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'I' ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	8330/20
No. prev. doc.:	12206/2/20 REV 2
Subject:	Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism - Mandate for negotiations with the European Parliament

1. On 2 June 2020 the Commission submitted to the Council a proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism.
2. Acknowledging the need to quickly conclude negotiations on those provisions of the proposal that relate to the financial envelope for the period 2021 - 2027, to ensure their entry into force by 1 January 2021 and thus to enable all available funding of the Union Civil Protection Mechanism, the Presidency, supported by all the delegations, decided to prioritise the financial provisions of the proposal. Partial mandate for negotiations with the European Parliament, covering Articles 19, 19a, 21(3), 25, 27 and 30, Annex I, as well as the corresponding recitals, was approved by Coreper on 7 October 2020.¹

¹ 11042/20 + ADD 1.

3. In parallel, at several informal meetings held between June and November 2020, members of the Working Party on Civil Protection (PROCIV) discussed the remaining provisions of the proposal and the compromise texts submitted by the Presidency. As a result of these discussions a number of modifications have been inserted in the text. Following the written consultations launched on 19 November 2020, and which ended on 23 November 2020, agreement was reached by the Working Party on the compromise set out in the Annex.
4. For the purpose of preparing the compromise, the Presidency considered that Decision 1313/2013/EU is a permanent cooperation mechanism and not a typical financing program, and that an adequate financial contribution of the participating third countries is guaranteed under the current arrangements. It is therefore justified that, by exception to the horizontal political guidance, the provision on the participation of third countries has not been amended.
5. On 16 September 2020 the European Parliament voted 88 amendments to the legislative proposal of 2 June 2020.²
6. The European Court of Auditors adopted its opinion on 28 September 2020³.
7. The European Committee of the Regions adopted its opinion on 14 October 2020⁴.
8. The European Economic and Social Committee adopted its opinion on 29 October 2020⁵.
9. The changes are indicated by **bold underlining** and ~~strike-through~~ as compared to the relevant parts of the Commission proposal. Parts of the text indicated in *italics* are covered by the partial mandate approved by Coreper on 7 October 2020.
10. COREPER is invited to:
 - approve the mandate for negotiations with the European Parliament in the context of the ordinary legislative procedure under Article 294 TFEU, as set out in the Annex, and
 - invite the Presidency to conduct negotiations with the European Parliament on the basis of this mandate, which amends and complements the partial mandate approved on 7 October 2020.

² P9_TA(2020)0218; 10817/20.

³ 11447/20.

⁴ 12064/20.

⁵ 12722/20.

Proposal for a

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

amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 196 and Article 322(1)(a) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee⁶,

Having regard to the opinion of the Committee of the Regions⁷,

Having regard to the opinion of the Court of Auditors²,

Acting in accordance with the ordinary legislative procedure,

⁶ OJ C , , p. .

⁷ OJ C , , p. .

Whereas:

- (3) The unprecedented experience of the COVID-19 pandemic has demonstrated that the Union effectiveness in managing a crisis is limited by the scope of its governance framework, but also by the degree of Union preparedness in case of disasters impacting a majority of Member States.
- (4) The **Members of the** European Council in **their** ~~its~~ Joint Statement of 26 March 2020⁸ and the European Parliament in its resolution of 17 April 2020⁹ have invited the Commission to make proposals for a more ambitious and wide-ranging crisis management system within the Union.
- (5) In order to be better prepared when confronted with such events in the future, urgent action is required for reinforcing the Union Mechanism.
- (6) To improve planning ~~in~~ **for disaster** prevention, ~~and~~ preparedness **and response**, the Union should continue advocating for investment in prevention of disasters across sectors, and for comprehensive risk management approaches that underpin prevention and preparedness, taking into account a multi-hazard approach, an ecosystem-based approach and the likely impacts of climate change, in close cooperation with the relevant scientific communities and key economic operators. To that effect, ~~cross-sectoral and all-hazard approaches should be put at the forefront and be based on Union-wide resilience goals feeding into a baseline definition of capacities and preparedness.~~ **The** Commission is to **should** work together with Member States **to define and develop** when defining Union **disaster** wide resilience goals **in the area of civil protection, as a non-binding common baseline to support prevention and preparedness actions in face of transboundary disasters with high impact, such as mass casualty incidents and mass population movement.**

⁸ Joint statement of the Members of the European Council,
<https://www.consilium.europa.eu/media/43076/26-vc-euco-statement-en.pdf>

⁹ European Parliament resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences (2020/2616(RSP)).

