



Council of the European Union
General Secretariat

Brussels, 12 November 2020

Interinstitutional files:
2020/0097(COD)

WK 12575/2020 INIT

LIMITE

PROCIV

WORKING PAPER

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Civil Protection
N° prev. doc.:	12206/20
N° Cion doc.:	8330/20
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 - delegations' comments

Delegations will find attached comments by BE, CY, DK, EE, EL, FI, FR, IE, IT, LT, LU, MT, NL, PL, RO, SE and SI.

WK 12575/2020 INIT

LIMITE

Article 13

General remark:

Given the structure and organization of the network is still in discussion, the text proposition seems to detailed. Certain aspects could better be taken on in the implementing decision.

Compromise text – drafting suggestion

Union Civil Protection Knowledge Network

1. The Commission shall establish a Union Civil Protection Knowledge Network including relevant civil protection and disaster management actors and institutions¹, centres of excellence, universities and researchers to create synergies between its members and to enhance all phases of disaster management, taking into account adaptation to and mitigation of climate change aggregate, process and disseminate knowledge and information relevant to the Union Mechanism, following an all-hazard approach ~~and including centres of excellence, universities and researchers, practitioners and civil protection experts.~~

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.

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, while aiming for a gender-balanced composition.

The Commission shall facilitate the aggregation, processing and dissemination of knowledge and information relevant to the Union Mechanism ~~exchange of knowledge and information~~ inter alia by²:

¹ Why did this disappear, are the CP and DM organisations not included?!

² Training and exercises c) needs to come before lessons learnt.

(a) setting up and managing 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;

(b) stimulating research and innovation, and encourage the introduction and use of relevant new technologies for the purpose of the Union Mechanism;

(c) setting up and managing a ~~training~~ and exercises programme³ for civil protection and emergency management personnel on the prevention of, preparedness for and response to disasters. The programme shall be such that it facilitates the exchange of best practices in the field of civil protection, and shall include joint courses, exercises and a system for the exchange of expertise in the area of emergency management, including exchanges of young professionals and experienced volunteers, and the secondment of Member State experts.

The training 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;

³ Reflects the latest developments and the coherence of the system.

~~(d) developing a strategic framework setting out the objectives of exercises, a long term comprehensive plan outlining exercise priorities, as well as set up and manage a programme of exercises;~~

2. When carrying out the tasks set out in paragraph 1, the Commission shall take particular account of the need and interest of Member States facing disaster risks of a similar nature.

3. 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.

4. The Commission shall increase the sharing of knowledge and experience, between the Union Civil Protection Knowledge Network and international organisations and third countries, in order to contribute to meeting international commitments with regard to disaster risk reduction, particularly those in the Sendai Framework for Disaster Risk Reduction 2015 – 2030 adopted on 18 March 2015 at the Third United Nations World Conference on Disaster Risk Reduction in Sendai, Japan.

Article 23, para 6a.

In relation to the ‘polluter pays principle’: Belgium is in favor of also providing transport support in cases where such assistance is requested by third countries (not only when assistance is requested by Member States).

CYPRUS

We think the Presidency proposal is a good compromise and acceptable on our side.

We also support the inclusion of a reference to mass casualty incidents and mass population movements in Art. 6 or the recitals.

DENMARK

Denmark thanks the German Presidency for presenting the compromise text (12206/20).

Denmark has previously submitted comments to Commission proposal. Given the late stage of the negotiations Denmark supports the Presidency's proposal in its current form and do not wish to make any further comments.

Article 5

We can agree with the PRES compromise. We support the deletion of disaster loss data.

Article 6

We would rather not bring in the specification: „in particular in the event of mass casualty incidents and mass population movement“. We would prefer the article without it, however that is not a strong position.

Setting resilience goals in the UCPM should be closely connected to civil protection, thus we can support the proposed compromise.

Article 7, 8 and 9, 10, 11

We can agree with the PRES compromise.

Article 12

We can support the compromise. Bringing in the definition of non-modular seems relevant in the current context.

Article 13

We support the overall aim of this article, however we would prefer to leave the details like the exact components of the Knowledge Network that have not yet been set properly for the further discussions at the Preparatory Working Group (PWG). The wording in the UCPM framework could be left more general leaving open the options for the further discussions and developments related to the Knowledge Network.

FINLAND

Finland refers to the comments made in the Prociv meeting 3rd of November. No additional comments from our side.

FRANCE

En complément des précédents éléments transmis en vue de la réunion PROCIV du 3 novembre 2020, lesquels restent d'actualité, les autorités françaises tiennent à aborder deux points complémentaires.

- Concernant le “Knowledge network”

Une référence explicite au Knowledge network pourrait être ajoutée:

*** À l'article 8, en ces termes:**

(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 early warning systems of Union interest ;
- to better integrate existing detection and early warning 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, in particular in the framework of the Knowledge Network’

*** À l'article 9, en ces termes:**

Paragraphe 10. When emergency services are provided by Galileo, Copernicus, GOVSATCOM, through the Knowledge network, programmes such as ARISTOTLE or other components of the Space Programme , each Member State may decide to use them.

- Concernant une rédaction alternative de l'article 12

Lors du dernier PROCIV, la délégation française a réitéré son soutien à la formulation initiale de l'article 12, telle que datée du 2 juin 2020. Désormais, une réflexion est en cours sur une proposition de formulation alternative et la France communiquera des éléments finalisés dans les meilleurs délais.

