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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
Subject:	Questions for the Commission as regards the Proposal of the Decision of the European Parliament and of the Council amending Decision 1313/2013/EU on a Union Civil Protection Mechanism

Delegations will find attached a compilation of the questions for the Commission on the above subject received from the AT, BE, DE, DK, EL, FI, FR, HR, IT, LT, LU, NL, PL, RO, SE, SI and SK delegations.

Questions for the Commission as regards the Proposal of the Decision of the European Parliament and of the Council amending Decision 1313/2013/EU on a Union Civil Protection Mechanism

AUSTRIA

please find below the Austrian questions on the new Commission proposal for the forthcoming PROCIV meeting:

- Disaster resilience goals → how will the MS be involved in the definition of disaster resilience goals? Why does the Commission foresee delegated acts for the definition of disaster resilience goals?
- What is the added value in procuring rescEU capacities by the Commission? Who will decide if a rescEU capacity shall be procured by the Commission or a MS and how will this decision be taken and when?
- Where will the EC owned rescEU capacities be located? Will there be hubs?
- Who will decide on the deployment of EC owned rescEU capacities? Will the MS be involved in this decision making process and if so how?
- Why is a 100% financing of rescEU capacities foreseen in the new proposal?
- If the Commission procures rescEU capacities how will the para on “national use” apply?
- Why should rescEU capacities be located in third countries, when the rescEU capacities serve as a safety net for the MS?
- Who will decide on the deployment of rescEU capacities in third countries, if the capacity was procured by the Commission and how will this decision be taken?
- What are the links between UCPM, ESI and EU 4 health? Referring to EU4health especially regarding the stockpiling of medicine and development of emergency medical teams?

BELGIUM

First of all Belgium would like to congratulate the Commission on this new proposal to strengthen the Mechanism and on the tremendous support already provided during this pandemic.

The current Covid-19 emergency has indeed brought to light certain strengths and weakness of the UCPM. As such, we look forward to a constructive and thorough discussion with the Commission and the other Member States in order to further improve this crucial pillar of our collective resilience and capacity of solidarity.

To be able to further assess this new proposal we would like to ask the Commission for more information on the following aspects:

1. Article 6,(b), f)., concerning “*improve disaster loss data collection at the national or appropriate sub-national level*”. Could the Commission provide more details on the type of information that is sought after in this article and how it could be useful for the UCPM
2. Article 6, (c), para 1, concerning “*Union disaster resilience goals*”
 - 1) How will the progress towards these goals be assessed?
 - 2) Which (obligated) actions for the Member States can be expected to derive from the Union disaster resilience goals
1. Article 12, para 3, Could the Commission provide additional information on the ratio behind and the objectives of the provision ‘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 .’
2. Article 12, para 10: Could the Commission explain the ratio behind dropping the criteria for the deployment of RescEU outside of the EU?
3. Article 17, para 3: Concerning the possibility of the Commission to “*facilitate additional experts, technical and scientific support, through deployment*”. Could the Commission provide more detail on the procedure for the appointment of the additional experts. In other words, does par 2 of article 17 also apply for the designation of these additional experts?
4. Article 18, point 2: Could de Commission provide more information on how the “*providing of additional transport resources*” differs from the current possibility to make use of the transport broker of the Commission?
5. *Article 21, para 3*: Could the Commission explain why the reference to 80 to 90% financing of the development of RescEU capacities has been dropped?

GERMANY

Article 6 (1)

- How is the process of loss data collection envisioned to take place?
- Will there be a link to loss data collection under the Sendai Framework for DRR?

Article 6 (2)

- Could the Commission please further elaborate on the term “disaster resilience goals”? Are the resilience goals expected to be of quantitative or qualitative nature?
- How are the resilience goals supposed to interlink with other international agreements, e.g. the Sendai Framework for Disaster Risk Reduction, in order to ensure coherence?
- Is it foreseen to harmonize the resilience goals with respective objectives of the NATO?
- What are the criteria for necessity (“where necessary”)? What will be the role of the Council/ the MS in this procedure?