- ~~(7) The Union Mechanism should continue to exploit synergies with the European Programme for Critical Infrastructure Protection and the Union framework on critical infrastructure protection and resilience should account for the establishment of such Union-wide resilience goals.~~
- (8) As a 24/7 operational centre at Union level with capacity to follow and support operations in various types of **disasters emergencies**, within and outside the Union, in real-time, the Emergency Response Coordination Centre ('ERCC') should be further strengthened. This should include enhanced coordination of the ERCC with Member States' national ~~crisis systems~~ and civil protection authorities, as well as with other relevant Union bodies. The work of the ERCC is supported by scientific expertise, including that provided by the European Commission's Joint Research Centre.
- (9) The Union Mechanism should make use of Union space infrastructures such as the European Earth Observation Programme (Copernicus), Galileo, Space Situational Awareness and GOVSATCOM, which provide important Union level tools to respond to internal and external **disasters emergencies**. Copernicus Emergency Management Systems are providing support to the ERCC in the various **disaster emergency** phases from early warning and prevention to disaster **response** and recovery. GOVSATCOM is to provide secure satellite communication capability specifically tailored to the needs of governmental users in **disaster emergency** management. Galileo is the first global satellite navigation and positioning infrastructure specifically designed for civilian purposes in Europe and worldwide, and can be used in other areas such as **disaster emergency** management, including early warning activities. Galileo's relevant services will include an emergency service, which broadcasts, through emitting signals, warnings regarding natural **or man-made** disasters ~~or other emergencies~~ in particular areas. The Member States should be able to use this service. Where they decide to use it, in order to validate the system, they should identify and notify to the Commission the national authorities competent to use that emergency service.

(10) During the COVID-19 pandemic, transport and logistical resources were identified as a key bottleneck for the Member States to provide or receive assistance. Therefore, transport and logistical resources should be defined as rescEU capacities. Such capacities could also be rented, leased or otherwise contracted directly by the Union. Furthermore, in order to have the operational capacity to respond swiftly to a large-scale transboundary disaster emergency or to a low probability event with a high impact such as the COVID-19 pandemic, the Union should also have in duly justified cases of urgency and in consultation with the Member States the possibility of acquiring, renting, leasing or contracting material means and necessary enabling support services defined as rescEU capacities, where these cannot be made immediately available by Member States. Such material means exclude modules, teams and categories of experts and are meant to assist Member States overwhelmed by disasters to be able to assist Member States overwhelmed by large-scale emergencies, in line with the supporting competence in the area of civil protection and with a particular attention to vulnerable people. Those capacities are to be pre-positioned in logistical hubs inside the Union or, for strategic reasons, via trusted networks of hubs such as the UN Humanitarian Response Depots. In order to make the best use of the experiences gained so far with trusted logistical networks managed by relevant international organisations inside the Union, such as the UN Humanitarian Response Depots, the Commission should consider these networks when acquiring, renting, leasing or contracting rescEU capacities.

~~(11) rescEU capacities acquired, rented, leased or otherwise contracted by Member States could be used for national purposes, but only when not used or needed for response operations under the Union Mechanism.~~

~~(12) Where needed, the Union has an interest in responding to emergencies in third countries. Whilst primarily established for use as a safety net within the Union, in duly justified cases and taking into account the humanitarian principles, rescEU capacities could be deployed outside the Union.~~

(xx) The COVID-19 pandemic has shown the key importance of systematically bringing together and sharing relevant knowledge across all phases of the disaster risk management cycle. These findings and the experience gained so far in the process of developing the Union Civil Protection Knowledge Network indicate that its role as a processing unit within the Union Mechanism should be further refined.

(14) Obtaining the necessary transport and logistical **resources** ~~capacity~~ is essential to allow the Union to respond to any kind of **disaster** ~~emergency situation~~ within and outside the Union. It is key to ~~provide multi-purpose aircraft services in case of emergencies and to~~ ensure timely transport and delivery of assistance and aid within the Union, but also to and from outside the Union. Therefore, **the affected countries should be able to request assistance consisting only of transport and logistical resources** ~~rescEU capacities should also include transport capacities.~~

(16) Given that the deployment of rescEU capacities for response operations under the Union Mechanism provides significant Union added value by ensuring an effective and fast response to people in emergencies, further visibility obligations should be made to provide Union prominence.