GREECE

In general, Greece supports the Presidency UCPM compromise text (12206/20). Please find below written comments on individual draft provisions:

In Art. 6 paragraph 5 delete “and mass population movement”.

In Art 7 paragraph 1 change “to promote a cross-sectoral approach to emergency management” with “to promote an EU cross-sectoral approach to emergency management”

In Art 10 paragraph 1 replace “Member States’ disaster risk management planning” with “Member States’ disaster risk management capability assessment”.

In Art. 11 paragraph 2 Greece agrees with the deletion of “resilience goals referred to in Article 6(5)”.

Art 12: Greece supports the ability of the European Commission to acquire, rent or lease response capacities in duly justified exceptional cases of urgency.

In Art 12 paragraph 3b Greece agrees with the deletion of “taking into account the Union disaster resilience goals referred to Article 6(5)”.

In Art. 13, in line with the Commission suggestions during the informal PROCIV videoconference of 3rd November 2020, we agree with the substitution of “shall” where references are made to the Union Civil Protection Knowledge Network with a more suitable phrase, as the Network is not a legal entity.

In Art. 13 paragraph 1 delete “practitioners”.

In the same paragraph we would like to ask for clarifications as to the nature of “centers of excellence”. In the same paragraph in the sentence “The Commission shall facilitate the exchange of knowledge and information inter alia by:” delete “inter alia”.

In Art 18 Greece supports the defining of transport and logistics as capacities and agrees with the co-financing rates described in COM working paper WK 11949/2020.

In Art 21 paragraph 3 Greece supports 100% financing for the availability and deployability of rescEU capacities.

Greece supports the provision of Art 23 paragraph 4e.

Following these lines, Greece would also like to suggest, for reasons of uniformity, the introduction of equal financing of operational costs for deployment of rescEU capacities both inside and outside the EU at 100%.

As regards Art 6a, Greece is of the following opinion:

Greece would support the draft provision, however it would like to comment as follows: In the case the principle of polluter pays applies, the Member State, that has requested assistance under the UCPM, has to revert to the polluter in order to claim and collect compensation and therefore the amount incurred by the Commission for transport costs and finally disburse the Commission. However, in most of these cases, national authorities in charge of this procedure are different from Civil Protection Authorities. In addition to that, there is a great possibility that the claimed amount is incurred as a result of a time consuming legal proceeding. The wording of the article makes a general reference to Member States obligation to obtain compensation and not to specific competent national authorities. It is very well known, however, that national Civil Protection Authorities are the single PoC to the UCPM.

Following the above, we would not wish the involvement of national CP Authorities in compensation claim procedures for which there is not a national competence. Moreover we would not like CP Authorities to assume responsibility of information exchange regarding the compensation claim procedures and with substance issues like possible delays in obtaining the compensation or even reception of smaller compensations than the ones expected. This would also entail a significant administrative burden for national CP Authorities.

IRELAND

- (6) To improve planning in prevention and preparedness, 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, taking account of and be based on Union wide resilience goals feeding into a baseline definition of capacities and preparedness. The Commission is to work together with Member States when defining Union wide resilience goals.
- (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 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) In order to have the operational capacity to respond swiftly to a large-scale, transboundary emergency or to a low probability event with a high impact such as the COVID-19 pandemic, the Union should have the possibility of acquiring, renting, leasing or contracting rescEU capacities to be able to assist affected 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.
- (10) rescEU capacities acquired, rented, leased or otherwise contracted by Member States may could be used for national purposes, but only when not used or needed for response operations under the Union Mechanism.

Commented [IE1]: Proposed revised text, further to comments on Article 6(5) below.

Commented [IE2]: Needs to be replaced with updated term, replacing 'resilience goals', as per main text.

Commented [IE3]: Needs to be replaced with updated term, replacing 'resilience goals', as per main text.

Commented [IE4]: Remove reference to national crisis systems, in line with article 7(1) amendment.

Commented [IE5]: Suggest use of may instead of could

(12) ~~In order to increase flexibility as well as achieve optimal budget execution, indirect management should be included as a method of budget implementation.~~

Commented [IE6]: Deleted, further to Article 25(2) proposal.

(21) 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. This would allow the Union to react without delay to large-scale emergencies which might have a high impact on human lives, health, environment, property, and cultural heritage, affecting at the same time ~~multiple the majority or all~~ Member States.

Commented [IE7]: The majority or all may be too restrictive. Suggest 'multiple' as an alternative to allow broader scope for provision of emergency assistance at Union level.

(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).’;~~

Commented [IE8]: IE supports deletion of this provision.

(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 common baseline** to support prevention and preparedness actions **in face of trans-boundary disasters with high impact, in particular in the event of mass casualty incidents and mass population movement.**

Commented [IE9]: IE welcomes the inclusion of the references to cooperation with MS and ‘in the area of civil protection’.

~~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 goals shall be based on 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 vulnerable people.~~

IE also welcomes the inclusion of reference to transboundary disasters however, the need for the qualifier ‘in particular in the event of mass casualty incidents and mass population movement’ is unclear, particularly the ‘mass population movement’ element. Suggest moving the ‘mass casualty incidents’ qualifier to the recitals.