Article 8 (c)

- How does the Commission intend to "better integrate systems using a multi-hazard approach", "to monitor and provide advice based on scientific knowledge on disasters and, where relevant, climate change impacts" etc.?
- Does the Commission intend to make effective use of the knowledge network as a central knowledge hub for these purposes?

Article 10 (1)

- Could the Commission further elaborate on the term „disaster resilience planning“ and on the practical implications of this change under Article 10?
- Is it foreseen to include the coordination/harmonization of the „disaster resilience planning“ with the respective planning processes of other international organizations, including UN and NATO?
- Does the term “asset mapping” under Article 10 (1) refer to *all* national assets or to assets that have been made available to the UCPM, e.g. through the European Civil Protection Pool or through rescEU?

Article 12 (3)

- We assume that a legal assessment of the compatibility of EU-owned capacities with the principle of subsidiarity and the normative content of Article 196 TFEU in the field of civil protection has taken place prior to publication of the Commission's proposal. The Commission is requested to kindly share the findings of this assessment.
- Could the Commission kindly elaborate in detail on the criteria for distinction between rescEU/UCPM, EU4Health and ESI, and clearly outline the complementarity of these instruments?
- What does the Commission expect to be the added value of additional rescEU capacities owned by the Commission and not the MS? In which way does the Commission expect such capacities to increase overall resilience within the EU?
- Who will be in charge of the operation and management of capacities owned by the Commission? Could the Commission please explain in detail how the operational implementation (logistics, staff, leadership, etc.) is envisioned to take place, e.g. in case of warehousing capacities?

„The Commission may [...] acquire, rent, lease or otherwise contract rescEU capacities to stock and distribute supplies or to provide services to MS“

- Does this imply that the Commission may *only* hold rescEU capacities for the mentioned services (stock, distribute or provide services to MS)? What does “providing services” comprise? Will all other rescEU capacities that do not fall under these categories still be hosted by MS?
- Does “providing services to MS” imply that those services may only be rendered to MS and not to third countries? How does this comply with the Commission's intention to station rescEU capacities in third countries?
- Does this imply that for those rescEU capacities the COM will rely exclusively on private sector providers? Is it foreseen to possibly make use of the capacities of other international organisations, including NATO's Strategic Airlift Capability, in order to avoid unnecessary duplications and make use of possible synergies?

“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.”

- What is the reason behind the Commission's proposal to station rescEU capacities (last resort) in third countries, even though these are not members to the UCPM and do not, for instance, participate in the European Civil Protection Pool?

- Which third countries would be considered as host countries and by which rationale? Could the Commission kindly provide an example of a “trusted network”?
- *Concerning action outside the EU: Where does the Commission see potential synergies between Resc-EU (outside the EU) and the NDICI, the international components of Horizon Europe, EU4Health and how does the Commission intend to ensure coherence between these programmes?*
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Article 25 (4)

The partial general approach of the Council to the Commission proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a UCPM states in par 4 *“For the purposes of transparency and predictability, the budgetary execution and the projected future allocations shall be presented and discussed on a yearly basis in the Committee referred to in Article 33. The European Parliament shall be kept informed.*

- The paragraph was the result of a long and difficult discussion in the Council and was introduced as a compensation of the accepted deletion of Annex 1. Why has the Commission refrained from including paragraph 4 in the new proposal?

Article 33 (3)

- What is the rationale behind the Commissions’ intention to adopt immediately applicable implementing acts without participation of the MS?
- Could the Commission kindly provide an example for “imperative grounds of urgency”?

