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Brussels, 14.4.2023
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2023/0095 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The proposal is intended to amend Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism¹ ('the Decision'), under which the European Union supports, coordinates and supplements the actions of Member States² in the field of civil protection to prevent, prepare for and respond to natural and man-made disasters within and outside the Union.

The sole purpose of the proposed change is to ensure that the Union can continue providing emergency support to Member States in fighting wildfires through the capacities developed under the 'rescEU transition', until the permanent European aerial forest firefighting fleet will become available. In concrete terms, this proposal suggests extending the end of the transitional period referred to in Article 35 from 1 January 2025 to 31 December 2027. This date is aligned with the end of the current Multi-annual Financial Framework (MFF).

With rising temperatures and prolonged periods of drought, the wildfire risk in the Union is increasing in scope and the wildfires are becoming more frequent and intense. The 2022 wildfire season in the Union was a record-breaking season. The total number of wildfires in the Union above 30 hectares totalled 2 707. 786 316 hectares (over three times the size of Luxembourg) of land were burnt. This amount has significantly increased compared to the year before (416 413 hectares). Furthermore, the data for 2022 reveal a more than 250% increase over the average burnt area of land since Union-level recording started in 2006. Wildfires have become a serious pan-European concern, affecting not only the Mediterranean region, but also countries including Czech Republic, Germany and Slovenia, as demonstrated by their recent activations of the Union Civil Protection Mechanism. As a notable example, Sweden experienced severe wildfires in 2018. In 2022, 20 Member States have recorded more burned areas than their average over previous years.

As demonstrated by the wildfire seasons of recent years, the environmental, climatic, economic and societal losses associated with wildfires are immense. In 2022 alone, the wildfires have led to estimated economic losses above EUR 2 billion, and more than 25 million tonnes of CO₂ emitted. Approximately 35% of the burnt areas in 2022 are included in Natura 2000 sites³.

This alarming acceleration of wildfires across Europe is expected to continue in the coming years due to the impact of climate change. President Von der Leyen addressed this concern in her State of the Union speech in September 2022, where she stated that "*as disasters become*

¹ OJ L 347, 20.12.2013, p. 924–947

² In light of Article 28(1a) of Decision No 1313/2013/EU, where reference is made to Member States, it shall be understood as including Participating States as defined in Article 4(12) of Decision No 1313/2013/EU.

³ Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right, stretching across all 27 EU countries, both on land and at sea. The aim of the network is to ensure the long-term survival of Europe's most valuable and threatened species and habitats, listed under both the Birds Directive (Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds) and the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora).

more frequent and more intense, Europe will need more capacity. This is why I can today announce that we will double our firefighting capacity over the next year.”

With an amendment to the Decision in 2019⁴, rescEU was created as a European reserve of capacities to provide assistance in overwhelming situations where overall existing capacities at national level and those pre-committed by Member States to the European Civil Protection Pool are not able or are insufficient to ensure an effective response to the various kinds of disasters. Such capacities have been developed, in particular, in the area of aerial forest firefighting to supplement national capacities⁵. While some of those capacities are readily accessible on the market and can be purchased relatively quickly, the availability of the aerial forest firefighting capacities takes more time. To ensure a smooth transition towards the full implementation of rescEU, the Commission was empowered, for a transitional period of an initial five years, to provide financing to ensure the rapid availability of relevant national capacities. It was also specified that the Commission and the Member States should endeavour to obtain additional capacities, including fire-fighting helicopters, in order to better and more efficiently respond to the risk of wildfires, as early as the summer of 2019⁶. It was estimated at the time, based on a market study on currently available aerial forest firefighting assets released on 9 July 2018⁷, that five years would be sufficient, in particular for specialised aircraft to be accessible once again on the market, allowing for the development of permanent fleet. Therefore, an end date of 1 January 2025 was introduced in Article 35 of the Decision for the application of that transitional provision. However, recent market developments and more specifically, the absence of the required highly-specialised aircraft on the market show that a longer timeframe (beyond 2024) is needed for the development of amphibious aerial forest firefighting aircraft. The negotiations with the manufacturer of such specialised aircraft are in their final stage; the delivery of such first planes at an agreed cost is expected to start in 2026 according to the latest reassurances provided by the manufacturer. Thus, the end date set out in Article 35 needs to be further extended until the end of the current MFF, which is 31 December 2027. This period would cover the entire MFF financial envelope of the UCPM in accordance with Article 19.1a.