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

Commented [IE10]: IE supports this deletion.

Commented [IE11]: IE is neutral on this provision but can support the Presidency approach.

(3) Article 7 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, support with national crisis systems,~~ civil protection authorities and relevant Union bodies **to promote a cross-sectoral approach to emergency management.**

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

Commented [IE12]: IE suggests phrase ‘work in close contact with’ is too ambiguous and open to interpretation. It is considered that the term ‘supports’ better reflects the role the ERCC should be adopting in relation to this matter.

Commented [IE13]: IE supports the removal of this text

Commented [IE14]: IE would like further clarity regarding requirements on civil protection authorities as a result of the ERCC promoting a cross-sectoral approach to emergency management.

Commented [IE15]: IE agrees with this change

(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 **early** warning systems of Union ~~interest;~~

Commented [IE16]: IE supports this change

–to better integrate existing **transnational detection and early warning** systems following a multi-hazard approach and minimising the lead time to respond to ~~disaster;~~

Commented [IE17]: IE supports addition of ‘detection and early warning’ here but considers that the term ‘transnational’ should also be included to bring clarity to the provision and to bring it in line with the existing legal requirement in this Article.

(...)

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

‘(l) support Member States with targeted situational awareness analysis including through cooperation with early warning services using European Scientific Partnerships for disaster events happening within their territories, and share such analyses via CECIS, with the agreement of the affected Member State(s).’;

Commented [IE18]: IE supports this provision

Article 10 is replaced by the following:

‘Article 10

~~Disaster resilience planning Scenario building and planning for disasters~~

Commented [IE19]: IE supports proposal to move away from existing heading. However, the use of the term ‘disaster risk management’ may end up confusing matters and processes. While a revised heading is not suggested, IE does set out a proposed revised text for Article 10(1) which is considered to streamline the text and to elucidate the actions the Commission and MS will take in accordance with this Article.

‘1. The Commission and the Member States shall ~~work together to improve [cross-sectorial] disaster risk management resilience planning at Union level, both for natural and man-made disasters likely to have a trans-boundary effect, including the adverse effects of climate change. The resilience planning engage in-include~~ scenario-building at Union level for natural and manmade disasters likely to have a transboundary effect to strengthening 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:

- the risk assessments referred to in point (a) of Article 6(1) ~~and~~
- the overview of risks referred to in point (c) of Article 5(1),
- **Member States'** disaster risk management planning referred to in point (c) of Article 6(1), ~~disaster loss data referred to in point (f) of Article 6(1),~~
- asset mapping and

Commented [IE20]: IE supports this deletion, further to previous obs.

Commented [IE21]: Further clarity is required here regarding the actors involved and scope of the undertaking. In principal, IE is not in favour of all MS having to engage in an exhaustive asset mapping exercise of all national emergency response assets.

However, if this provision is limited to asset mapping of ECCP and/or RescEU assets, IE could support this provision.

- the development of plans for the deployment of response capacities, ~~taking into account the Union disaster resilience goals referred to Article 6(5).~~

Commented [IE22]: IE supports this deletion

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.’;

Commented [IE23]: IE supports this deletion

(7) 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").

Commented [IE24]: IE supports this deletion

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).’;~~

Commented [IE25]: IE is not in favour of MS having to engage in exhaustive asset mapping exercise. Suggests considering inclusion of a recital in connection with this requirement to clarify that it will be up to MS to engage as they consider appropriate with any request from the Commission arising as a result of this provision.

(a) 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~~ and, as well as, transport and logistics.

Commented [IE26]: IE supports the inclusion of transport and logistics as a rescEU capacity.

Minor drafting suggestion; to consider deleting ‘and’ before emergency medical response and to replace ‘, as well’ with ‘and’ after ‘response’ before ‘transport’ Agree.

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

Commented [IE27]: IE supports this provision.

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

Commented [IE28]: IE supports this provision.

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

Commented [IE29]: IE supports this provision.

Subjective, but text gives substance to the paragraph.

- determine the necessary type and quantity of already defined non-modular rescEU capacities, and/or

- define additional non-modular 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~~

Commented [IE30]: IE supports this deletion

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.

Commented [IE31]: IE supports this proposal

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.~~

Commented [IE32]: IE supports this deletion; not in favour of strategic pre-positioning and location of rescEU capacities in third countries.

(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.’;~~

Commented [IE33]: IE supports this deletion.

(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 to aggregate, process and disseminate knowledge and information relevant to the Union Mechanism, following an all-hazard approach and including centres of excellence, universities and researchers, practitioners and civil protection experts, promoting a gender balanced approach to composition.

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.

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, while aiming for a gender balanced composition.

The Commission shall facilitate the exchange of knowledge and information inter alia by:

- (a) setting up and managing 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;

Commented [IE34]: As a general comment on this Article, IE supports the establishment of the Knowledge Network and its inclusion in the legal basis however, it is considered that the Article as currently worded is very detailed and too precise, and may end up curtailing the work and future development of the Knowledge Network. IE considers a better approach would be to streamline the text while allowing for a less precise, broader approach to the establishment and development of the Knowledge Network, to enshrine the principle in the UCPM legal text but to also allow sufficient room for the Knowledge Network to grow organically.

