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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2026) 401 final
Subject:	Recommendation for a COUNCIL DECISION authorising the European Commission to participate, on behalf of the European Union, in the negotiations within the United Nations Organisation for an international agreement on the protection of persons in the event of disasters

Delegations will find attached document COM(2026) 401 final.

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EUROPEAN
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Brussels, 28.7.2026
COM(2026) 401 final

Recommendation for a

COUNCIL DECISION

**authorising the European Commission to participate, on behalf of the European Union,
in the negotiations within the United Nations Organisation for an international
agreement on the protection of persons in the event of disasters**

EXPLANATORY MEMORANDUM

With this recommendation, the Commission is requesting the authorisation from the Council to participate in the negotiations of a multilateral agreement on the protection of persons in the event of disasters, on behalf of the European Union (EU), within the framework of the United Nations Organisation.

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

In 2016, the United Nations' (UN) International Law Commission (ILC) adopted the Draft Articles on the Protection of Persons in the Event of Disasters (Draft Articles).¹ In December 2024, the UN General Assembly (UNGA) adopted Resolution 79/128 in which it decided to elaborate and conclude a multilateral convention on the protection of persons in the event of disasters before the end of 2027², given that there is currently no comprehensive international legal instrument on this matter.

The EU has contributed actively to the ILC during its work on the Draft Articles since 2011 and welcomed the adoption of the Draft Articles in 2016 as well as the UNGA Resolution 79/128, which expressed the need for a comprehensive global legal regime to better address the protection of persons in the event of disasters, and noted the feasibility of developing an international convention in this respect.

Following the UN Secretary-General's invitation, the EU submitted a proposal for amendments to the ILC's Draft Articles in December 2025³. Besides the EU, twenty-six States, including 8 EU Member States⁴, made proposals for amending the Draft Articles.

These proposals were compiled by the UN in a consolidated text following the resumed session of the UNGA's Sixth Committee from 6 to 10 April 2026 in New York. The consolidated text will serve as a basis for formal negotiations scheduled to take place for three weeks from 25 January to 12 February 2027 in Manila, and, if necessary, for a further two weeks in August 2027⁵.

It would be in the interest of the EU to formally participate in the negotiations of the convention to ensure consistency with existing EU legal framework in the fields of Civil Protection and Humanitarian Aid. Therefore, the Commission recommends that the Council adopts a decision to this effect and designates the Commission as the EU's negotiator under Article 218(3) of the Treaty on the Functioning of the European Union (TFEU).

• Consistency with existing policy provisions in the policy area

The EU's participation in the negotiations of the future multilateral agreement is consistent with its competences in the field of civil protection and humanitarian aid.

¹ See the [ILC Draft Articles on the Protection of Persons in the Event of Disasters](#).

² [UN General Assembly Resolution 79/128](#), para 4.

³ See [UN General Assembly Resolution 79/128](#) para 7 and the EU's [Proposal for Amendments](#) submitted in December 2025.

⁴ The UN Secretary-General received submissions from DE, FR, IE, SI, IT and a joint submission from the Nordic countries, including DK, SE and FI. For a list of all received submissions, see [here](#).

⁵ See [UN General Assembly Sixth Committee Resolution 80/L.14](#).

Pursuant to Article 196 TFEU, the EU supports Member States' action in prevention, preparedness and disaster response within the Union, and promotes consistency in international civil protection work. It has exercised this competence with the adoption of Decision 1313/2013/EU on a Union Civil Protection Mechanism (UCPM)⁶. Any country in the world may activate the UCPM to request assistance needed to cope with the effects of a disaster. Concerning humanitarian aid, Article 214 TFEU enables the EU to assist people in need in countries and regions confronting natural or man-made disasters. The EU's action in the field of humanitarian aid is governed by Council Regulation (EC) No 1257/96⁷ (Humanitarian Aid Regulation). Based on this Regulation, the Joint Communication of 27 May 2026⁸ sets out a strategy to make European humanitarian aid more effective and more resilient.

In line with its guiding principles of respect for democracy, the rule of law, human rights, the rules and principles of the United Nations Charter and international law, the EU welcomed the ILC's Draft Articles adopted in 2016 as an important contribution to international disaster law⁹.

More specifically, the EU views an international convention on the protection of persons in the event of disasters as having the potential to complement the EU's existing mechanisms and activities in the fields of civil protection and humanitarian aid. In this respect, the EU's participation in the formal negotiations is necessary to ensure the future instrument's text is consistent with existing EU legislation, notably Decision 1313/2013/EU on the UCPM and the Humanitarian Aid Regulation 1257/96 and to inform the Council's future decision on whether the Union should ultimately accede to it. In particular, the Draft Articles of the ILC aim to add a duty to cooperate amongst States and between States and other assisting actors to assist people in need and lay down obligations for States affected by a disaster as well as for assisting actors. The future convention would therefore interact with Decision 1313/2013/EU on the UCPM which sets a framework for cooperation between Member States to prevent, prepare for, and respond to disasters. The rules of the future convention would also interact with the manner in which the EU provides humanitarian assistance to third countries under Regulation 1257/96. Against this backdrop, it is important to seek, through the participation to the negotiations, alignment between these long-standing disaster management instruments and the rules of the future convention.

