Article 16(9)
	Article 8 (7) forth subparagraph	Article 16(11)
	Article 8 (7) fifth subparagraph	–

Council Decision 2007/162 EC, Euratom	Council Decision 2007/779 EC, Euratom	This Decision
	Article 8 (8)	Article 16(10)
	Article 8 (9)(a)	Article 16(12)
	Article 8 (9)(b)	Article 16(13)
Article 9		Article 16(6)
	Article 9	Article 18
Article 10		Article 19(3)
	Article 10	Article 28
Article 11		–
	Article 11	Article 29
Article 12 (1)		Article 27(1)
Article 12 (2)		–
Article 12 (3)		–
Article 12 (4)		–
Article 12 (5)		–
	Article 12 (1)	Article 30 (1) (e)
	Article 12 (2)	Article 30 (1) (a)
	Article 12 (3)	Article 30 (1) (b)
	Article 12 (4)	Article 30 (1) (c)
	Article 12 (5)	Article 30 (1) (h)
	Article 12 (6)	Article 30 (1) (d)
	Article 12 (7)	–
	Article 12 (8)	–
	Article 12 (9)	Article 30 (1) (i)
Article 13	Article 13	Article 31

Council Decision 2007/162 EC, Euratom	Council Decision 2007/779 EC, Euratom	This Decision
Article 14		Article 19
Article 15	Article 14	Article 32
	Article 15	Article 34
Article 16		Article 35 (2)
Article 17	Article 16	Article 36

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management method(s) envisaged

2. MANAGEMENT MEASURES

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
 - 3.2.1. Summary of estimated impact on expenditure
 - 3.2.2. Estimated impact on operational appropriations
 - 3.2.3. Estimated impact on appropriations of an administrative nature
 - 3.2.4. Compatibility with the current multiannual financial framework
 - 3.2.5. Third-party participation in financing
- 3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Decision of the European Parliament and of the Council on a Union Civil Protection Mechanism

1.2. Policy area(s) concerned in the ABM/ABB structure³⁸

Policy Area concerned and associated Activity/ Activities:

23 03 – Civil Protection Financial Instrument

1.3. Nature of the proposal/initiative

☐ The proposal/initiative relates to **a new action**

☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action**³⁹

☒ The proposal/initiative relates to **the extension of an existing action**

☐ The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objectives

1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

This Decision establishes a Union Civil Protection Mechanism to support, coordinate and supplement the actions of the Member States in the field of civil protection in improving the effectiveness of systems for preventing, preparing for and responding to natural and man-made disasters.

1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective No.1

TO ACHIEVE A HIGH LEVEL OF PROTECTION AGAINST DISASTERS BY PREVENTING OR REDUCING THEIR EFFECTS AND BY FOSTERING A CULTURE OF PREVENTION;

Specific objective No.2.

TO ENHANCE THE UNION'S STATE OF PREPAREDNESS TO RESPOND TO DISASTERS;

Specific objective No.3

³⁸

ABM: Activity-Based Management – ABB: Activity-Based Budgeting.

³⁹

As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

TO FACILITATE RAPID AND EFFICIENT EMERGENCY RESPONSE INTERVENTIONS IN THE EVENT OF MAJOR DISASTERS OR THEIR IMMINENCE.

ABM/ABB activity(ies) concerned

23 03 CIVIL PROTECTION FINANCIAL INSTRUMENT

1.4.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The proposal will:

- enable the Union to support, coordinate and supplement the actions of the Member States in the field of civil protection through the Union Civil Protection Mechanism (the Mechanism) during 2014-2020 MFF, including in particular:

- a) measures to prevent or reduce the effects of disaster; and
- b) actions designed to enhance the EU's state of preparedness for response to disasters, including actions enhancing EU citizens' awareness.
- c) actions in the field of disaster assistance interventions under the Mechanism;

This proposal will allow the continuation of activities in the field of disaster prevention, preparedness and response covered by Council Decision 2007/779/EC, Euratom and financed through the Civil Protection Financial Instrument (2007/162/EC, Euratom), This includes the creation of a *European Emergency Response Capacity* based on pre-committed Member States' assets, the development of a *European Emergency Response Centre*, the reinforcement and and streamline of transport arrangements and the support to Member States in the development of national risk management plans.