DENMARK

In preparation for the PROCIV meeting next week the Danish Ministry of Defence has come up with the following questions that could allow further elaboration (with reference to the numbering of the proposal preamble):

- rescEU capacities (5):
 - Are any new areas of rescEU capacities anticipated following the current health crisis?
- Disaster resilience goals (6):
 - What could from the Commission point of view be target areas for the Union wide resilience goals?
 - Which process is proposed towards establishing the resilience goals?
 - How should the resilience goals be incorporated in the national plans?
 - Could the Commission elaborate on the relation between Union wide goals and national responsibilities?
- EPCIP synergy (7):
 - Why is the resilience goals connected to the EPCIP programme?
 - Could the commission suggest a model not connecting resilience goals to EPCIP?
- ERCC coordination (8):
 - Which elements are proposed as part of the strengthened connection between ERCC and national crisis systems (data streams; liaison officers; communication systems)?
- Commission competence (10):
 - Are there any practical experiences with the Commission command and control over rescEU capacities manned by personnel from MS?
 - Could the Commission confirm the right of national decision not to deploy national personnel?
- Implementing acts (21):
 - What measures could the Commission suggest to regulate the access of the Commission to directly adopt implementing acts?

GREECE

In reply to your email, please find below written questions as regards the Commission Proposal (the reference is made to the Articles of the proposal, not of the consolidated text):

1. In Article 1 para. 2 (c) “disaster resilience goals” are introduced. Also in the same Article para. 6 as regards “disaster resilience planning”. We would like to kindly ask for a definition of “resilience”. Also if achievement of resilience goals are envisaged to be included in the reporting requirements.

Please note that, as we had also stated during the negotiations for the current Decision, additional significant administrative burdens to the M-S should be avoided.

2. Article 1 para. 3 provides that “the ERCC shall in particular coordinate, monitor and support in real-time the response to emergencies at Union level.”.

We would like to kindly ask to clarify if real time coordination to the response to emergencies is meant only in case of activation of the Mechanism.

The same provision stipulates that “the ERCC shall work in close contact with national crisis systems...”, apart from civil protection authorities.

We would like to kindly ask for a clarification of the provision. In principle, we are of the opinion that single national contact points should be exclusively maintained, namely the national civil protection authorities (or another national authority specifically for the “marine CECIS”).

3. In Article 1 para. 4 “mandated international organizations” are mentioned. We would like to kindly ask for a clarification as to their nature and what is meant by “mandated”.

4. Article 1 para. 15 (b) provides that the rescEU capacities shall be fully funded by the Commission (“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.”). We would like to kindly ask if that level of funding has also retroactivity to the rescEU capacities under development or to be developed under the current Decision, for example aerial forest fires capacities.

FINLAND

Please find below written questions from Finland to the Commission concerning the UCPM proposal:

- How will the disaster resilience goals work in practice? How will they be defined and how are the MS involved? What is the Commission's role?
- How is the role of ERCC enhanced in practice? How will it change compared to the current situation?
- Will all future rescEU capacities have 100 % financing? Why has the co-financing changed? Will the lo-hi concept be removed?
- Will Member States have new/additional reporting duties linked to the disaster resilience goals (art 6) and disaster resilience planning and scenario work (art 10)
- locating rescEU capacities in third countries – reasoning behind this? what is the added value?