- **Consistency with other Union policies**

While the negotiations of a convention on the protection of persons in the event of disasters concern mainly civil protection and humanitarian aid, other EU policies providing funding for disaster resilience and response may also be affected by the future instrument. The negotiations may be of relevance for the following funding programmes and their successors¹⁰: the Global Europe Instrument¹¹, the Cohesion Policy¹² under which national

⁶ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347 20.12.2013, p. 924).

⁷ Council Regulation (EC) No 1257/96 of 20 June 1996 [concerning humanitarian aid](#) (OJ L 163 2.7.1996, p. 1).

⁸ [Joint Communication to the European Parliament and the Council](#), Defending values, driving reform, delivering impact: the EU's humanitarian action in a shifting global order, JOIN(2026)25 Final, 27 May 2026.

⁹ See [Statement on behalf of the European Union and its Member States, Protection of Persons in the event of disasters, Sixth Committee, 4 October 2023](#).

¹⁰ The Commission adopted the following proposals for regulations: COM/2025/555 final Proposal for a Regulation of the European Parliament and of the Council on establishing the European Competitiveness Fund ('ECF'), including the specific programme for defence research and innovation

disaster risk prevention and management activities may be funded, the LIFE Programme¹³, Horizon Europe¹⁴, the Digital Europe Programme¹⁵, the European Agricultural Fund for Rural Development¹⁶ and the European Maritime, Fisheries and Aquaculture Fund¹⁷.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Substantive legal basis

Articles 196 and 214 TFEU form the substantive legal bases for this recommendation, as the envisaged provisions of the future convention concern both civil protection and humanitarian aid. Article 196 TFEU provides a legal basis for the EU to act in the field of civil protection. More concretely, it enables the EU, acting in accordance with the ordinary legislative procedure, to establish the measures to help encourage cooperation between Member States to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters. With respect to humanitarian aid, Article 214(4) TFEU enables the EU to provide ad hoc assistance, relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs, and to conclude with third countries and competent international organisations any agreement to help assist people in need.

activities, repealing Regulations (EU) 2021/522, (EU) 2021/694, (EU) 2021/697, (EU) 2021/783, repealing provisions of Regulations (EU) 2021/696, (EU) 2023/588, and amending Regulation (EU) [EDIP]; COM (2025) 543 final Proposal for a Regulation of the European Parliament and of the Council establishing Horizon Europe, the Framework Programme for Research and Innovation, for the period 2028-2034 laying down its rules for participation and dissemination, and repealing Regulation (EU) 2021/695; COM/2025/565 final Proposal for a Regulation of the European Parliament and of the Council establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509; COM(2025) 559 final Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for the implementation of the Union support to the Common Fisheries Policy, to the European Ocean Pact and of the Union's maritime and aquaculture policy as part of the National and Regional Partnership Fund set out in Regulation (EU) [...] [NRP Fund] for the period from 2028 to 2034.

¹¹ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 OJ L 209, 14.6.2021, pp. 1–78.

¹² Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund OJ L 231, 30.6.2021, pp. 60–93.

¹³ Regulation (EU) 2021/783 of the European Parliament and of the Council of 29 April 2021 establishing a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EU) No 1293/2013 (Text with EEA relevance) OJ L 172, 17.5.2021, pp. 53–78.

¹⁴ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013, OJ L 170, 12.5.2021 pp. 1-68.

¹⁵ Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240, pp. 1-34.

¹⁶ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, pp. 1-86.

¹⁷ Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004, OJ L 247, 13.7.2021, pp. 1-49.

- **Procedural legal basis**

Article 218(3) TFEU provides that, where the agreement envisaged does not relate exclusively or principally to the common foreign and security policy, the Commission shall submit recommendations to the Council. The Council shall adopt a decision authorising the opening of the negotiations and nominating the EU negotiator or the head of the EU's negotiating team.

Article 218(4) TFEU provides that the Council may address negotiating directives to the negotiator and designate a special committee to be consulted by the negotiator.

The Commission recommends that the Union participate in the negotiations of an international agreement under the auspices of the United Nations on the protection of persons in the event of disasters. The Commission is to be nominated as negotiator.

The procedural legal basis for the proposed decision to authorise opening of negotiations of the envisaged agreement is Article 218(3) and (4) TFEU.

- **Choice of the negotiator**

Given that the agreement envisaged exclusively covers matters other than the common foreign and security policy, the Commission should be nominated as the negotiator pursuant to Article 218(3) TFEU.