(13) In order to support Member States to deliver the assistance, the European Civil Protection Pool should be further reinforced by co-financing the operational costs of the committed capacities when deployed outside the Union.

(xx) In order to ensure flexibility in supporting Member States with transport and logistical resources, in particular in large scale disasters, it should be possible to fully finance from the EU budget the transport within the Union or to the Union from third countries of cargo, logistical means and services deployed as rescEU capacities.

- (15) The Union Mechanism should also provide transport assistance needed in environmental disasters through the furtherance of the "polluter pays" principle, **under the responsibility of the competent national authorities**, in **accordance** ~~line with Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), as well as~~ **and in line with** Directive 2004/35/CE of the European Parliament and of the Council¹⁰ on environmental liability with regard to the prevention and remedying of environmental damage.
- ~~(17) In order to increase flexibility as well as achieve optimal budget execution, indirect management should be included as a method of budget implementation.~~

¹⁰ Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, (OJ 143, 30.04.2004 p.56.)

(19) **Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Decision. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget. In particular, in accordance with Regulations (EU, Euratom) 2018/1046¹¹ ('the Financial Regulation') and (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹² and Council Regulations (Euratom, EC) No 2988/95¹³, (Euratom, EC) No 2185/96¹⁴ and (EU) 2017/1939¹⁵, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.**

¹¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1)

¹² Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1)

¹³ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1)

¹⁴ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2)

¹⁵ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1)

In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office ('EPPO') may investigate and prosecute offences against the financial interests of the Union, as provided for in Directive (EU) 2017/1371¹⁶ of the European Parliament and of the Council. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the EPPO in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, and the European Court of Auditors, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights. For that reason, agreements with third countries and territories and with international organisations, and any contract or agreement resulting from the implementation of this Decision, should contain provisions expressly empowering the Commission, the European Court of Auditors, EPPO and OLAF to conduct such audits, on-the-spot checks and inspections, in accordance with their respective competences and ensuring that any third parties involved in the implementation of Union funding grant equivalent rights.

- (21) ~~The In duly justified cases of urgency, where material means urgently need to be acquired, rented, leased or contracted directly by the Union, the~~ Commission should be empowered to adopt immediately applicable implementing acts, ~~in the case of an emergency which needs to be dealt with immediately, where, in duly justified cases, imperative grounds of urgency so require.~~ **determining the necessary type and quantity of material means defined as rescEU capacities, and if necessary, define additional material means as rescEU capacities,** ~~in the case of an emergency which needs to be dealt with immediately, where, in duly justified cases, imperative grounds of urgency so require.~~ This would allow the Union to react without delay to ~~large-scale~~ **disasters** ~~emergencies~~ which might have a high impact on human lives, health, environment, property, and cultural heritage, affecting at the same time ~~the majority or all~~ **multiple** Member States.
- (26) Decision No 1313/2013/EU should therefore be amended accordingly;
- (27) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the Official Journal of the European Union,**

¹⁶ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29)

HAVE ADOPTED THIS **REGULATION** ~~DECISION~~:

Article 1

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

(1) ~~In~~ **in** Article 3(2), point (b) is replaced by the following:

‘(b) progress in increasing the level of readiness for disasters: measured by the quantity of response capacities included in the European Civil Protection Pool in relation to the capacity goals referred to in Article 11, the number of modules registered in the CECIS and the number of rescEU capacities established to provide assistance in overwhelming situations;’;

(1a) in Article 5(1), point (g) is replaced by the following:

‘(g) report periodically, in accordance with the deadlines set out in point (d) of Article 6(1), to the European Parliament and to the Council on the progress made in the implementation of Article 6;’;

(2) **in** Article 6 **the following paragraph is added** ~~is amended as follows:~~

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

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

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

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

~~(e) The following paragraph 5 is added:~~

- ‘5. The Commission, **in cooperation with Member States**, shall define **and develop** Union disaster resilience goals **in the area of civil protection, as a non-binding common baseline** to support prevention and preparedness actions **in face of transboundary disasters with high impact** ~~Disaster resilience goals shall ensure a common baseline for maintaining critical societal functions in the face of cascading effects of a high impact disaster and for ensuring the functioning of the internal market. The **Those** goals shall be based on **current and** forward looking scenarios, including the impacts of climate change on disaster risk, data on past events and cross-sectoral impact analysis with a particular attention to **groups of** vulnerable people.~~

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

- (3) Articles **7 and 8 are** is replaced by the following:

‘Article 7

Emergency Response Coordination Centre

1. An Emergency Response Coordination Centre (‘ERCC’) is established. The ERCC shall ensure 24/7 operational capacity, and serve the Member States and the Commission in pursuit of the objectives of the Union Mechanism.