FRANCE

Référence	Questions/Remarques
1. Contexte de la proposition/Cohérence avec les autres politiques de l'Union	Précisions sur le programme « EU4HEALTH », complémentarités capacités du MPCU, articulation avec « Corps Médical Européen »
4. Incidence budgétaire	Quels sont les éléments qui ont permis de dimensionner le nouveau budget ? (#les besoins déterminent le budget)
5. Autres éléments	Infrastructure de gestion d'informations ?
	Adéquation et complémentarité : prépositionnement/couverture géographique/logistique, entrepôt, transport
	Réseau de centre de crise nationaux, quel format ? Plateforme commune ? Modernisation et interfaçage CECIS (article 8)
	Critères de détermination des cycles de gestion des risques de catastrophe avec la suppression de l'Annexe I (plan pluriannuel) Comment préserver les volets prévention et préparation au regard du volet réponse ?
Préambule (6)	Définition des objectifs de résilience à l'échelle de l'Union
Préambule (9)	Précisions GOVSATCOM, norme, appareils spécifiques,...
	Interface Galileo ?
Préambule (10)	Procédure financière d'achat, location et crédit-bail / marché ? Autre ? (Article 12)
Préambule (11)	En complément point (10) précédent, durée d'amortissement ?
Article 10	Planification de la Résilience > Scénarios de prévention > Evaluation des risques > pertes causées > Plans de déploiement Grille commune d'évaluation ? Document intrusif et contraignant ? Quel format/support ?
Article 11	Mesures incitatives d'enregistrement au sein de l'ECPP ?
Article 12	Critère d'hébergement des capacités rescEU acquises par la Commission ? (Consultation des EM ? quelle forme ?)
	Positionnement sur les hubs rescEU pré-identifiés gérés par les EM ? Quid du positionnement dans des pays tiers ?
Article 20bis	Grille d'attribution des médailles (ancienneté ?)
Article 23 (4ter)	Définition HI Impact-LO Probability

CROATIA

Croatia thanks the Commission for a Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism.

We regret that such an important legislative proposal was not accompanied with the impact assessment and comprehensive lessons learned process, since it relates to the unprecedented crisis the EU and the world have faced.

In order to better understand what we are agreeing on under the new legislative proposal, we would highly appreciate the detailed clarification of the questions stated below.

1. For the 2021-2027 period, the total budget allocated to the Union Civil Protection Mechanism amounts to EUR 3 455 902 000 (in current prices), deriving from Heading 5 “Resilience, Security and Defense” of the MFF 2021-2027 and through the European Recovery Instrument based on empowerment provided in the new Own Resources Decision.

Question: Which actions of the new legislative proposal on a UCPM are foreseen to be financed from Heading 5 of the MFF 2021-2027, and which actions are foreseen to be financed under the European Recovery Instrument?

2. Regarding the consistency with other EU programmes: the Commission, in the current Proposal for the Decision 1313/13, proposes that the Union should have the possibility of acquiring, renting, leasing or contracting rescEU capacities including the establishment of medical stockpiling. The Proposal of the Regulation on the establishment of a Programme for the Union's action in the field of health for the period 2021-2027 and repealing Regulation (EU) No 282/2014 (“EU4Health Programme”) foresees the financing of the “Structural stockpile and crisis preparation activities”; concretely: (i) Establishment and support of a mechanism to develop, procure and manage crisis relevant products; (ii) Establishment and management of EU reserves and stockpiles of crisis relevant products in complementarity with other Union instruments.

Question: How are the activities under EU4Health Programme related to the same activities proposed in the Union Civil Protection Mechanism (medical stockpiling)? How will the double medical stockpiling be avoided and how will double funding be avoided?

In the text of the Proposal itself, we would appreciate answers to the following questions:

1. Article 6 Paragraph 1 Point (f) – important questions arising in order for MS to be able to decide on the applicability of this point. Data collection is in very different stages and organised very differently across the EU. Reason for this Point should be better explained so that MS have a grasp on the future development of the Mechanism in correlation with their national risk management systems.

- a. Disaster loss data collection is a broad term, as is “improving”.
- b. Which part of DLD should be improved and to what degree?
- c. Will there be guidelines and frames for the appropriate quality of DLD?
- d. Will there be a standard in the data collection framework so that the collected data is comparable from country to country? If so, will the European Commission take the responsibility of analysing it and developing risk assessments for the countries using this data?
- e. How will this activity correlate with the rest of the Article, specifically with Risk Assessment?
- f. Will the data collection be a prerequisite for Mechanism activations or any other Mechanism benefits (financial or other)?
- g. Will the scenarios be developed by the European Commission? How will the scenarios correlate to the national scenarios, needs and predefined key risks?

2. Article 6 Paragraph 5 – the paragraph is full of information (terms, information), and it lists terms that still have different meanings in different MS.