Commented [IE35]: Moved up from third paragraph.

Commented [IE36]: IE supports efforts towards gender balanced composition however, the placement of the phrase 'the gender balanced composition' does not fit here.

(b) stimulating research and innovation, and encourage the introduction and use of relevant new technologies for the purpose of the Union Mechanism;

(c) setting up and managing a training programme for civil protection and emergency management personnel on the prevention of, preparedness for and response to disasters. The programme will focus on and encourage ~~shall be such that it facilitates~~ the exchange of best practices in the field of civil protection, and shall include joint courses and a system for the exchange of expertise in the area of emergency management, including exchanges of young professionals and experienced volunteers, and the secondment of Member State experts.

The training 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;

(d) developing a strategic framework setting out the objectives of exercises, a long-term comprehensive plan outlining exercise priorities, as well as set up and manage a programme of exercises;

(e) developing guidance on knowledge dissemination and implementation of the different tasks referred to in points (a), (c) and (d) at Member State level.

(f) When carrying out the tasks set out in paragraph 1, the Commission shall take particular account of the need and interest of Member States facing disaster risks of a similar nature.

(g) 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.

(h) The Commission shall ~~increase~~ promote the sharing of knowledge and experience, between the Union Civil Protection Knowledge Network and international organisations and third countries, ~~in order to contribute to meeting international commitments with regard to disaster risk reduction, particularly those in the Sendai Framework for Disaster Risk Reduction 2015–2030 adopted on 18 March 2015 at the Third United Nations World Conference on Disaster Risk Reduction in Sendai, Japan.~~

Commented [IE37]: Suggest replace 'shall..' with 'will focus on and encourage the'.

Commented [IE38]: IE has some misgivings regarding the inclusion of the term 'young' professionals which may be discriminatory, notwithstanding the goal of the provision. Further the inclusion of the term 'experienced' volunteer is imprecise and subjective, suggest reference to a volunteering organisation or programme.

Or alternatively, delete 'young professionals and experienced volunteers from the Article and aim to clarify in the recitals.

Commented [IE39]: IE agrees with principle of this provision however some amendments are suggested. Suggest replace 'increase' with promote which better reflects Commission role and is less restrictive to actions required.

Further, suggest deleting second part of the sentence regarding meeting international commitments as it provides no added value to the legal text. The shared knowledge can be used for this basis if considered appropriate but this doesn't need to be specifically referenced in the text.

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

‘Article 20a

Visibility and awards

(...)

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).

Commented [IE40]: IE supports this provision

(15) Article 21 is amended as follows:

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

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

Commented [IE41]: Further to previous comments, IE would be open to different terminology to ‘disaster risk management’ referred to in Article 10.

However, IE is unclear regarding the need to reference ‘{cross-sectorial}’ in this regard and suggests deleting. IE deleted this reference in our proposed rewording of Article 10.

- (b) 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.’;

Commented [IE42]: IE agrees with this change

- (c) paragraph 4 is ~~deleted~~.

Commented [IE43]: IE supports this deletion.

(17) Article 23 is replaced by the following:

‘Article 23

Eligible actions linked to equipment and operations

(...)

6a. 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~~ Member State or third country based on a duly justified needs assessment;
- (b) the ~~affected~~ Member State or third country 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 Member State shall immediately reimburse the Union.

Commented [IE44]: IE welcomes of the inclusion of this provision to cover disasters where the ‘polluter pays principal’ applies. However, we disagree with the limited scope of this provision as currently worded and strongly advocate for a broader approach, to enable Member States providing support to third countries, including the UK post-Brexit (a marine pollution disaster within UK territory could have severe detrimental effects for the Union from an environmental and socio-economic perspective), to avail of financial support for the transport of assistance.

IE considers such a broader approach to be in line with the spirit and application of the UCPM in general; to include added value through visibility.

We offer some proposed revised text in this regard. It is suggested the most efficient way to amend this Article to achieve the desired outcome is to add the phrase or ‘third country’ after Member State; this is a known and used phrase.

It is further suggested to delete the term ‘affected’, as this is somewhat subjective and limits the scope of the provision unnecessarily. A Member State (or third country) may not be immediately affected by a disaster located adjacent to its territorial waters as the environmental and socio-economic impacts may take time to emerge but these impacts could potentially be foreseen and considered more likely if the Member State does not take supportive action. If necessary, the term ‘affected’ could be added before the phrase ‘third country’ to clarify the scope of the support available here.

While this proposed revised text is not intended to be absolute, IE wishes to see the principal of support to third countries in respect of marine pollution disasters, provided for in the UCPM legal basis.

(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.~~

(...)

4a. 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.”

Commented [IE45]: IE supports the removal of the reference to indirect management.

Commented [IE46]: IE supports this provision.