1.4.4. Indicators of results and impact

Specify the indicators for monitoring implementation of the proposal/initiative.

Specific objective: To achieve a high level of protection against disasters by preventing or reducing their effects and by fostering a culture of prevention

- 1. Number of Member States with national risk assessments and disaster risk management plans;
- 2. Number and type of studies and projects to improve the knowledge base;
- 3. Introduction of new technologies

Specific objective: To Enhance the Union' s state of preparedness to respond to disasters

- 1. Number of experts qualified at the required level
- 2. Number of training and exercises and types of courses included in the training curriculare programme;
- 3. Number of exchanges within the EU training network;
- 4. Number and type of assets committed to the voluntary pool (the Emergency Response Capacity);

5. Number of Member States committing assets to the voluntary pool;
6. Amounts of EU co-financing for assets in the voluntary pool;
7. The number and type of critical capacity gaps identified;
8. The number and type of gaps filled with and without the EU co-financing;
9. Development by the Commission, with Member States support, of emergency response scenarios for inside and outside the EU, covering the entire list of potential major disasters;
10. Development by the Commission, with Member States support, of a comprehensive inventory of assets available in Member States and an analysis of the gaps;

Specific objective: To facilitate rapid and efficient emergency response interventions in the event of major disasters or their imminence

1. Speed of operations: time between the request for assistance and deployment on site of assistance, as well as the full operability of assessment/coordination teams;
2. Ratio between assets deployed from the pool and additional *ad hoc* offers from Member States;
3. The rate of urgent priority needs met;
4. Number and size of the transport grants and services;
5. Time taken for processing individual grant/service requests as well as overall time spent on processing financial operations;
6. Amounts of EU co-financing for transport operations (including average rate per operation);
7. Ratio of EU transport co-financing *vis-à-vis* the entire amount of transport costs;
8. Number of grants/services and overall amount of the EU transport co-financing awarded to affected Member States;

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term

EU Civil Protection policy is based on Council Decision 2007/779/EC, Euratom of unlimited duration and on Council Decision 2007/162/EC, Euratom. The latter provides funding for the actions under the Mechanism and expires end of 2013.

For the sake of simplification, the two abovementioned legislative proposals have been merged into one single legislative proposal aiming at improving and further strengthening the Union Civil Protection Mechanism in the period 2014-2020 MFF.

This proposal builds on the two existing pieces of legislation governing Civil Protection together with the 2010 Communication 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance' and takes into account shortcomings identified in the comprehensive evaluation of the civil protection legislation for the period 2007-2009.

This proposal aims at supporting actions with the purpose of covering gaps identified in the evaluation. Main actions are:

- (1) the development of the Emergency Response Centre (ERC), ensuring a 24/7 operational capacity, and serving the Member States and the Commission for the purposes of the Mechanism
- (2) the shift from a reactive and ad hoc coordination to a pre-planned, pre-arranged and predictable EU civil protection system;
- (3) the identification and filling of critical gaps in response capacity;
- (4) the improvement of the financial and logistical transport support and the achievement of more cost-effective transport operations, and (5) the development of national risk management plans and EU wide overview of risks.

1.5.2. *Added value of EU involvement*

The EU's added value comes in the form of:

- reducing the loss of human life, environmental, economic and material damage.
- a better coordination of civil protection activities since all offers of assistance are collated in the MIC for acceptance by the authorities of the affected State.
- cost-effectiveness since the assistance accepted by the affected State can be pooled with the assistance of other countries through the transport procedure.
- an improved efficiency through an increased level of preparedness and a more coherent disaster risk management policy;
- a coherent and effective response through the set up of a Rapid response capacity ready to help everywhere in the EU and in third countries when needed;
- a better visibility of the EU's response to disasters;
- a better use of scarce resources by sharing the EU funded assets.

