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LIMITE

PROCIV

WORKING PAPER

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Civil Protection
N° prev. doc.:	12206/2/20 REV 2
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 - outcome of PROCIV written consultations on the Presidency compromise

Following the PROCIV written consultations launched on 19 November and which ended on 23 November regarding the above Preisdency compromise, delegations will find attached comments submitted by the FR delegation.

FRANCE[1]

The French authorities thank the German Presidency for the work carried out throughout these negotiations and agree that it is essential to improve the current legal framework to ensure a stronger, flexible and rapid response to crises - particularly since the current pandemic, which is still ongoing, has highlighted the aspects of the mechanism where there is scope for progress.

However, in order to create an instrument for the long term which is adaptable and able to respond to any kind of future crisis, **it seems to us essential to take the time for reflection and not interrupt the discussions prematurely.** What is at stake is too important for all those involved not to devote the necessary time to it, especially since unlinking the financial package from the rest of the text makes it possible to take a step back and reflect.

We broadly welcomed the compromise proposal **12206/1/20 REV 1** as examined at the PROCIV meeting on 18 November 2020, which was moderately-worded and reconciled the different positions of the Member States in a promising way. However, the amendments made during that meeting, without any real consultation in advance, led to the wording of the current working document **12206/2/20 REV 2.**

This latest version of the working document, **taken as a whole, is not one that we can support, for several reasons,** despite some appropriate changes.

1. Amendments which seem appropriate to us and which we can support

As a preliminary point, in our view the following amendments seem appropriate and in accord with the spirit of the Mechanism:

a. The focus on the prevention/preparedness phase

– Recital 6

– Article 5(1)(g)

– Article 8

– Article 10

[1] Translation from French provided by the Council Secretariat.

And in particular:

– The establishment of 'Union disaster resilience goals' which are not binding on the Member States - Article 6(5)

– The strengthening of the ERCC - recital 6 and Article 7

– The constant emphasis on the Knowledge Network - various recitals, Articles 8, 10 and 13. In this connection, we would like to thank the German Presidency for incorporating the amendments which its delegation proposed to Articles 8 and 10.

– The strengthening of links with the scientific community, in particular

b. Promoting the work of the European Commission through a reinforced communication plan – Article 20

2. <u>Subjects that warrant further reflection and for which we disagree with the proposed compromise version</u>

The main stumbling block remains Article 12.

From the beginning of the negotiations, we supported the Commission and its proposal for a decision dated 2 June 2020. We endorse the objective sought through direct purchases for the benefit of the Commission, i.e. to enable a rapid, flexible and modular response within the EU.

While the text proposal discussed in PROCIV on 18 November 2020 **(12206/1/20 REV 1)** proposed a flexible approach, version **12206/2/20 REV 2** (recital 10 and Article 12) severely restricts both the Commission's governance and the proposed framework:

– limitation of type of initial capacity: 'to address the gaps in the area of transport and logistics'

– limitation of framework for further intervention: 'in duly justified cases of urgency, the Commission may acquire, rent, lease'

– limitation of intervention autonomy: 'in consultation with Member States'

– limitation of type of additional capacity: 'support services'

We consider the very restrictive access proposed as above to be **contrary to the overall aim of this reform** and, as a minimum, we would like to revert to the text version 12206/1/20 REV 1.

3. Comments/requests for further information on recitals

– Is the replacement of the term '**emergency**' by the term 'disaster' throughout purely terminological or does it have specific consequences (higher level of seriousness implied by the term 'disaster')?

– Recital 6: the removal of the **common resilience goals** is not in line with the Sustainable Development Goals (SDGs) and the Sendai Framework;

– Recital 7: the proposed wording removes the link to the **European Programme for Critical Infrastructure Protection for the resilience goals**;

– Recital 10: 'In order to make the best use of the experiences gained so far with trusted logistical networks managed by relevant international organisations inside the Union, such as the UN Humanitarian Response Depots': we question the added value of this clarification and of citing the UN Depots in full. This **text applies in general**. This specific reference seems superfluous.

We also disagree with the removal of pre-positioning in logistical hubs on EU territory. We would also like to **reopen the debate on the possibility of storing equipment in EU outermost regions**. This option, which has already been discussed, allows for a rapid and efficient response in areas that are very exposed to natural (or even man-made) hazards.

– Recital 14: the removal of the possibility of using '**multi-purpose aircraft services in case of emergencies**' hardly seems compatible with crisis management. We disagree with this **restrictive approach** and would point out that there is in fact a need to use this type of aircraft in the event of a crisis.