To make it more user-friendly, the Paragraph would need to be divided into specific paragraphs relating to each specific new term in the legislation and measures deriving from the Paragraph would need to be listed and explained.

We propose a list of terms and definitions (used in the Decision) to be a part of the Decision. If the Paragraph remains as it is, please add “in cooperation with the Member States” before “shall define” in the Paragraph 5.

- a. Please **define resilience** in this context.
- b. Resilience measures referred to in this context have to be listed within the Decision or the Paragraph should refer to a guideline explaining in detail the goals and specific measures used to achieve resilience on the EU level.
- c. Do “critical societal functions” refer to critical infrastructure business continuity?
- d. Please define “**critical societal functions**”.
- e. Functioning of the internal market is a very complex system usually not managed by civil protection. While we find disaster management to be highly inter-sectoral, and propose more

frequent use of inter-sectoral national disaster management systems, we also find that managing the “functioning of the internal market” is not an activity for the Union CP Mechanism.

i. Please explain the term, activities and its correlation to the Mechanism.

f. Please explain “forward looking scenarios”.

i. Who develops the scenarios?

ii. The scenarios are a part of which document?

iii. Do the scenarios cover one or more than one state?

g. The environment sector develops and analyses the impact of climate change in periods of about 30, 50 or more years. Disaster management usually develops risk assessments every 3 or 5 years. Which of those is considered appropriate to adhere to while developing “forward looking” scenarios that include impacts of climate change?

h. Data on past events has already been collected, it would not be possible to collect data on past events in more detail than MS already have.

i. Please explain **cross-sectoral impact analysis**.

j. Please define all of the above before the implementation of the last sentence of Paragraph 5.

3. Article 10 Paragraph 1 – please explain the activities included in “cross-sectoral resilience planning” and activities that would fall under the Union level Scenario-building for disaster prevention.

a. Disaster prevention and risk reduction entail measures implemented on the local level, and regulated on the national level, they include measures such as spatial planning, construction, education etc. Please explain how these measures could be implemented and planned for on the EU level across all sectors?

4. Article 11 Paragraph 2 - in the sentence, if it remains part of the proposal “...*overall capacities and gaps, the Commission*” please add “in cooperation with the Member States” before “shall define”.

a. How will the key response capacities correlate to the key risks identified on the national levels? Will the capacities respond to the key needs of the MS?

5. Regarding the strengthening of the ERCC (related to the new Article 7, paragraph 1, subparagraph 2) are multiple points of contact in Member States foreseen in the future, since until now, the national contact point for the ERCC was only one, and that one was in the national civil protection authority?

6. Regarding the new Article 12 “rescEU” capacities:

Which kind of rescEU capacities shall be acquired, rented, leased, and/or otherwise contracted by the Commission? Who will have the ownership of these capacities? Which part of the UCPM budget will be used for these activities (MFF part or the European recovery instrument)? Under whose **command and control** will these capacities be?

Furthermore, paragraph 3, foresees that “*the Commission may acquire, rent, lease or otherwise contract rescEU capacities to stock and distribute supplies or to provide services to Member States [...]*”. What kind of services the Commission plans to provide to MS? Who will be the provider of these services and will the Commission rely on private companies to provide these services?

Especially, in what relation is this paragraph to the proposal that the Commission will: “*provide multi-purpose aircraft services in case of emergencies and to ensure timely transport and delivery of assistance and aid within the Union, but also to and from outside the Union*”.

The Proposal foresees that “rescEU capacities acquired, rented, leased or otherwise contracted by the Commission are to be strategically pre-positioned inside the Union”. What will be the basis for making the decision on precise strategic positions in MS? Who will manage the logistical requirements of the rescEU capacities, MS national authorities or will the Commission conclude contracts with private companies?

How is this activity related to Article 23 Eligible actions linked to equipment and operations?

Lastly regarding Article 12, which third countries will be eligible for positioning rescEU capacities?

Does that relate to Participating States of the UCPM or others as well?