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

These proposals build upon:

- experience gained in emergencies handled by the Mechanism since its creation in 2001;
- experience gained as a result of the projects financed within the framework of the calls launched since 2007 in the field of preparedness and prevention;
- experience gained as a result of the pilot project financed within the framework of the call launched in 2008 "Call for proposal for a pilot project to step up cooperation between Member States on combating forest fires";
- experience gained as a result of the 17 projects and 3 contracts financed under the Preparatory Action on an EU rapid response capability;
- European Parliament resolution of 4 September 2007 on this summer's natural disasters
- Communication on 'Reinforcing the Union's Disaster Response Capacity' (COM (2008)130)

- Declaration of the European Parliament of 11 March 2008 on early warning for citizens in major emergencies
- European Parliament resolution of 19 June 2008 on stepping up the Union's disaster response capacity
- Communication on a 'Community approach on the prevention of natural and man-made disasters' COM(2009)82.
- Communication from the Commission to the European Parliament and the Council 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance' (COM(2011)600 final) of 26 October 2010, as well as Communication 'On reinforcing the Union's Disaster Response Capacity' COM(2008)130 final.
- Evaluation of the application of the Civil Protection Mechanism and the Civil Protection Financial Instrument for the years 2007-2009 (Report from the Commission to the European Parliament and the Council SEC(2011) 1311 final), also covering a preparatory action for a EU Rapid Response Capacity, adopted on 2010 November 2011 (COM (2011) 696).

1.5.4. *Coherence and possible synergy with other relevant instruments*

Consistency with:

- Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid;
- Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency;
- Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund;
- Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability.

1.6. **Duration and financial impact**

✓ Proposal/initiative of **unlimited duration**

Financial provisions of limited duration:

- ✓ Budget allocation covers 1/1/2014-31/12/2020
- ✓ Financial impact from 01/01/2014 to 31/12/2020 (payments until 31/12/2022)

1.7. **Management mode(s) envisaged⁴⁰**

✓ **Centralised direct management** by the Commission

⁴⁰

Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

☐ **Centralised indirect management** with the delegation of implementation tasks to:

- ☐ executive agencies
- ☐ bodies set up by the Communities⁴¹
- ☐ national public-sector bodies/bodies with public-service mission
- ☐ persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation

☐ **Shared management** with the Member States

☐ **Decentralised management** with third countries

☒ **Joint management** with international organisations *UN bodies*

If more than one management mode is indicated, please provide details in the "Comments" section.

Comments

NA

⁴¹ As referred to in Article 185 of the Financial Regulation.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

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

The Commission shall prepare and submit to the European Parliament and to the Council:

- an interim evaluation report no later than 30 June 2017;
- a Communication on the continued implementation of this Decision no later than 31 December 2018;
- an ex post evaluation report no later than 31 December 2021.

2.2. Management and control system

2.2.1. Risk(s) identified

If no additional posts are provided, understaffing may lead to the risk of not being able to

- respond to all challenges arising from the increase in the number of civil protection operations, especially in the light of the new broader role assigned to the Emergency Response Centre and political exigencies;
- develop/add activities
- benefit/develop new technological systems ensuring uninterrupted availability;
- react appropriately to imminent Civil Protection emergencies.

2.2.2. Control method(s) envisaged

Information on the internal control system setup

For the draft legislation, an existing internal control system is foreseen to be used for guaranteeing that funds available under new Instrument are used properly and in line with appropriate legislation.

Current system is setup as follows:

1. Internal control system within DG ECHO (3 persons), focused on the compliance with valid administrative procedures and legislation in force in the area of civil protection. Internal control standards are used for this purpose.
2. audit of grants and contracts awarded under the Instrument by auditors of DG ECHO

(6 auditors);

3. evaluation of activities by external partners

The actions can also be audited by external entities

1. OLAF (fraud cases);

2. Court of Auditors;

The current control system is planned to be kept in place. In connection with increased available funding from the Instrument, an increased focus on civil protection could be foreseen, in order to properly check spending from the Instrument.

Estimation of costs and benefits

For the internal audit, the estimated costs of activities related to the draft legislation amount to

Estimated 19 000 EUR (127 000 EUR*3*0.05), if 5% of available working time is devoted to civil protection.