(20) Article 30 is amended as follows:

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

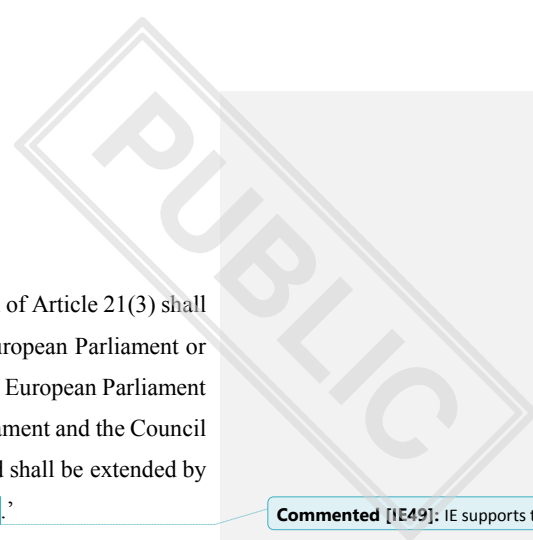
~~‘2. The power to adopt delegated acts referred to in Article 6(5) and in the second subparagraph of Article 21(3) shall be conferred on the Commission until 31 December 2027.’~~

Commented [IE47]: IE supports this deletion.

- (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.’

Commented [IE48]: IE supports this provision.



(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**.’

Commented [IE49]: IE supports this provision.

(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;’;

Commented [IE50]: IE supports this provision.

(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**’;

Commented [IE51]: IE supports the revised wording provide here.

ITALY

Italy takes this opportunity to thank the Presidency for the compromise text that clarifies the main elements of the Commission proposal. The compromise goes in the right direction. Italy sees room for further improvements in order to reach a more balanced text according to the amendments proposed here below.

The changes are indicated in yellow by *italics underlining* and ~~double strike through~~ as compared to the relevant parts of the compromise text.

Amendment

Art 8

‘(c) work with Member States

- to develop transnational detection and **early** warning systems of Union interest;
- to better integrate existing **detection and early warning** 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 upon their request with targeted situational awareness analysis, including through cooperation with early warning services, using European Scientific Partnerships for disaster events happening within their territories and share such analyses via CECIS, with the agreement of the affected Member State(s)’;

Explanation:

Italy considers that the implications of the text “to translate scientific information into operational information” are unclear and for this reason, Italy suggests to remove it.

The provision proposed in point (l) could imply possible technical conflicts with the national monitoring and evaluation system, affecting the national responsibility of the Member States. For this reason, the ERCC analytical role for disasters inside the Union, should be provided upon a request of the affected Member States in order to complement and integrate their actions. Moreover the reference to the European scientific partnerships could narrow the possibilities at the disposal of the Commission.

Amendment

Art. 12

‘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 procedure referred to in Article 33(2), may be rented, leased, and/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 and/or otherwise contract capacities determined by means of implementing acts adopted in accordance with the procedure referred to in Article 33(3). Such implementing acts shall:

- determine the necessary type and quantity of already defined ~~non-modular~~ rescEU material means capacities, and/or

- define additional ~~non-modular~~ rescEU material means 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

Explanation:

The text should clearly states that the Commission should not be entitled to develop capacities that require staff to be operated nor individual staff (excluding transport and logistics).

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.~~ For rescEU capacities acquired, rented, leased or otherwise contracted, the Commission may also use the trusted networks managed by relevant international organisations located inside the Union, such as the UN Humanitarian Response Depots.

Explanation:

With regard rescEU capacities managed by the Commission, Italy would appreciate in the text a reference to the trusted network managed by international organizations inside the EU, such as the UN Humanitarian Response Depots.

The UNHRD has two depots inside the Union, strategically based in Brindisi (Italy) and Las Palmas (Spain), that could be of great added value contributing to enhance rescEU effectiveness and efficiency.

Italy is in favor to make the best use of existing structures already specialized in transport and logistics, optimizing the efforts achieved at multilateral level in this domain.

Amendment

Art. 13

Paragraph 1 (points a, b, c)

The training programme paragraph (c) should become the first paragraph (a). The lesson learnt paragraph should be moved to the second paragraph (b) and research and innovation paragraph should become the third one (c).

Paragraph 3

~~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.~~

Explanation:

Italy suggests deleting Paragraph 3 because the possibility to deploy expert teams is already foreseen in other articles.

Paragraph 4

The Commission shall **strengthen cooperation on training and** increase the sharing of knowledge and experience, between the Union Civil Protection Knowledge Network and international organisations and third countries, in order to contribute to meeting international commitments with regard to disaster risk reduction, particularly those in the Sendai Framework for Disaster Risk Reduction 2015 – 2030 adopted on 18 March 2015 at the Third United Nations World Conference on Disaster Risk Reduction in Sendai, Japan.

Explanation:

Italy suggests using the same wording of Decision 420/2019, for this reason Italy suggest to add “strengthen cooperation on training and”.

Amendment

Art. 17(1)

(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 may facilitate additional experts, technical and scientific support, through deployment, and reach back to specialist scientific, emergency medical and sectoral expertise.~~

Explanation:

The deployment of expertise within the UCPM is already clearly defined and regulated by the Decision 1313/2013. Italy is in favor to extend the possibility to integrate into the teams experts from the Commission and from other services of the Union. However Italy is not favorable to deployments of additional expertise not offered by Member States competent authorities.

LITHUANIA

Taking this opportunity, we would like to pay many compliments to the Presidency for a well-constructed compromise. We support the most of proposed articles in the document (12206/20), such as art. 5, 7, 18(3), 20a, 21, 23 (4) e, 30, 32 and 33, but at the same we would like to express some observations/comments:

Art. 6(5) (risk management): We have a flexible position for this article. We see the added value in collecting disaster loss data, but only if the common EU methodology for the collection is developed and which enables collected data to be comparable and help to fulfil the requirements of the SENDAI framework.