The ERCC shall in particular coordinate, monitor and support in real-time the response to emergencies at Union level. The ERCC shall work in close contact with national ~~crisis~~ systems, civil protection authorities and relevant Union bodies **to promote a cross-sectoral approach to disaster management**.

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

~~(4) Article 8 is amended as follows:~~

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

~~‘(c) work with Member States~~

- ~~—— to develop transnational detection and warning systems of Union interest;~~
- ~~—— to better integrate existing systems following a multi hazard approach and minimising the lead time to respond to disaster;~~
- ~~—— to maintain and further develop the situational awareness and analysis capability;~~
- ~~—— to monitor and provide advice based on scientific knowledge on disasters and, where relevant, climate change impacts;~~
- ~~—— to translate scientific information into operational information;~~
- ~~—— to create, maintain and develop European scientific partnerships to cover natural and man-made hazards, which in turn should promote the inter-linkage between national early warning and alert systems and their linkage to the ERCC and the CECIS;~~
- ~~—— to support the efforts of Member States and mandated international organisations with scientific knowledge, innovative technologies and expertise when those bodies further develop their early warning systems.’;~~

~~(b) The following point (l) is inserted:~~

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

Article 8

General preparedness actions of the Commission

1. The Commission shall carry out the following preparedness actions:

(a) manage the ERCC;

(b) manage a Common Emergency Communication and Information System (CECIS) to enable communication and sharing of information between the ERCC and the Member States' contact points;

(c) work with Member States

(i) to develop transnational detection and early warning systems of Union interest;

(ii) to better integrate existing transnational detection and early warning systems following a multi-hazard approach and minimising the lead time to respond to disaster;

(iii) to maintain and further develop the situational awareness and analysis capability;

(iv) to monitor and provide advice based on scientific knowledge on disasters and, where relevant, climate change impacts;

(v) to translate scientific information into operational information;

(vi) to create, maintain and develop European scientific partnerships to cover natural and man-made hazards, which in turn should promote the inter-linkage between national early warning and alert systems and their linkage to the ERCC and the CECIS;

(vii) to support the efforts of Member States and mandated international organisations with scientific knowledge, innovative technologies and expertise when those bodies further develop their early warning systems, including through the Union Civil Protection Knowledge Network;

- (d) establish and manage the capability to mobilise and dispatch expert teams, responsible for:**
- (i) assessing the needs that can possibly be addressed under the Union Mechanism in the state requesting assistance,**
 - (ii) facilitating, when necessary, the coordination of disaster response assistance on site and liaising with the competent authorities of the state requesting assistance, and**
 - (iii) supporting the requesting state with expertise on prevention, preparedness or response actions;**
- (e) establish and maintain the capability to provide logistical support for those expert teams;**
- (f) develop and maintain a network of trained experts of the Member States, who can be available at short notice to assist the ERCC in the monitoring of information and facilitating coordination;**
- (g) facilitate the coordination of the Member States' pre-positioning of disaster response capacities inside the Union;**
- (h) support efforts to improve the inter-operability of modules and other response capacities, taking into account the best practices at the level of the Member States and at international level;**
- (i) take, within its sphere of competence, the necessary actions to facilitate host nation support, including developing and updating, together with Member States, guidelines on host nation support, on the basis of operational experience;**
- (j) support the creation of voluntary peer review assessment programmes for the Member States' preparedness strategies, based on pre-defined criteria, which will enable recommendations to be formulated to strengthen the level of preparedness of the Union;**

(k) in close consultation with the Member States, take additional necessary supporting and complementary preparedness action to achieve the objective specified in point (b) of Article 3(1); and

(l) upon their request for disasters happening within their territories support Member States by providing the possibility of using European Scientific Partnerships for targeted scientific analysis. These analyses may be shared via CECIS, with the agreement of the affected Member State(s).

2. At the request of a Member State, a third country or the United Nations or its agencies, the Commission may deploy an expert team on site to provide advice on preparedness measures.';

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

‘10. When emergency services are provided by Galileo, Copernicus, GOVSATCOM, or other components of the Space Programme¹⁷, each Member State may decide to use them.

