

Brussels, 8 November 2019
(OR. en)

13792/19

**Interinstitutional File:
2019/0070(COD)**

**PROCIV 88
JAI 1150
COHAFA 89
FIN 719
CODEC 1579
CADREFIN 361**

'I/A' ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	10756/2/19 REV 2
No. Cion doc.:	7271/19
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 - Partial general approach

1. On 7 March 2019 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. Between March and October 2019 the Working Party on Civil Protection (PROCIV) discussed the proposal and several compromise texts submitted by the Romanian and Finland's Presidencies. As a result of these discussions a number of modifications have been inserted in the text.

3. The proposal to amend the Union Civil Protection Mechanism Decision is part of the sectoral proposals made in the context of the preparation of the Multiannual Financial Framework 2021-2027. All reference amounts are pending the conclusion of negotiations regarding the Multiannual Financial Framework (2021-2027).

The following provisions: recital 8c, recital 8d and Article 1(2)(d) are bracketed to reflect the intent of the Council to guarantee the consistency of these provisions across the various MFF sectoral legislations, in line with document 5146/1/19 REV 1.

4. The European Economic and Social Committee adopted its opinion on 19 June 2019¹.
5. COREPER is advised to invite the Council to agree on the compromise text as set out in the Annex, which will then form the partial mandate for negotiations with the European Parliament in the context of the ordinary legislative procedure of Article 294 TFEU.

¹ OJ C 282, 20.8.2019, p. 49.

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Decision No 1313/2013/EU of the European Parliament and of the Council on a
Union Civil Protection Mechanism**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 196 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee²,

~~Having regard to the opinion of the Committee of the Regions³;~~

Acting in accordance with the ordinary legislative procedure,

² OJ C **282**, **20.8.2019**, p. **49**.

³ ~~OJ C , , p. .~~

Whereas:

- (1) ~~The Commission adopted a proposal⁴ for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism on 23 November 2017⁵~~ **was amended by Decision (EU) 2019/420⁶ which inter alia strengthened the Union's collective response to natural and man-made disasters by establishing a reserve of capacities known as 'rescEU', reinforced the re-named European Civil Protection Pool and enhanced disaster prevention and preparedness. The Union Civil Protection Mechanism should be further strengthened.**
- (2) ~~The Commission proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU seeks to enhance the collective ability to prepare and respond to disasters by bolstering the possibilities offered by the European Civil Protection Pool. This involves establishing a reserve of civil protection capacities for use in Union operations ('rescEU') and strengthening the measures applicable in the field of prevention.~~
- (2a) The Union Civil Protection Mechanism could make use of Union infrastructures such as Galileo. 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 emergency management, including early warning activities. Galileo's relevant services will include an emergency service, which broadcasts, through emitting signals, warnings regarding natural 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 authorised to use that emergency service.**

⁴ ~~Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism on 23 November 2017 (COM(2017)772 final)~~

⁵ ~~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).~~

⁶ Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (OJ L 77, 20.3.2019, p.1).

- (3) ~~Enhanced Union financing is necessary~~ **The Union needs** to be able to further develop the European Civil Protection Pool and cover additional costs stemming from adaptation grants and the operation of capacities committed to the European Civil Protection Pool.

(3a) 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.

- (4) Adequate financial appropriations are required in order to establish, deploy and operate rescEU capacities, **which are defined under implementing acts.**
- (5) Decision No 1313/2013/EU sets out a financial envelope for the Union Mechanism that constitutes the prime reference amount intended to cover programme expenditure until the end of the 2014-2020 budgetary period.
- (6) ~~The **That** financial envelope set out in Article 19 of Decision No 1313/2013/EU needs to be~~ **should be** updated and replaced by the new figures provided for in **as from the date of applicability of [the Commission's proposal for the 2021-2027 Council Regulation laying down the** multiannual financial framework **for the years 2021 to 2027⁷]** **by the new figures provided therein.**
- ~~(7) Pursuant to the 2021-2027 multiannual financial framework, financial appropriations for the Union Civil Protection Mechanism are under a new Heading 5 'Security and Defence'.~~
- (8) **Percentages for adaptation for allocation of financial envelope laid down in** Annex I to Decision No 1313/2013/EU ~~is~~ **are** not flexible enough to allow the Union to properly adjust investments in prevention, preparedness and response. Investment levels to be allocated to the different phases of the disaster risk management cycle ~~need to~~ **should** be determined in advance. This **lack of flexibility** prevents the Union from being able to react to the unpredictable nature of disasters ~~management.~~ **The Commission should ensure a significant allocation of funds to prevention and preparedness actions in order to guarantee continued investments and long-term sustainability in these areas of the disaster management cycle.**

⁷ COM(2018) 321 final.

- (8a) The Commission reports on the implementation of the budget of the Union Civil Protection Mechanism in accordance with Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council (the "Financial Regulation")⁸.**
- (8b) In order to promote predictability and long-term effectiveness, when implementing Decision No 1313/2013/EU, the Commission should adopt annual or multi-annual work programmes indicating the planned allocations. In addition, the projected future allocations should be presented and discussed on a yearly basis in the committee assisting the Commission in accordance with Regulation (EU) No 182/2011.**

⁸ 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).