We agree with limitation of resilience goals to CP activity in order to avoid duplication with obligations set by other international organizations (for example NATO baseline requirements). We would suggest deleting given examples (they are covered by NATO BR) and thus ensuring flexibility in the future.

Art. 8 (general preparedness actions for the Commission) – support and flexible to the proposals expressed by MS during the PROCIV on 3rd of November.

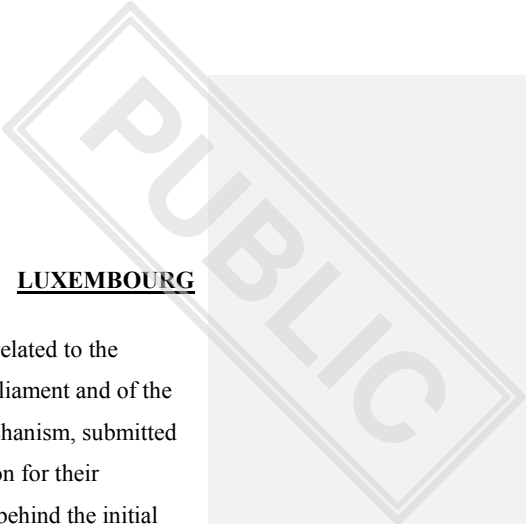
Art. 10 (scenario-building and planning for disasters) – support the inclusion of cross-sectorial disaster risk management.

Art. 11 (ECPP) – support the deletion of reference to resilience goals.

Art. 12 (rescEU) – we would be in favour of Commission initial proposal with some clearly defined limitations of Commission actions (acquisition of all rescEU capacities in urgent and duly justified cases), but we would express our flexibility and can accept submitted compromise in this article as well.

Art. 13 (Union CP Knowledge Network) – We support the comments expressed by some Member States during the PROCIV on 3rd of November, that this article should be more general with the focus on main principles of KN.

Art. 25 (types of financial intervention and implementing procedures) – we could support indirect management if it would be applicable for MS CP authorities only, otherwise we support deletion of paragraph related to indirect management.



LUXEMBOURG

Luxembourg would first of all like to thank the authors of the compromise text related to the remaining articles of the legislative Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism, submitted by the Presidency. At the same time, we would also like to thank the Commission for their explanations and documents they produced to help us understand the reasoning behind the initial legislative proposal.

From a general view point, Luxembourg is very satisfied with the compromise text, as it moves the discussion in the right direction. Nevertheless, we would like to remind that we remain in favour of the possibility of the EU Commission to be able to acquire, rent or lease resources in the scope of the UCPM. As we acknowledge that this has been and still is a blocking factor in the 2017-2019 and the current negotiations, we are of the opinion that the compromise text makes a step in the right direction and creates an additional safety net in case of need.

Concerning article 6(5), we would suggest to delete (or move to the recitals) the examples “mass casualty incidents and mass population movement”, as the addition of “trans-boundary disasters with high impact” is clear enough on the intended purpose of the Union disaster resilience goals.

Furthermore, in view of having a complete disaster risk management process reflected in the legal text, we are of the opinion that point (f) of the same article on disaster loss data collection should remain in the text.

As mentioned at the beginning of our comments, we remain in favour of the general possibility of the Commission to rent, lease or acquire resources, but can accept the proposed compromise text. The limitations to the transport and logistics resources seem to be appropriate at this point of time, but we should be aware that with a very dynamic risk landscape and the corresponding resources needed to tackle these risks, enough flexibility should be in the legal basis to be able to react quickly in case of urgent need.

- Article 6(5)

Malta agrees that the text ‘such as’ would be better suited than emphasising mass casualty incidents and mass population movements through the use of ‘in particular’.

- Article 17

Malta would like to propose an amendment to paragraph 2, in order to ensure that Member States are consulted in the process regarding possible additional experts, as follows:

“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.*~~

The additional expert support which may be integrated in the team in accordance with paragraph 1 shall be included following consultation with Member States.”

NETHERLANDS

Many thanks to the Presidency for your work on finding a joint Council position on the proposal for an amended UCPM decision. We see that much effort has been put in finding a common ground for the proposal that addresses many of the concerns of member states. We also appreciate the efforts of the Presidency to drawing lessons from the response to the COVID-19 pandemic and evaluate the Knowledge Network, by means of questionnaires and organizing the recent Workshop on this topic. Next to valuable information for the functioning of the Knowledge Network, this may also provide insights into the effectiveness of the UCPM response to the pandemic. We hope the Presidency will provide further interpretation of the results of this evaluation process, as this may be of use in the upcoming negotiations on the UCPM decision.

As we indicated during the last PROCIV session, we support many of the changes in the Presidency compromise text. Among others, NL can support proposed changes on article 6 and 10. We appreciate the attention for **resilience goals and scenario-building and planning**, taking into account and building on existing frameworks.

However, our main concern is on the issue of **direct procurement**. While we recognize that the compromise text has narrowed down the scope of direct procurement, we continue to have reservations regarding article 12 3b, specifically regarding the urgency procedure (article 33). Considering that the Committee procedure under Article 33(2) can be very efficient, as proven during the COVID-19 emergency, we would like to propose making the following changes to the compromise text.