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

¹⁷ Regulation (EU) 2019/... of the European Parliament and of the Council establishing the space programme of the Union and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013, (EU) No 377/2014 and Decision 541/2014/EU.

(6) Article 10 is replaced by the following:

‘Article 10

~~Disaster resilience planning~~ Scenario-building and disaster management planning

- ‘1. The Commission and the Member States shall work together to improve ~~cross-sectorial~~ **cross-sectoral disaster risk management** ~~resilience planning~~ **at Union level**, both for natural and man-made disasters likely to have a transboundary effect, including the adverse effects of climate change. The ~~resilience~~ planning shall include scenario-building at Union level for disaster prevention, **preparedness** and response, **taking into account the work carried out by the Union Civil Protection Knowledge Network as referred to in Article 13**, and based on:
 - (i)** the risk assessments referred to in point (a) of Article 6(1),² and
 - (ii)** the overview of risks referred to in point (c) of Article 5(1),
 - (iii) Member States' assessment of** ~~disaster risk management~~ **capability** ~~planning~~ referred to in point **(be)** of Article 6(1), ~~disaster loss data referred to in point (f) of Article 6(1),~~
 - (iv)** asset mapping,² and
 - (v)** the development of plans for the deployment of response capacities, ~~taking into account the Union disaster resilience goals referred to Article 6(5).~~
2. The Commission and the Member States shall identify and promote synergies between civil protection assistance and humanitarian aid funding provided by the Union and Member States in ~~disaster resilience~~ planning of response operations for humanitarian crises outside the Union.’;

- (7) ~~In~~ in Article 11, paragraph 2 is replaced by the following:
- ‘2. On the basis of identified risks, ~~resilience goals referred to in Article 6(5)~~, scenario-building referred to in Article 10(1) and overall capacities and gaps, the Commission shall define, by means of implementing acts in accordance with the examination procedure referred to in Article 33(2), the types and the number of key response capacities required for the European Civil Protection Pool ("capacity goals").

The Commission, in cooperation with the Member States, shall monitor progress towards the capacity goals set out in the implementing acts referred to in the first subparagraph of this paragraph, and identify potentially significant response capacity gaps in the European Civil Protection Pool. Where such gaps have been identified, the Commission shall examine whether the necessary capacities are available to the Member States outside the European Civil Protection Pool. The Commission shall encourage Member States to address significant response capacity gaps in the European Civil Protection Pool. It may support Member States in this in accordance with Article 20 and Article 21(1)(i) and (2).’;

(8) Article 12 is amended as follows:

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

2. The Commission shall define, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 33(2), the capacities rescEU shall consist of, based on ~~the resilience goals referred to in Article 6(5)~~, scenario-building as referred to in Article 10(1), taking into account identified and emerging risks and overall capacities and gaps at Union level, in particular in the areas of aerial forest fire fighting, chemical, biological, radiological and nuclear incidents, ~~and~~ emergency medical response, **as well as transport and logistics.**

3. rescEU capacities shall be acquired, rented, leased, ~~and/or~~ otherwise contracted by ~~the Commission or~~ Member States.

3a. rescEU capacities, as defined by means of implementing acts adopted in accordance with the examination procedure referred to in Article 33(2), may be rented, leased or otherwise contracted by the Commission to the extent necessary to address the gaps in the area of transport and logistics.

3b. In duly justified cases of urgency, the Commission may acquire, rent, lease or otherwise contract capacities determined by means of implementing acts adopted in accordance with the urgency procedure referred to in Article 33(3). Such implementing acts shall:

(i) determine the necessary type and quantity of material means and, if necessary, enabling support services already defined as rescEU capacities and/or

(ii) define additional material means and, if necessary, enabling support services as rescEU capacities and determine the necessary type and quantity of those capacities.

~~The Commission may acquire, rent, lease or otherwise contract rescEU capacities to stock and distribute supplies or to provide services to Member States, through procurement procedures in accordance with the~~

3c. Union's financial rules **shall apply where rescEU capacities are acquired, rented, leased or otherwise contracted by the Commission**. Where rescEU capacities are acquired, rented, leased or otherwise contracted by Member States, direct grants may be awarded by the Commission to Member States without a call for proposals. The Commission and any Member States which so desire may engage in a joint procurement procedure conducted pursuant to Article 165 of the Financial Regulation with a view of acquiring rescEU capacities.