This proposal is meant to ensure the rapid availability of relevant national capacities beyond the 2024 wildfire season, when the application of the current transitional provision is set to expire. The contracts will need to be prepared well in advance, in 2024, for the deployment of aerial forest firefighting capacities. As a result, the Decision needs to be amended in the current legislature period to allow for the preparations to start in 2024. Therefore, it is urgent that the co-legislators deliberate swiftly on this targeted proposal.

- **Consistency with existing policy provisions in the policy area**

This proposal exclusively concerns the extension of the period referred to in Article 35 of the Decision and does not otherwise affect the substance of that provision. Therefore, the proposal remains fully consistent with the existing policy provisions in the area.

⁴ 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 77I, 20.3.2019, p. 1.

⁵ Other rescEU areas cover amongst others chemical, biological, radiological and nuclear incidents, emergency medical response, as well as transport and logistics and emergency energy supply.

⁶ Recital 34 of the Decision (EU) 2019/420 of the European Parliament and of the Council of 13 March 2019 amending Decision No 1313/2013 on a Union Civil Protection Mechanism, OJ L 77, 20.3.2019, p.1

⁷ A STUDY ON CURRENTLY AVAILABLE AERIAL FOREST FIRE FIGHTING ASSETS CONTRACT ECHO/2018/A1/396_01.

- **Consistency with other Union policies**

No legislative act under other Union policies can currently achieve the objective pursued by this proposal. There is, therefore, no overlap with other actions in the policy area. Attention, however, is being paid to ensuring close coordination, consistency and complementarity with actions carried out under other Union policies. It also creates synergies with other policy areas, such as climate change adaptation and instruments in the field of disaster prevention and disaster risk reduction that aim to better tackle the impacts of climate change.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

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

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

The Union has a supporting competence in the area of civil protection. Member States bear the primary responsibility when it comes to preventing, preparing for and responding to disasters. One of the reasons that the Union Civil Protection Mechanism was established is because major disasters can overwhelm the response capacities of any Member State acting alone. The provision of well-coordinated and rapid mutual assistance amongst Member States is at its core. The objective of the proposal cannot be sufficiently achieved by the Member States acting on their own. This is particularly significant when they are faced with a disaster, or several disasters, with wide-ranging impacts that overwhelm the capacities of Member States and that may hinder mutual assistance amongst them. Union action in this field therefore involves managing situations with strong cross-border and multi-country/regional components that require overall coordination and concerted action beyond the national level. This includes the provision of capacities such as specialised aircraft that can reduce the impacts of wildfires. The benefits include reducing the loss of human life, environmental, economic and material damage.

- **Proportionality**

The proposal does not go beyond what is necessary to achieve the objective and builds on existing policy. It addresses a specific gap that has been identified since the adoption of Decision (EU) 2019/420 of the European Parliament and the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism and Regulation (EU) 2021/836 of the European Parliament and the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism and proposes a targeted solution. The administrative burden falling upon the Union and Member States remains limited since the current proposal does not alter this.

- **Choice of the instrument**

Given its limited scope, a proposal for a Decision amending Decision No 1313/2013 of the European Parliament and of the Council on a Union Civil Protection Mechanism is suggested as appropriate.

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

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

Not applicable.

- **Stakeholder consultations**

In the wake of devastating wildfires in Southern and Central Europe in 2022, the European Commission convened an Informal Ministerial Meeting on Reinforcing Wildfire Preparedness and Response in Brussels on 5 September 2022. Ministers, State Secretaries and Directors General for Civil Protection of the Member States discussed rapid coordinated European action, within the framework of the UCPM, to better protect the Union and its citizens from fires in 2023 and beyond. A particular concern was raised on the absence of sufficient firefighting planes and helicopters in all affected countries that puts additional strain on the already established seasonal European safety net of firefighting aircraft, co-financed by the Commission and meant to temporarily bridge gaps until the permanent new European fleet of firefighting aircraft (called rescEU and composed of 14 medium and light amphibious planes and nine medium-sized helicopters to complement national fleets) will become available as of 2026. A broad consensus was therefore reached to expand the existing seasonal European safety net of firefighting airplanes by financing the inclusion of additional helicopters and light aircraft in key European areas as of summer 2023. This approach was also discussed at the 49th informal meeting of Directors-General for Civil Protection in Prague in October 2022 and with Member States at technical level.