Article 12

- 3a. rescEU capacities, as defined by means of implementing acts adopted in accordance with the procedure referred to in Article 33(2), may be rented, leased, and/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 and/or otherwise contract capacities determined by means of implementing acts adopted in accordance with the procedure referred to in Article 33(3 2). Such implementing acts shall:

- determine the necessary type and quantity of already defined non-modular rescEU capacities, and/or
- define additional non-modular rescEU capacities and determine the necessary type and quantity of those capacities.

Article 33

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.
3. ~~Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply;~~

With respect to **co-financing** we continue to favor the solution that gives due consideration to the principle that Member States are, and should remain responsible for preparedness.

Art. 6 – Risk Management

- Concerning the deletion of reference to the delegated acts

We appreciate the proposed non-binding nature of resilience goals. We also understand the need to reduce the formalities of the process of setting them.

However, we consider it justified to include in the text the provision indicating the method of defining goals.

Reference only to Art. 5(g) may be useful in the context of the goals' achievement reporting - however, the lack of reference to the methods of setting goals is still noticeable and may be confusing in future works.

- Concerning the deletion of point f) about disaster loss data collection

Poland believes that the provision on disaster loss data collection could stay in the proposal, but in a slightly different, softer form, emphasizing the role of the European Commission instead of an obligation for the Member States. Support from the European Commission for the Member States would help to achieve the fulfilment of obligations arising, for example, from the Sendai Framework for Disaster Risk Reduction 2015 - 2030.

We propose that this provision could be a separate paragraph as follows:

“X. The Commission supports Member States in improving 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).”

An alternative, shortened form would also be acceptable:

“X. The Commission supports Member States in improving disaster loss data collection at the national or appropriate sub-national level.”

- Concerning examples of trans-boundary disasters with high impact

We propose that the phrase ***“in particular”*** in the text (*“...in particular in the event of mass casualty incidents and mass population movement.”*) is replaced by ***“such as”***.

Art. 10 - Scenario-building and planning for disasters

Poland accepts the reference to "cross-sectoral" approach in the context of disaster risk management planning at Union level. We would only like to point out that this process, as included in the Mechanism legislation, should result in a specific added value for the Mechanism. Obtaining data from various sectors can be particularly beneficial in planning the Mechanism's response operations, including the development of scenarios and the shape of the European Civil Protection Pool and rescEU reserve in terms of identified risks. Concerning the title of the article, the change to "Disaster risk management planning" would be acceptable.

Art. 13 – Union Civil Protection Knowledge Network

The proposed provisions, in Poland's opinion, are acceptable. However, we encourage to consider modifying the text in order to better emphasize the entities involved in cooperation within the Knowledge Network, especially civil protection actors, as the main beneficiaries of the activities planned by the Network. Also, considering that the recent concept paper on KN specifies that the network would bring together both civil protection **and disaster management actors**, we propose to change the text of the first part of para. 1. as follows:

„The Commission shall establish a Union Civil Protection Knowledge Network to aggregate, process and disseminate knowledge and information relevant to the Union Mechanism, civil protection and disaster management entities, following an all-hazard approach and including civil protection and disaster management practitioners and experts, centres of excellence, universities and researchers.”

Poland would also be ready to accept a less detailed description of the Network's goals and activities, to make it easier to expand the Network's scope in the future. The proposed details could then be included in an implementing act.

Art. 23 - Eligible actions linked to equipment and operations

The "polluter pays" principle is not included in the Mechanism legislation, therefore it may be problematic to identify environmental disasters, where this rule would apply. Therefore, it seems appropriate to refer in the text to the legal basis of this rule or to include further provisions detailing the scope of its application.

ROMANIA

Following the Commission's Proposal for a Decision of the European Parliament and of the Council amending Decision 1313/2013/EU on a Union Civil Protection Mechanism, we would like to advance the following comments and requests for clarifications in relation to document 12206/20:

- Article 12 paragraph 3b – we would like that COM provide clarifications about the procedure used to acquire capacities; if it is intended to acquire capacities through the Member States, RO could accept this provision as long as this is clearly reflected in the text; if it is intended to acquire capacities through other entities, this means indirect management and RO cannot accept it; moreover RO would accept the reference to the emergency procedure introduced by Article 33(3) if COM explains what exactly is meant by "non-modular capacities", by offering examples.
- Article 13(c) – we would like to rephrase the second sentence such as "*..exchanges of ~~young~~ professionals and ~~experienced~~ volunteers...*"
- Article 20a, paragraph 2 - we would like to complement to the sentence such as "*..and support Member States in their communication actions and operations, **by developing a communication strategy for such activities.***"

Art 5

OK with Presidency compromise

Art 6.5

SE would like to see a broad perspective and not a narrow limitation to civil protection but we are open for compromises along the line of the Presidency proposal.

Linked to the examples mass casualty incidents and mass population movement, we suggest to exchange the words “in particular” with “such as”.

SE propose to add “current and” in the sentence:

[...] The goals shall be based on current and forward looking scenarios [...]

We can accept the deletion of delegated act but would like to have an indication of the foreseen process to develop and agree on resilience goals.