7. Regarding Article 25 Types of financial intervention and implementing procedures

Which activities will be financed through direct management and which activities will be financed through indirect management (Article 62(1) of the Financial Regulation)?

8. Regarding Article 30: Why did the Commission propose the adoption of delegated acts in relation to disaster resilience goals instead of the adoption of implementing acts, thus giving the opportunity for MS to give an opinion?

ITALY

- With reference to the proposal for the Art. 7 (Emergency Response Coordination Centre), could the Commission clarify what is meant by “national crisis systems” and, possibly, provide examples of administrations other than “civil protection authorities” that would be considered under the category of “national crisis systems”? How does the Commission intend to ensure that by referring to different national institutions will not undermine the National competent authority role of civil protection authorities?
- How the Commission will guarantee that the role of the ERCC will remain subsidiary to the one of Member states, avoiding overlaps and duplication with areas of exclusive competence of Member states (Warning, information to the population)?
- With reference to the proposal for the Art. 8, could the Commission elaborate further on the “targeted situational awareness analysis”? The current analysis carried out by the ERCC through its analytical team are not enough targeted according to your evaluation? How the Commission will guarantee the needed authorizations of interested Member States before dissemination to other stakeholders?
- With reference to the proposal for the Art 9, what is the ratio to include also a reference to Copernicus, Govsatcom or other components of the Space programme besides Galileo?
- With reference to the proposal for the Art. 10, Disaster resilience planning, could the Commission further develop the definition of “disaster resilience planning”: which could the process to apply for improving cross-sectorial resilience planning, which administrations and sectors should be involved at MS level?
- With reference to the proposal for the Art 12, could the Commission elaborate further about the decision making process in identifying capacities to be developed by the Commission or by the Member States?
- With reference to the proposal for the Art. 12, could the Commission explain how it will avoid competition with national civil protections in procuring capacities? Using call for tender for the Commission own rescEU modules will increase the risk of interfering with national organization.
- With reference to the proposal for the Art. 12, if rescEU capacities will include also transport of “services”, is the Commission going to deal also with consular assistance?
- With reference to the proposal for the Art. 21, why the capacities established to respond to low probability risks with high impact (paragraph 4) have been deleted from the eligible prevention and preparedness actions? Will Member States have the opportunity to develop these kind of capacities with all the costs covered by the Union financial assistance?

- Considering that the disaster resilience goals will contribute to the definition of the types and the number of response capacities required for the European civil protection pool and rescEU, why the Commission should define the Union resilience goals in delegated acts rather than in implementing acts?
- Could the Commission clarify the concept of disaster resilience goals and its connection with the conditionality for structural funds?
- Based on lessons identified and recent experiences, does the Commission consider the current institutional framework (within DG ECHO) appropriate for the ERCC to fulfil the increased operational, analytical and coordination role “to address a broad range of emergencies within and outside the Union”?
- Could the Commission elaborate more on the process and responsibilities to “provide advice based on scientific knowledge on disasters and, where relevant, climate change impacts and “to translate scientific information into operational information”?
- With reference to the proposal for the Art. 17, which connections there will be between the EU4health programme and the Union Mechanism? What will be the procedures for EU4health expert’s deployment considering also the resources available in the union civil protection pool and in rescEU? Moreover there is not any specific reference of EU4health in the legal text, the proposed provision only says “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”. Which other initiatives, programmes or services the Commission will involve to provide additional expertise?
- How the role of civil protection authorities will be guaranteed by using the indirect management funding method?

LITHUANIA

Lithuania in general congratulates the Commission's new proposals for Union Civil Protection Mechanism (UCPM), especially the rational and balanced ones. We believe that such changes could enhance the UCPM itself and further help to seek that the response to crises will be more effective, more coordinated and timely. However, some proposed changes needs to be explained and clarified.

We support the idea, that all procedures and actions should be more flexible, but the transparency is also the important factor.