There are at the moment 6 external auditors in DG ECHO. Provided that they devote 5 % of their work time to transactions co-financed/financed by the new Civil Protection Financial Instrument, it would mean the cost of external audit amounting to app. 38 000 EUR. Past experience shows that the benefits of control should outweigh the costs and provide a better compliance with rules in place. Audits performed in the past had as a results decrease of total EU contribution, by deducting costs not eligible for co-financing.

An assessment of the expected level of risk of non-compliance

As previous audits of the project co-financed from the current Instrument showed, there is a risk of inappropriate use of funds. For this reason it is reasonable to propose the existing system for future actions. Taking into account a larger amount of available funds, an increase of external auditors could be foreseen.

The estimated level of compliance should achieve 98 % (error level less than 2 %).

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

ECHO will further devise its anti-fraud strategy in line with the Commission's new anti-fraud strategy (CAFS) adopted on 24 June 2011 in order to ensure inter alia that:

ECHO's internal anti-fraud related controls are fully aligned with the CAFS;

ECHO's fraud risk management approach is geared to identify fraud risk areas and adequate responses;

The systems used for spending EU funds in third countries enable relevant data to be retrieved with a view to feeding this data into fraud risk management (e.g. double funding);

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

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

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

- Existing expenditure budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number and title	Diff./non-diff (42)	from EFTA ⁴³ countries	from candidate countries ⁴⁴	from third countries	within the meaning of Article 18(1)(aa) of the Financial Regulation
3	23 03 01 Civil Protection within the Union	Diff.	YES	YES*	YES*	NO
3	23 01 04 02 Civil Protection - Expenditure on administrative management	Non-diff.	YES	NO	NO	NO
4	23 03 06 Civil Protection interventions in third countries	Diff.	YES	YES*	YES*	NO

*

Participation in the Instrument shall be open to candidate countries, EEA countries (Iceland, Lichtenstein and Norway)

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual	Budget line	Type of expenditure	Contribution
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⁴² Diff. = Differentiated appropriations / Non-Diff. = Non-differentiated appropriations

⁴³ EFTA: European Free Trade Association.

⁴⁴ Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

financial framework	Number [Heading.....]	Diff./non- diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 18(1)(aa) of the Financial Regulation

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

EUR million (to 3 decimal places)

Heading of multiannual financial framework:	Number	Heading 3 Security and Citizenship									
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DG: ECHO – Humanitarian Aid and Civil Protection			2014 ⁴⁵	2015	2016	2017	2018	2019	2020	2021 and subsequent years	TOTAL
• Operational appropriations											
23 03 01 Civil Protection within the Union	Commitments		36,4	37,4	38,4	38,4	39,4	40,4	41,4	NA	271,8
	Payments		30	34	34	34	35	35	35	34,8	271,8
Appropriations of an administrative nature financed from the envelope for specific programmes ⁴⁶											
23 01 04 02 - Expenditure on administrative management			0,6	0,6	0,6	0,6	0,6	0,6	0,6	NA	4,2

TOTAL appropriations under HEADING 3 of the multiannual financial framework	Commitments		37	38	39	39	40	41	42	NA	276
	Payments		30,6	34,6	34,6	34,6	35,6	35,6	35,6	34,8	276

⁴⁵ Year N is the year in which implementation of the proposal/initiative starts.

⁴⁶ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

Heading of multiannual financial framework:	Number	Heading 4 Global Europe								
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DG: ECHO – Humanitarian Aid and Civil Protection			2014 ⁴⁷	2015	2016	2017	2018	2019	2020	2021 and subsequent years	TOTAL
• Operational appropriations											
23 03 06 Civil Protection interventions in third countries	Commitments		32	33	33	34	34	35	36	NA	237
	Payments		25	30	30	31	31	32	33	25	237

TOTAL appropriations under HEADING 4 of the multiannual financial framework	Commitments	32	33	33	34	34	35	36		237
	Payments	25	30	30	31	31	32	33	25	237

• TOTAL operational appropriations	Commitments	69	71	72	73	74	76	78	NA	513
	Payments	55	64	64	65	66	67	68	64	513
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes										
TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)	Commitments	69	71	72	73	74	76	78	NA	513
	Payments	55	64	64	65	66	67	68	64	513

⁴⁷ Year N is the year in which implementation of the proposal/initiative starts.