[(8c) In accordance with Regulations (EU, Euratom) 2018/1046 (the "Financial Regulation") and (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁹ and Council Regulations (Euratom, EC) No 2988/95¹⁰, (Euratom, EC) No 2185/96¹¹ and (EU) 2017/1939¹², 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. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (the "EPPO") may investigate and prosecute offences against the financial interests of the Union, as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council¹³.

⁹ 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)

¹⁰ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).

¹¹ 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).

¹² 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).

¹³ 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).

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 (ECA), 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 ECA 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.

(8d) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the Agreement on the European Economic Area¹⁴, which provides for the implementation of the programmes by a decision under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Decision to grant the necessary rights for and access to the authorizing officer responsible, OLAF and the ECA to comprehensively exert their respective competences.]

~~(9) — A new financial provision should replace the financial provisions of Decision No 1313/2013/EU which refer to the financial envelope of the Union Civil Protection Mechanism, in accordance with the current multiannual financial framework (2014–2020). To align the financial envelope of the Union Civil Protection Mechanism with the figures proposed for the 2021–2027 multiannual financial framework, point (a) of Article 1(1) should apply from 1 January 2021.~~

(10) Decision No 1313/2013/EU should therefore be amended accordingly,

¹⁴ OJ L 1, 3.1.1994, p. 3.

HAVE ADOPTED THIS DECISION:

Article 1

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

(-1) In Article 9 the following paragraph is added:

“10. When the emergency service is provided by Galileo, each Member State may decide to use it.

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

(1) Article 19 is amended as follows:

(a) ~~paragraph 1 is replaced by the following~~ **paragraph is inserted:**

“1a. The financial envelope for the implementation of the Union Mechanism for the period 2021 to 2027 shall be [EUR 1 400 000 000 in current prices]”.

(b) paragraph 2 is deleted.

(c) paragraph 4 is amended as follows:

“4. The financial envelope referred to in paragraph 1 shall be allocated, over the period 2021-2027, to cover actions on preventing, preparing for and responding to natural and man-made disasters.”

~~(b)~~**(d)** paragraphs 4, 5 and 6 are deleted.

(2) Article 20a¹⁵ ~~is amended as follows~~ **replaced by the following**:

(a) ~~paragraph 1 is replaced by the following:~~

Article 20a

Visibility and awards

- “1. The recipients of Union funding 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 also give appropriate visibility to the Union, including prominence to the Union emblem for those capacities referred to under Article 11, 12 and point (c) of Article 21(2).
2. **A communication strategy shall be developed by the Commission in order to make the tangible results of the actions taken under the Union Mechanism visible to citizens.**

The Commission shall implement information and communication actions relating to this Decision, and its actions and results. 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).

~~A communication strategy shall be developed by the Commission in order to make the tangible results of the actions taken under the Union Mechanism visible to citizens.~~

¹⁵

~~By the time of the likely adoption of this proposal, the proposed revision of Decision No 1313/2013/EU of 23 November 2017 (rescEU proposal), where a new article on visibility (Article 20a) has been added, should be already in force (foreseen entry into force is 21 March 2019). Given the need to streamline the language on corporate communication for all new multiannual financial framework proposals following SG guidelines (ARES (2018)4555072), Article 20a is amended to comply with the internal rules on the matter.~~

3. The Commission shall award medals in order to recognise and honour longstanding commitments and extraordinary contributions to Union Civil Protection.”

(2a) the fourth subparagraph of Article 21(3) becomes a new paragraph and is amended as follows:

“3a. The financial assistance referred to in this article may be implemented by multi-annual work programmes. For actions extending beyond one year, budgetary commitments may be broken down into annual instalments.”

(2b) Article 23 is amended as follows:

(a) paragraph 2 is replaced by the following:

“2. 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.”

(b) paragraph 3 is deleted.

(2c) 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 assistance in accordance with Regulation (EU, Euratom) 2018/1046.**
- 2. Financial assistance under this Decision may take any of the forms laid down in the Financial Regulation (EU, Euratom) 2018/1046 in particular grants, procurement or contributions to trust funds.**

3. In order to implement this Decision, the Commission shall adopt annual or multi-annual work programmes, by means of implementing acts, except for actions falling under the disaster response of Chapter IV, which it is not possible to provide for in advance. 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 assistance referred to in Article 28(2), the annual or multi-annual work programmes shall describe the actions foreseen for countries referred to therein.
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.”

(2d) Article 27 is replaced by the following:

["Article 27

Protection of the financial interests of the Union

Where a third country participates in the Mechanism by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, OLAF and the ECA to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013.”]

(3) Article 30¹⁶ is amended as follows:

(a) paragraph 2 is deleted;

(b) paragraph 4 is replaced by the following:

“4. The delegation of power referred to in 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:

“A delegated act adopted pursuant to 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”.

(4) Annex I is deleted.

Article 2

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

It shall apply from the date of entry into force. By way of derogation, However, point (a) of Article 1(-1) **and points (a) and (c) of Article 1(1)** of this Decision shall apply from 1 January 2021.

¹⁶ ~~By the time of the likely adoption of this proposal, the proposed revision of Decision No 1313/2013/EU of 23 November 2017 (rescEU proposal) should be already in force (foreseen entry into force is 21 March 2019). The amendment presented in this document refers then to Article 30 as it stands in the revised Decision No 1313/2013/EU.~~

Article 3

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

Done at Brussels,

For the European Parliament

For the Council

The President

The President