We would like to express our concerns, that due to flexibility for the implementation of the budget, the other areas will not be forgotten. There is the need to invest in all phases of the disaster risk management cycle, but it is not clear from the Proposal, how it will be ensured.

At the current stage, we would be in favor, that the rescEu capacities should be developed, maintained and managed by governmental authorities.

We do like the idea of the improved disaster loss data collection and cross-sectoral resilience planning, both for natural and man-made disasters, but at the same, we should be cautious and evaluate additional burden that it will bring to MS.

LUXEMBOURG

As agreed on during the last PROCIV meeting, Luxembourg would like to send you a number of questions on the legislative proposal amending Decision 1313, in preparation of next week's PROCIV meeting:

1. In the text it is proposed that the ERCC's role should be strengthened. While we agree with this, we were wondering if it would be the Member States who indicate to the Commission/ERCC, which institutions are to be contacted in which situation (e.g. request for assistance > civil protection contact point / health related topic > Ministry of health contact point; or one single contact point for all affairs)?
2. It is indicated that the Commission should have the possibility of acquiring/renting/leasing or contracting rescEU capacities. LU also generally agrees with this principle, but would need the following clarifications
 - a. Who would operate these resources? Would this be entrusted to Member States or rather private operators?
 - b. The capacities would be pre-positioned in logistical hubs inside the Union or, for strategic reasons, via "*trusted networks of hubs*". Who decides on the locations these capacities will be positioned?
3. Indirect management is included in the new legislative proposal. Luxembourg would be grateful for more detailed explanations on the practicalities of this (especially looking at bodies governed by private law), and examples of existing application of indirect management in other fields.
4. It is also foreseen that "*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.*" While we can understand the reasoning behind this, we would have the preference if implementing acts would pass through the CPC. We will be open to hear further arguments from the Commission on this.

Furthermore, we would be, as already asked in the last PROCIV meeting, very grateful for a consolidated version of the legislative proposal to allow for an easier comparison. Thank you in advance.

THE NETHERLANDS

As requested during our latest PROCIV meeting, I hereby present you with the questions on behalf of The Netherlands regarding the new Commission proposal to amend the UCPM decision. Please find below our message to share with the Commission.

Many thanks for your efforts on this proposal to further strengthen our collective resilience and crisis management in these challenging times. For the NL, It is important to first evaluate the responses to the COVID-19 crisis in Member States as well as in EU context before new far-reaching initiatives for crisis management are considered. The starting point for EU cooperation should be to improve the crisis management capacity of the Member States as the first response in crisis management is always domestically.

The coming period we will be studying your proposal in more depth, but please find our preliminary comments/questions regarding the legislative proposal in writing below.

- What additional measures are envisaged to provide for a thorough evaluation, since no impact assessment is to be carried out?
- Could you elaborate on the added value of the Commission on having the competence to acquire, rent and lease recEU capacities? What other options have been considered?
- What are the plans of the Commission and Presidency regarding the upcoming process of discussing the proposal and ensuring the quality of the process? How will this process take into account the effects of the COVID-19 crisis?
- Could you further elaborate on the added value of linking to the MFF process? Since this will put significant time pressure on a process that requires careful consideration and intensive consultation, how will this added value weigh up to the risk of rushed decisions and narrowing support for this legislation proposal?

POLAND

Below please find our questions to the EC concerning new legislative proposal.

1. What is the envisaged participation of Member States in works aimed at identifying Union disaster resilience goals and scenario-planning in the context of disaster resilience?
2. Is the EC planning to establish new working group for developing said goals, that would take into consideration, among others, a context of climate change impact on disaster occurrence?
3. When the disaster resilience goals are to be adopted?
4. What will be the timeline of achieving those goals?
5. What is the envisaged nature of the said goals – are those going to be obligatory or set out as recommendations or good practices?
6. What national or international factors and tools are going to be taken into consideration when developing the goals?
7. Will the disaster resilience goals be developed taking into account the Sendai Framework for DRRR 2015 -2030?
8. How the MS ability to implement common scenario enabling to preserve critical societal functions is going to be verified?
9. Does the EC envisage developing specific measures to support countries in achieving those goals (training, soft investment, etc.)?
10. Is the engagement of private sector, scientific community from the MS envisaged in the implementation of this task?