Justification:

SE believes that resilience goals and scenarios should have an all hazard approach and could serve as important tools to get a common picture of capacity gaps and needs. The work with goals and scenarios will strengthen the common preparedness in Europe.

We should be prepared to respond to a wide set of risks, both current and future. Resilience does concern aspect of the whole society. This should be reflected in the resilience goals. When we work with the goals we need to ensure strong coordination with other sectors.

Art 7

OK with the Presidency compromise

Art 8

OK with the Presidency compromise

Art 10

SE is in favour of including "cross-sectorial" in article 10.1. In addition, we would like to keep the reference to disaster resilience planning.

Justification:

SE believes that resilience goals and scenarios could serve as important tools to get a common picture of capacity gaps and needs. The work with goals and scenarios will strengthen the common preparedness and planning in Europe. To ensure an all-hazards approach coordination cross-sectorial perspectives are important.

Art 10.2

SE welcome the deletion of "disaster resilience".

Justification:

As 10.2 refers to operational planning of response operations, it is logic to delete disaster resilience planning in this case.

Art 11

SE would like to keep the reference to resilience goals.

Justification

SE believes that resilience goals and scenarios could serve as important tools to get a common picture of capacity gaps and needs. Keeping the reference would contribute to “closing the circle” and ensuring necessary links between different areas of work within the UCPM.

Art 12.2

SE would like to keep the reference to resilience goals.

Justification

SE believes that resilience goals and scenarios could serve as important tools to get a common picture of capacity gaps and needs. Keeping the reference would contribute to “closing the circle” and ensuring necessary links between different areas of work within the UCPM.

Art 12.2

OK with Presidency compromise

Art 12.3

Following discussions in Prociv on 3 November, we suggest the below addition to article 12.3b:

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

Justification

The Member States should be the first choice when it comes to hosting rescEU capacities. SE appreciates the clarification in that regard in the Presidency compromise.

However, as we are moving in a direction where the Commission, in justified cases, will have the possibility to procure rescEU capacities, we must ensure Member States' involvement and a transparent process. We understand that there are legal limitations when it comes to introducing this aspect in the decision, and invite the legal service to elaborate on the wording: in dialogue with /consulting etc.

We would also like to ask the Presidency to clarify what was mentioned in the last Prociv meeting about budget shifts being subject to CPC approval, which would constitute an extra check on the Commission's possibility for direct procurement. What would be the procedure?

This being said, SE is concerned that limiting the scope of the Commission's possibility for direct procurement to certain capacities goes against the all-hazards approach.

Art 13

OK with Presidency compromise

Art 20

OK with Presidency compromise

Art 21(g)

OK with presidency compromise, however depending on the outcome of art. 10. Prefer to keep reference to resilience.

Art 23(6a)

OK with Presidency compromise

Art 25.2

SE would like to keep the possibility for indirect management.

Justification:

We have at this stage not taken a clear position regarding indirect management. We think that we should explore this type of additional tool for the civil protection mechanism, given that the Commission could specify or limit the scope to relevant areas and implementing partners.

Art 32

OK with presidency proposal

Art 33

OK with presidency proposal given that SE proposal in 12.3 is reflected in the text.

SLOVENIA

Slovenia kindly thanks the Presidency for presenting the compromise text (document 12206/20) to the Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism, COM (2020) 220 final of 2 June 2020, as well as the European Commission for the preparation of the explanatory note on transport and logistics (WK 11949/2020 INIT).

Slovenia supports the overall compromise text with the aim of strengthening the Union Civil Protection Mechanism and its principles. However, we believe additional reflections are needed in the following articles.

Comments on individual articles:

Article 6

Art 6(f): Slovenia supports the deletion of art 6(f), but is flexible on re-inserting this paragraph.

Art 6(5): Slovenia supports the new wording in the compromise text: “The Commission, in cooperation with Member States, shall define and develop Union disaster resilience goals in the area of civil protection, as a common baseline/.../.” However, we would be flexible regarding the deletion of the wording, *in event of mass casualty incidents and mass population movement* or at least the deletion of the wording “/.../in particular, /.../.”

Article 8

Art 8(c): We would prefer to keep the text from the UCPM Decision now in force.

Art 8(l): Slovenia would like to suggest specifying in a footnote the list or examples of European Scientific Partnerships, however can be flexible on this paragraph.

Article 10

Slovenia welcomes the compromise text and we are flexible on keeping the wording, *cross-sectorial*, since we understand it as a recommendation and not an obligation. In addition, we believe, the text is missing clarity regarding its provisions and objectives. To this effect we propose the title of Art 10 to be changed to 'Scenario building and planning of operations' And furthermore, insert at the beginning of the second sentence in point 1. 'of operations', so the sentence would read, 'The planning of operations shall include scenario-building...'

Article 12

Slovenia supports the compromise text in Art 12, with the exception of inconsistent terminology throughout the text on transport and logistics and suggests using the same terminology throughout the text, namely 'transport and logistical resources'.

Article 21

Art 21(3):

Slovenia is flexible on the 100 % financing for rescEU capacities.

Article 25

Art 25(2): Slovenia supports the deletion of the reference on 'indirect management' in the paragraph 25(2). However, we can be flexible on this paragraph regarding the use of indirect management if such use would be determined in the annual working programme approved by the Civil Protection Committee.