Heading of multiannual financial framework:	5	" Administrative expenditure "
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EUR million (to 3 decimal places)

		2014	2015	2016	2017	2018	2019	2020	TOTAL
DG: ECHO – Humanitarian Aid and Civil Protection									
• Human resources		6,902	6,902	6,902	6,902	6,902	6,902	6,902	48,314
• Other administrative expenditure		0,6	0,6	0,6	0,6	0,6	0,6	0,6	4,2
TOTAL DG ECHO – Humanitarian Aid and Civil Protection	Appropriations	7,502	7,502	7,502	7,502	7,502	7,502	7,502	52,514

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)	7,502	7,502	7,502	7,502	7,502	7,502	7,502	52,514
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EUR million (to 3 decimal places)

		2014	2015	2016	2017	2018	2019	2020	2021 and subsequent years	TOTAL
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments	76,502	78,502	79,502	80,502	81,502	83,502	85,502	NA	5
	Payments	62,502	71,502	71,502	72,502	73,502	74,502	75,502	64,000	5

3.2.2. Estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to 3 decimal places)

Indicate objectives and outputs ↓			Year 2014		Year 2015		Year 2016		Year 2017		Year 2018		Year 2019		Year 2020		TOTAL	
	OUTPUTS																	
	Type output ⁴⁸	Average cost of the output	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Number of outputs	Cost	Total number of outputs	Total cost
SPECIFIC OBJECTIVE No 1 - Prevention ⁴⁹ ...																		
Number of projects financed for prevention	Grant agreements	0.3	10	3	10	3	10	3	10	3	10	3	10	3	10	3	70	21
Studies	Number of contracts	0.1	5	0.5	5	0.5	5	0.5	5	0.5	5	0.5	5	0.5	5	0.5	35	3.5
Sub-total for specific objective N°1			15	3.5	15	3.5	15	3.5	15	3.5	15	3.5	15	3.5	15	3.5	105	24.5

⁴⁸ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).
⁴⁹ As described in Section 1.4.2. "Specific objective(s)..."

SPECIFIC OBJECTIVE No 2 - Preparedness																		
Number of projects financed for preparedness (incl. training and exercises)	Grant agreements and contracts	0.5	50	25	54	27	56	28	58	29	60	30	64	32	62	31	404	202
Early warning systems	Number of adm. Arrang.	0.4	5	2	5	2	5	2	5	2	5	2	5	2	5	2	35	14
Emergency Response Capacity	Number of grant agreements +contracts	1	16	16	16	16	16	16	16	16	16	16	16	16	19	19	115	115
Sub-total for specific objective N°2			71	43	75	45	77	46	79	47	81	48	85	50	86	52	554	331
SPECIFIC OBJECTIVE No 3 – Response ⁵⁰ ...																		
Deployment of experts	Number of contracts	0.005	200 ⁵¹	1	200	1	200	1	200	1	200	1	200	1	200	1	1400	7

⁵⁰ As described in Section 1.4.2. "Specific objective(s)..."

⁵¹ Based on estimated number of 20 disasters per year and estimated average of 10 experts per disaster.

Number of transport operations inside the EU	Grant agreement/service contract	0.250	2	0.5	2	0.5	2	0.5	2	0.5	2	0.5	2	0.5	2	0.5	14	3.5
Number of transport operations outside the EU	Grant agreement/service contract	0.3	70 ⁵²	21	70	21	70	21	70	21	70	21	70	21	70	21	490	147
Sub-total for specific objective N°3			272	22.5	272	22.5	272	22.5	272	22.5	272	22.5	272	22.5	272	22.5	1904	157.5
TOTAL COST			358	69	362	71	364	72	366	73	368	74	372	76	373	78	2563	513

⁵²

Based on estimated number of 7 flights per disaster outside EU and an estimated average of 10 disasters per year.