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

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

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

(8a) Article 13 is amended as follows:

'Article 13

Union Civil Protection Knowledge Network

1. The Commission shall establish a Union Civil Protection Knowledge Network ("the Network") to aggregate, process and disseminate knowledge and information relevant to the Union Mechanism, following a multi-hazard approach and including relevant civil protection and disaster management actors, centres of excellence, universities and researchers.

The Commission, through the Network shall take due account of the expertise available in the Member States, at Union level, at the level of other international organisations and entities, third countries as well as the organisations active on the ground. Gender-balanced participation in the establishment and functioning of the Network shall be promoted.

The Commission, through the Network, shall support coherence of planning and decision-making processes by facilitating continuous exchange of knowledge and information between all areas of activity under the Union Mechanism.

To this aim, the Commission through the Network shall inter alia:

(a) set up and manage a training and exercises programme for civil protection and disaster management personnel on the prevention of, preparedness for and response to disasters. The programme shall focus on and encourage the exchange of best practices in the field of civil protection and disaster management, and include joint courses and a system for the exchange of expertise in the area of disaster management, including exchanges of professionals and experienced volunteers, and the secondment of Member State experts.

The training and exercises programme shall aim to enhance the coordination, compatibility and complementarity of capacities referred to in Articles 9, 11 and 12, and to improve the competence of experts as referred to in points (d) and (f) of Article 8(1);

(b) set up and manage a programme of lessons learnt from civil protection actions conducted within the framework of the Union Mechanism including aspects from the entire disaster management cycle, in order to provide a broad basis for learning processes and knowledge development. The programme shall include:

(i) monitoring, analysing and evaluating all the relevant civil protection actions within the Union Mechanism;

(ii) promoting implementation of lessons learnt in order to obtain an experience-based foundation for the development of activities within the disaster management cycle; and

(iii) developing methods and tools for gathering, analysing, promoting and implementing lessons learnt.

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

(c) stimulate research and innovation, and encourage the introduction and use of relevant new approaches and/or technologies for the purpose of the Union Mechanism;

(d) set up and maintain a Union Civil Protection Knowledge Network online platform to support and facilitate the implementation of the different tasks referred to in points (a), (b) and (c).

2. The Commission shall strengthen cooperation on training and promote the sharing of knowledge and experience, between the Union Civil Protection Knowledge Network and international organisations and third countries, in particular in order to contribute to meeting international commitments.';

(9) ~~In~~ in Article 15(3), point (b) is replaced by the following:

‘(b) collect and analyse validated information on the situation, in conjunction with the affected Member State, with the goal of generating common situational awareness, and disseminate it to the Member States;’;

(10) ~~In~~ in Article 17, paragraphs 1 and 2 are replaced by the following:

‘1. The Commission may select, appoint and dispatch an expert team composed of experts provided by Member States:

- (a) upon request for prevention expertise in accordance with Article 5(2);
- (b) upon request for preparedness expertise in accordance with Article ~~13(3)~~ **8(2)**;
- (c) in the event of a disaster within the Union as referred to in Article 15(5);
- (d) in the event of a disaster outside the Union as referred to in Article 16(3);

Experts from the Commission and from other services of the Union may be integrated in the team in order to support the team and facilitate liaison with the ERCC. Experts dispatched by UN agencies or other international organisations may be integrated in the team in order to strengthen cooperation and facilitate joint assessments.

Where operational effectiveness so requires, the Commission, in close cooperation with Member States, may facilitate additional experts, technical and scientific support, through deployment, and reach back to specialist scientific, emergency medical and sectoral expertise.

2. The procedure for the selection and appointment of experts shall be the following:

- (a) Member States shall nominate experts, under their responsibility, who can be deployed as members of expert teams;

- (b) the Commission shall select the experts and the leader for those teams on the basis of their qualifications and experience, including the level of the Union Mechanism training undertaken, previous experience of missions under the Union Mechanism and other international relief work; the selection shall also be based on other criteria, including language skills, to ensure that the team as a whole has the available skills needed in the specific situation;
- (c) the Commission shall appoint experts and team leaders for the mission in agreement with their nominating Member State.