- **Union competence**

An international convention on the protection of persons in the event of disasters based on the text of the ILC's Draft Articles would fall within the EU's competences in the field of civil protection and humanitarian aid.¹⁸ Article 6(f) TFEU explicitly classifies 'civil protection' as a supporting, coordinating or complementary competence of the EU. In practice, the EU has established the UCPM, a coordination mechanism intended to support Member States' civil protection actions. Regarding humanitarian aid, Article 4(4) TFEU provides that the EU has a parallel competence in humanitarian aid, meaning that the EU competence in the area of humanitarian aid does not prevent Member States to continue exercising their competence in that area (Article 4(4) TFEU).

- **Subsidiarity (for non-exclusive competence)**

Natural and human-induced disasters frequently have deleterious cross-border effects, disrupt the functioning of the society and internal market and require coordinated civil protection responses, as well as European-level humanitarian aid to assist people in need in third countries. As provided for in the Treaties, the EU is active in civil protection and humanitarian aid. Regarding the former, it has established common frameworks for cooperation and operational coordination among Member States and Participating States through the Union Civil Protection Mechanism. A convention intended to delineate rules on international cooperation and assistance in response to disasters would directly interact with existing EU legislation and policies on civil protection and humanitarian aid.

The EU's participation will ensure a consistent international and European legal framework for disaster response to avoid undermining the coherence and uniform application of existing EU measures. Importantly, the Commission's participation in negotiations would bolster the EU's collective ability to shape the convention's text in a manner consistent with EU

¹⁸ Article 4(4), 6, point (f), 196 and 214 TFEU.

principles and legislation. Lastly, formal participation in the negotiations would enable the EU to share good practices and lessons learned from its unique experience as a regional integration organisation with one of the most developed civil protection cooperation frameworks, as well as its position of one of the leading humanitarian donors. Therefore, the EU's formal participation in the negotiations of an international convention on the protection of persons in the event of disasters would be more effective than action exclusively at the national level.

- **Proportionality**

The Commission's participation in the formal negotiations of an international convention on the protection of persons in the event of disasters is the most suitable means of advancing the principles of international cooperation, humanitarian aid, respect of human rights and the principle of solidarity, which the EU seeks to promote within and outside the Union. The participation would also ensure a uniform EU position and safeguard the future convention's consistency with EU acquis in civil protection and humanitarian aid.

- **Choice of the instrument**

This recommendation for a Council decision is submitted in accordance with Article 218(3) and (4) TFEU, which envisages the adoption by the Council of a decision authorising the Union's participation in the negotiations and nominating the Union negotiator. The Council may also address negotiating directives to the negotiator. There exists no other legal instrument that could be used in order to achieve the objective expressed in this recommendation.

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

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

Not applicable.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The objective of the international convention is to promote international cooperation in order to protect persons in the event of disasters, while addressing their needs and protecting their fundamental rights, as recognised in the Treaties and under the Charter of the United Nations.

4. BUDGETARY IMPLICATIONS

Not applicable. The decision does not have any budgetary implication. Any increase of the workload will need to be addressed by reallocation and redeployment within the services. Any financing should come from redeployments within the existing budgetary envelopes of the current programmes.

5. OTHER ELEMENTS

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

Not applicable.

- **Explanatory documents (for directives)**

Not applicable.

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

Not applicable.

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**authorising the European Commission to participate, on behalf of the European Union,
in the negotiations within the United Nations Organisation for an international
agreement on the protection of persons in the event of disasters**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 196 and Article 214(4), in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the Commission,

Whereas:

- (1) In December 2024, the United Nations General Assembly resolved to elaborate and conclude, before the end of 2027, a multilateral agreement on the protection of persons in the event of disasters based on the Draft Articles adopted by the International Law Commission in 2016.
- (2) The Draft Articles touch upon civil protection and humanitarian aid, two fields in which the Treaty on the Functioning of the European Union (TFEU) confers competencies to the Union.
- (3) Given that there is currently no comprehensive international legal instrument on this matter, the objective of the international agreement is to promote international cooperation in order to protect persons in the event of disasters, while addressing their needs and protecting their fundamental rights, as recognised in the Treaties and under the Charter of the United Nations.
- (4) Since 2011, the Union has actively contributed its views to the International Law Commission during the elaboration of the Draft Articles on the Protection of Persons in the Event of Disasters and welcomed their adoption.
- (5) The Union should take part in the negotiations for an international agreement on the protection of persons in the event of disasters,

HAS ADOPTED THIS DECISION:

Article 1

Participation in the negotiations of an international agreement under the auspices of the United Nations on the protection of persons in the event of disasters is hereby authorised.

Article 2

The Commission is hereby nominated as the European Union negotiator.

Article 3

The negotiating directives set out in the addendum to this decision are hereby addressed to the Commission.

Article 4

The negotiations shall be conducted in consultation with the Council Working Party on Public International Law (COJUR) which is hereby designated as the special committee provided for in Article 218(4) TFEU.

Article 5

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*