3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

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

EUR million (to 3 decimal places)

	2014 ⁵³	2015	2016	2017	2018	2019	2020	TOTAL
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HEADING 5 of the multiannual financial framework								
Human resources	6,902	6,902	6,902	6,902	6,902	6,902	6,902	48,314
Other administrative expenditure	0,550	0,550	0,550	0,550	0,550	0,550	0,550	3.85
Subtotal HEADING 5 of the multiannual financial framework	7,452	7,452	7,452	7,452	7,452	7,452	7,452	52,164

Outside HEADING 5⁵⁴ of the multiannual financial framework								
Human resources								
Other expenditure of an administrative nature	0,6	0,6	0,6	0,6	0,6	0,6	0,6	4,2
Subtotal outside HEADING 5 of the multiannual financial framework								

TOTAL	8,052	8,052	8,052	8,052	8,052	8,052	8,052	56,364
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⁵³

Year N is the year in which implementation of the proposal/initiative starts.

⁵⁴

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

3.2.3.2. Estimated requirements of human resources

3.2.3.3. ☐ The proposal/initiative does not require the use of human resources

- ☒ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full amounts (or at most to one decimal place)

	2014	2015	2016	2017	2018	2019	2020
• Establishment plan posts (officials and temporary agents)							
23 01 01 01 (Headquarters and Commission's Representation Offices)	35	35	35	35	35	35	35
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External personnel (in Full Time Equivalent unit: FTE)⁵⁵							
23 01 02 01 (CA, INT, SNE from the "global envelope")	36	36	36	36	36	36	36
XX 01 02 02 (CA, INT, JED, LA and SNE in the delegations)							
XX 01 04 yy⁵⁶	- at Headquarters ⁵⁷						
	- in delegations						
XX 01 05 02 (CA, INT, SNE - Indirect research)							
10 01 05 02 (CA, INT, SNE - Direct research)							
Other budget lines (specify)							
TOTAL	71	71	71	71	71	71	71

XX is the policy area or budget title concerned.

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

Description of tasks to be carried out:

Officials and temporary agents	Management of grant agreements and contracts; implementation and follow-up of
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⁵⁵ CA= Contract Agent; INT= agency staff ("Intérimaire"); JED= "Jeune Expert en Délégation" (Young Experts in Delegations); LA= Local Agent; SNE= Seconded National Expert;

⁵⁶ Under the ceiling for external personnel from operational appropriations (former "BA" lines).

⁵⁷ Essentially for Structural Funds, European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF).

	policy work; administrative support.
External personnel	Ensuring the running of the 24/7 Emergency Response Centre; necessary work on the field; administrative support.

3.2.4. Compatibility with the current multiannual financial framework

- ☒ Proposal/initiative is compatible the current multiannual financial framework.
- ☐ Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

New Multiannual financial framework 2014-2020 as per Communication "A Budget for Europe 2020" (COM (2011)500 final)

- ☐ Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework⁵⁸.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. Third-party contributions

- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to 3 decimal places)

	2014	2015	2016	2017	2018	2019	2020	Total
EFTA countries contributions on budget line 230301 + 230306 ⁵⁹	0,650	0,650	0,650	0,650	0,650	0,650	0,650	4,550
Third countries paying contribution fees to participate in the Civil Protection Mechanism ⁶⁰	0,126	0,126	0,126	0,126	0,126	0,126	0,126	0,882
TOTAL appropriations cofinanced	0,776	0,776	0,776	0,776	0,776	0,776	0,776	5,432

⁵⁸ See points 19 and 24 of the Interinstitutional Agreement.

⁵⁹ Based on the fees paid in 2011.

⁶⁰ Based on the fees paid in 2011 (only Croatia at that time)

3.3. Estimated impact on revenue

- ☒ Proposal/initiative has no financial impact on revenue.
- ☐ Proposal/initiative has the following financial impact:
 - ☐ on own resources
 - ☐ on miscellaneous revenue

EUR million (to 3 decimal places)

Budget revenue line:	Appropriations available for the ongoing budget year	Impact of the proposal/initiative ⁶¹						
		Year N	Year N+1	Year N+2	Year N+3	... insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)		
Article								

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

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Specify the method for calculating the impact on revenue.

⁶¹

As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.