The Commission shall notify Member States of additional expert support provided in accordance with paragraph 1.’;

(11) Article 18 is replaced by the following:

‘Article 18

Transport and equipment

1. In the event of a disaster, either within or outside the Union, the Commission may support Member States in obtaining access to equipment or transport and logistical resources by:
 - (a) providing and sharing information on equipment, and transport and logistical resources that can be made available by Member States, with a view to facilitating the pooling of such equipment or transport and logistical resources;
 - (b) assisting Member States to identify, and facilitating their access to, transport and logistical resources that may be available from other sources, including the commercial market; or
 - (c) assisting Member States to identify equipment that may be available from other sources, including the commercial market.

2. The Commission may complement the transport and logistical resources provided by Member States by providing additional resources necessary for ensuring a rapid response to disasters.
3. The assistance requested by a Member State or a third country may consist only of transport and logistical resources in order to respond to disasters with relief items or equipment procured in a third country by the requesting Member State or country.’;

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

‘Article 20a

Visibility and awards

1. The recipients of Union funding, as well as the beneficiaries of the delivered assistance, shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results) by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

Any assistance or funding provided under this Decision shall be given appropriate visibility. In particular, Member States shall ensure that public communication for operations funded under the Union Mechanism:

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

2. The Commission shall implement information and communication actions relating to this Decision, and its actions and results **and support Member States in their communication actions on operations**. Financial resources allocated to this Decision shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3(1).
3. The Commission shall award medals in order to recognise and honour longstanding commitments and extraordinary contributions to Union Mechanism.’;

(15) Article 21 is amended as follows:

- (a) ~~In~~ **in** paragraph 1, point (g) is replaced by the following:

‘(g) developing resilience **disaster risk management** planning ~~under the Union Mechanism~~, as referred to in Article 10.’;

- (b) ~~Paragraph~~ **paragraph** 3 is replaced by the following:

‘3. The financial assistance for the action referred to in point (j) of paragraph 1 shall cover all costs necessary to ensure the availability and deployability of rescEU capacities under the Union Mechanism in accordance with the second subparagraph of this paragraph. The categories of eligible costs necessary to ensure the availability and deployability of rescEU capacities shall be as set out in Annex Ia.

The Commission is empowered to adopt delegated acts in accordance with Article 30 to amend Annex Ia regarding the categories of eligible costs.

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

- (c) paragraph 4 is deleted.

(16) ~~In~~ **in** Article 22, point (b) is replaced by the following:

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

(17) Article 23 is replaced by the following:

‘Article 23

Eligible actions linked to equipment and operations

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

(iii) the assistance corresponds to the needs identified by the ERCC and is delivered in accordance with the recommendations given by the ERCC on the technical specifications, quality, timing and modalities for delivery;

(iv) the assistance has been accepted by a requesting country, directly or through the United Nations or its agencies, or a relevant international organisation, under the Union Mechanism;

(v) the assistance complements, for disasters in third countries, any overall Union humanitarian response.

~~1a~~ 2. The amount of Union financial assistance for the transport of capacities not pre-committed to the European Civil Protection Pool and deployed in the event of a disaster or imminent disaster inside or outside the Union and for any other transport support needed to respond to a disaster shall not exceed 75 % of the total eligible cost.

~~2~~ 3. The amount of Union financial assistance for capacities pre-committed to the European Civil Protection Pool shall not exceed 75 % of the costs of operating the capacities, including transport, in the event of a disaster or imminent disaster inside or outside the Union.

4. The Union financial assistance for transport and logistical resources may, in addition, cover a maximum of 100 % of the total eligible costs specified in points (a) to (d), where this is necessary to make the pooling of Member States' assistance operationally effective and where the costs relate to one of the following:

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

(b) transport from the Member State offering the assistance to the Member State facilitating its coordinated transport;

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

(d) local transport, transit and warehousing of pooled assistance with a view to ensuring a coordinated delivery at the final destination in the requesting country.

~~4a~~ 5. When rescEU capacities are used for national purposes in accordance with Article 12(5), all costs, including maintenance and repair costs, shall be covered by the Member State using the capacities.

~~4b~~ 6. In the event of deployment of rescEU capacities under the Union Mechanism, Union financial assistance shall cover 75 % of the operational costs.

By way of derogation from the first subparagraph, Union financial assistance shall cover 100 % of the operational costs of rescEU capacities necessary for low probability disasters with a high impact, when those capacities are deployed under the Union Mechanism.

~~4e~~ 7. For deployments outside the Union, as referred to in Article 12(10), Union financial assistance shall cover 100 % of the operational costs.