- **Collection and use of expertise**

In preparing this proposal, the Commission has relied on external expertise on the topic of wildfire prevention, preparedness and response. One of the Commission's expert groups, 'Experts group on lessons learnt from the handled emergencies' met on 10-11 January 2023⁸. Among the main outcomes of this meeting was the consensus that the 2022 wildfire season was one of the most challenging in Europe's history and that there is a clear lack of aerial assets across Europe to address a growing number of simultaneous fires. The Emergency Response Coordination Centre's gap analysis shows a daily average gap of four aircraft during the periods with open requests of assistance from Member States, with a peak of 10 aircraft during some days of the active wildfire period. The experts recognised a clear need for more assets at both national and Union level.

- **Impact assessment**

Due to the technical and urgent nature of the proposal, no impact assessment was carried out. However, lessons learnt from the 2022 wildfire season, identified in close cooperation with relevant stakeholders, both at national and Union level, have fed into the proposal (stakeholders agreed to a prolonged application of the provision). This has contributed to an assessment of the impact of the proposed policy that will extend the current practice.

- **Regulatory fitness and simplification**

Not relevant.

⁸ [Register of Commission expert groups and other similar entities \(europa.eu\)](https://europa.eu)

- **Fundamental rights**

Not relevant.

4. BUDGETARY IMPLICATIONS

Starting in 2023, the rescEU transitional fleet aims to have a total of 22 planes and 4 helicopters. Sustaining this level of fleet capacity until the end of the current MFF (that is to say, 31 December 2027) is indispensable. Given the overall investment made into the aerial forest firefighting fleet, the estimated budgetary impact can be accommodated within the existing financial envelope of the UCPM.

5. OTHER ELEMENTS

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

Article 34 of the Decision provides that actions receiving financial assistance shall be monitored regularly in order to follow their implementation. The Commission must evaluate the application of the Decision and submit interim and ex post evaluation reports, as well as a communication on the effectiveness, cost efficiency and continued implementation of the Decision to the European Parliament and Council. Such evaluations should be based on the indicators listed under Article 3 of the Decision. An evaluation is currently ongoing and is expected to be finalised by December 2023 in line with Article 34(3) of the Decision.

- **Explanatory documents (for directives)**

Not relevant.

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

This legislative initiative proposes extending the end date of the period referred to in Article 35 of the Decision until 31 December 2027.

Proposal for a

DECISION 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 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 Committee⁹,

Having regard to the opinion of the Committee of the Regions¹⁰,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Decision No 1313/2013/EU of the European Parliament and of the Council¹¹ defines the legal framework of rescEU. rescEU aims to provide assistance in overwhelming situations where overall existing capacities at national level and those committed by Member States to the European Civil Protection Pool are not able to ensure an effective response.
- (2) With rising temperatures and prolonged periods of drought, the wildfire risk in the European Union is increasing in scope and the wildfires are becoming more frequent and more intense. The limited availability of specialised response capacities, including amphibious aerial forest firefighting capacities, remains a major weakness and constitutes the Union's main operational challenge when confronting simultaneous wildfires.
- (3) Due to the necessary flexibility that has been afforded by the period provided in Article 35 of Decision No 1313/2013/EU, it is critical to extend the end date of '1 January 2025' to '31 December 2027' to ensure that the Union can secure additional aerial rescEU capacities under the Union Civil Protection Mechanism while the permanent European aerial forest firefighting fleet is gradually established.
- (4) Decision No 1313/2013/EU should therefore be amended accordingly,

⁹ OJ C , , p. .

¹⁰ OJ C , , p. .

¹¹ 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).

HAVE ADOPTED THIS DECISION:

Article 1

Amendment

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

(1) In Article 35, the first paragraph, the date '1 January 2025' is replaced by '31 December 2027'.

Article 2

Entry into force

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

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