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NOTE

From:	Presidency
To:	Working Party on Civil Protection
Subject:	Revised Union Civil Protection Mechanism Decision: low probability risks with a high impact - Presidency discussion paper

Delegations will find in the annex a Presidency discussion paper on low probability risks with a high impact.

The document will serve as a basis for discussion at the Working Party on Civil Protection (PROCIV) meeting on 9 December 2019.

1. Low probability risks with a high impact - objective of the discussion

The aim of the discussion is to allow PROCIV to provide policy guidance for the implementation of the Union Civil Protection Mechanism (UCPM) as regards low probability risks with a high impact (Lo-Hi), their categories and the corresponding capacities to manage such risks. Delegations are encouraged to take a strategic, forward-looking perspective on the implementation of the UCPM decision to guide the technical work further. This discussion paper aims at structuring and facilitating the discussion.

The amended UCPM legislation¹ entered into force in March 2019. The implementation process started with three implementing acts² presented to the Civil Protection Committee (CPC) in 2019 and their subsequent adoption.

Building on the work started during the Romanian Presidency, the Presidency considers that strategic discussion at Council level is still required regarding the implementation and operationalisation of the provisions regarding low probability risks with a high impact included in the amended UCPM decision.

The objectives of the PROCIV meeting on 9 December are to:

1. support the implementation process by conducting a strategic discussion at Council level on setting criteria and identifying **categories of risks** that can be considered low probability with a high impact;
2. reflect on the type of **capacities** that are likely to address such categories of risks³.

¹ 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), as amended by Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 (OJ L 77, 20.3.2019, p.1).

² Commission Implementing Decision (EU) 2019/570 (OJ L 99/41); Commission Implementing Decision (EU) 2019/1310 (OJ L 204/94); Commission Implementing Decision (EU) 2019/1930 (OJ L 299/55).

³ Article 21(4) of Decision No 1313/2013/EU.

As a starting point, the Presidency proposes basing the discussion on the following assumptions:

- The development of capacities addressing low probability risks with a high impact should have **strategic relevance**⁴ at EU level and these capacities should be relevant for the whole Union. As part of the rescEU reserve, these should not substitute national preparedness efforts.
- The work could be based on **EU-level and national risk scenarios** and build on the work initiated under the Romanian Presidency. Possible scenarios could include known knowns such as pandemics or accidents with CBRN substances, hybrid threats or the use of military force. In addition, scenarios could consider known unknowns, namely events that have not occurred and whose impact is unknown. An example of this is a high energy solar storm or a large scale cyber-attack on cross-border European critical infrastructure.
- Defining low probability risks with a high impact is challenging. Moreover, the categorisation of these risks should be **flexible** enough to adapt to the changing security environment and the emergence of new types of threats.
- There is **clear added value** in the development of capacities that address low probability risks with a high impact, considering the possible scale, severity or unpredictability of an event. Since capacities related to Lo-Hi risks are typically highly specialised and expensive and not as such procured or maintained by a single Member State, EU level cooperation can be effective in scaling up national efforts, pooling resources and enabling more efficient planning and cost-efficiency.
- The future development of such capacities should be examined through **strategic and sustainable principles**, avoiding ad hoc solutions.

⁴ In the Council conclusions on the Renewed European Union Internal Security Strategy 2015-2020 (9798/15) it is stated: ‘Recalling the importance of applying the principles of subsidiarity and proportionality, and bearing in mind the necessity at the European Union level to focus on those actions having a clear added value to the on-going efforts of the Member States in the field of the European Union internal security.’

- Given the significant budgetary implications involved, **budgetary planning should be strategic and transparent**, taking into account both the development and the availability of the capacity in the long term, in accordance with Article 25 of the amended UCPM decision.

2. The new UCPM legislation – Low probability risks with a high impact

The concept of low probability risks with a high impact was first introduced in the revised UCPM legislation. In Article 6, the legislation requires Member States to share information on:

‘prevention and preparedness measures, particularly those needed to address key risks that have cross-border impacts and, where appropriate, low probability risks with a high impact’.

The new legislation provides for two types of Union financial assistance for the capacities established to respond to low probability risks with a high impact:

- **Development costs** (Article 21(4)): the Commission will cover 100% of the costs necessary to ensure their availability and deployability.
- **Deployment costs** (Article 23(4)): the Commission will cover 100% of the operational costs of such capacities when deployed under the UCPM.

The legislation further stipulates that the *‘categories of low probability risks with a high impact and the corresponding capacities to manage them shall be adopted in the implementing acts by the Commission’ (point (ha) of Article 32(1)).*

3. Romanian Presidency and low probability risks with a high impact

The Romanian Presidency organised a Presidency workshop entitled '*Preparing for High-Impact, Low-Probability Events – Way ahead*', which took place in Bucharest on 30-31 January 2019.

One of the main outcomes of the workshop was that the actions undertaken at EU level to support Member States and Participating States affected by low probability high impact events should be based on a shared understanding of the main characteristics, the identification criteria and the impact of such events.

Based on the discussions during the workshop, possible identification criteria for or categories of such events could include:

- unpredictability of the event
- complexity (cascading effects, which might challenge national security or disrupt government continuity, or result in social, environmental, economic, public health, critical infrastructure breakdown)
- characteristics and severity of the impact (including long-lasting negative impacts, e.g. economic impact, impact on critical infrastructures)
- duration (long-lasting consequences going beyond the national capacity to handle them)
- scale (mass casualties, mass fatalities, mass displacement, psychological effects, etc.) overwhelming national capacities to respond (including the solidarity capacity through the voluntary pool)
- geographical spread (area affected/transboundary consequences)
- specificities of the response measures and capacities needed (e.g. if highly specialised, scarce at EU level and very expensive intervention assets are needed)
- activation of the Solidarity Clause enshrined in the Lisbon Treaty, activation of the IPCR, request of international assistance, etc.

4. Way forward

The Presidency would like to open the discussion on the possible options for taking things forward. Delegations are encouraged to reflect on the following options and guiding questions.

Possible options for the way forward on

a) Scenario-based approach

Building on the possible categories for the identification of Lo-Hi risks discussed during the Romanian Presidency, further work could continue with a limited scenario-based discussion to identify and prioritise categories relevant for Lo-Hi risks. The categories could then serve as criteria for decision making when developing and deploying rescEU capacities.

Guiding questions:

- Should the work on defining Lo-Hi categories and corresponding capacities be scenario-based, using already identified Lo-Hi risks, national risk assessments/EU risk overviews as well as known unknown risks?
- Could the identification criteria/categories identified during the Romanian Presidency serve as a basis for this work?

b) Capacity-based approach

Building on the work done at Committee level and in the Task Teams on capacity development, should further work on implementation be based on

- capacities already identified for development under rescEU (AFF, CBRN, MEDEVAC, EMT-3)?
- identifying a few priority capacities as Lo-Hi also beyond AFF, CBRN, MEDEVAC, EMT3?

Also:

- Should future Lo-Hi implementing rules include a definite number of capacities or capacity goals?
- Should priority be given to those capacities which are relevant for responding to or predominantly used in a majority of identified Lo-Hi categories of risks?

5. Timetable/Next steps

PROCIV invites the Commission to take into account the outcome of this discussion while preparing the legal provisions governing low probability risks with a high impact.