~~4d~~ 8. When the Union financial assistance referred to in this Article does not cover 100 % of costs, the remaining amount of the costs shall be borne by the requester of the assistance, unless otherwise agreed with the Member State offering assistance or the Member State hosting the rescEU capacities.

~~4e~~ 9. For the deployment of rescEU capacities, Union financing may cover 100% of any direct costs necessary for the transport of cargo, logistical means and services, within the Union, and to the Union from third countries

~~5~~ 10. In case of pooling of transport operations involving several Member States, a Member State may take the lead in requesting Union financial support for the entire operation.

~~6~~ 11. When a Member State requests the Commission to contract transport services, the Commission shall request partial reimbursement of the costs according to the funding rates set out in paragraphs 2, 3 and 4.

~~6a~~ **12.** Without prejudice to paragraphs 2 and 3, Union financial support for the transport of assistance, ~~as referred to in paragraph 1a,~~ needed in environmental disasters in which the ‘polluter pays principle’ applies may cover a maximum of 100% of the total eligible costs. The following conditions shall apply:

- (a) the assistance is requested by the affected **or assisting** Member State based on a duly justified needs assessment;
- (b) the affected **or assisting** Member State takes all necessary steps to request and obtain compensation from the polluter, in accordance with all the applicable international, Union or national legal provisions;
- (c) upon receiving compensation from the polluter, the affected **or assisting** Member State shall immediately reimburse the Union.

~~7.~~**13** The following costs shall be eligible for Union financial support for transport and logistical resources under this Article: all costs relating to the movement of transport and logistical resources, including the costs of all services, fees, logistical and handling costs, fuel and possible accommodation costs as well as other indirect costs such as taxes, duties in general and transit costs.

~~8.~~**14** Transport costs may consist of unit costs, lump sums or flat rates, determined per category of cost.’;

(18) Article 25 is replaced by the following:

‘Article 25

Types of financial intervention and implementing procedures

1. The Commission shall implement the Union's financial support in accordance with the Financial Regulation.
- ~~2. The Commission shall implement the Union's financial support in accordance with the Financial Regulation in direct management or in indirect management with bodies referred to in Article 62(1)(c) of the Financial Regulation.~~
- ~~3~~ 2. Financial support under this Decision may take any of the forms laid down in the Financial Regulation, in particular the form of grants, procurement or contributions to trust funds.
- ~~4~~ 3. In order to implement this Decision, the Commission shall adopt annual or multi-annual work programmes, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2). The annual or multi-annual work programmes shall set out the objectives pursued, the expected results, the method of implementation and their total amount. They shall also contain a description of actions to be financed, an indication of the amount allocated to each action and an indicative implementation timetable. With regard to the financial support referred to in Article 28(2), the annual or multi-annual work programmes shall describe the actions foreseen for countries referred to therein.

However no annual or multi-annual work programmes shall be required for actions falling under the disaster response laid down in Chapter IV, which cannot be provided for in advance.

- 4. For the purposes of transparency and predictability, the budgetary execution and the projected future allocations shall be presented and discussed on a yearly basis in the Committee referred to in Article 33. The European Parliament shall be kept informed.**

5. In addition to Article 12(4) of the Financial Regulation, commitment and payment appropriations, which have not been used by the end of the financial year for which they were entered in the annual budget shall be automatically carried over and may be committed and paid up to 31 December of the following year. The carried-over appropriations shall be used solely for response actions. The carried-over appropriations shall be used first in the following financial year.’

(20) Article 30 is amended as follows:

(a) Paragraph 2 **is deleted.** is replaced by the following:

~~‘2. The power to adopt delegated acts referred to in Article 6(5) and in the second subparagraph of Article 21(3) shall be conferred on the Commission until 31 December 2027.’~~

(b) paragraph 4 is replaced by the following:

‘4. The delegation of power referred to in Article 6(5) and in the second subparagraph of Article 21(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the Decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’

(c) paragraph 7 is replaced by the following:

‘7. A delegated act adopted pursuant to Article 6(5) or the second subparagraph of Article 21(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’

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

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

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

‘3. ~~On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in~~ **Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply**’;

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

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

Article 2

Entry into force

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

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

Article 3

Addressees

~~This Decision is addressed to the Member States.~~

Done at Brussels,

For the European Parliament

The President

For the Council

The President