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 provide the following comments and to ask for clarifications:

- article 6 - in our opinion the "Union disaster resilience goals" mentioned in the new added paragraph 5 is a shared responsibility, therefore we suggest the revision of the text to reflect this: "The Commission and the Member States shall define ..."
- article 7 – in paragraph. 1 we would like the Commission to clarify its vision on ERCC's relation primarily with the national crisis systems, and what will be the impact on the current cooperation with civil protection authorities.

Moreover, in the paragraph 2 we need clarifications on the "operational/analytical/ capacities" to which ERCC should have access in the future – are these Commission own (technical) capacities for functioning or does it refer to Member States's capacities? (eg rescEU capacities acquired/leased by the Commission)

- article 12 paragraph 2 - we would like more clarifications regarding the reasoning for prepositioning rescEU capacities outside the Union and information about the envisaged management (administration) of the rescEU capacities acquired/leased by the Commission. Would that be the task of Member States or of private companies (third parties)?

To conclude, we consider that in the absence of an impact assessment we need an in-depth lesson learned process after the COVID-19 emergency, where both Member States and the Commission provide their contributions and know-how to build up a well-documented decision-making instrument.

SWEDEN

Concern has been raised regarding the timeframe adopting the new legal proposal. Several MS raised the need for further analysis. Could the Commission describe the process and what deadlines that need to be met, are there other time critical events apart from the MFF? Can the Commission describe what measures will be taken when it comes to evaluation and lessons learned, as an impact assessment cannot be done?

Article 6 and 10

- How does the Commission foresee the development of resilience goals and scenario building?
- How will the current risk assessments link up with the suggested scenario based planning?

Article 7

- What role does the Commission foresee for the ERCC in relation to the capacities that potentially are owned/leased/directly procured by the Commission?
- Can the commission describe how the role of the ERCC within the Commission has evolved since the last revision, and which measures are foreseen in that respect?

Article 12

- The recital (14) mentions the possible development of a transport and logistics capacity. Under which articles is that echoed in the legal proposal, i.e. is it foreseen as a rescEU or a ECCP capacity or both?
- How does the Commission envisage its acquisition/leasing/renting of rescEU capacities: are they still to be hosted by one or several MS? How are these capacities foreseen to be managed?
- Given that rescEU is the safety net, to be used only as a last resort, how does the Commission understand “national use” when it comes to capacities owned/leased by the Commission?
- Is there any capacity in particular where the Commission foresee a need to have the possibility to procure directly?
- When it comes to the potential transport and logistics capacity, would that service be provided by one or several MS on behalf of the Commission? Does the Commission envisage acquiring capacity, or procuring the service of brokers?

- Does the replacement of the first subparagraph of para 10 mean that rescEU capacities could be deployed outside of the EU also in situations that do not "significantly affect one or more Member States or their citizens"?

Article 18

- Could the Commission be clearer regarding the meaning of "logistical resources" that has been added in Art.18? (since transport is often seen as a subset of logistics)

Art. 21

- Is it correctly understood that rescEU capacities are to be fully financed by the Commission (since para 4 states that "The financial assistance for the action referred to in point (j) [establishing, managing and maintaining rescEU capacities in accordance with Article 12] of paragraph 1 shall cover all costs necessary to ensure the availability and deployability of rescEU capacities under the Union Mechanism ")? If yes, what does it entail for existing rescEU capacities that are only partly financed and the concept of Lo-Hi?

Art. 33

- Art. 33 para 3 gives the Commission the right to "the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 8 of Regulation (EU) No 182/2011" Could you give examples of when this could be used?

SLOVENIA

Following the PROCIV meeting on 5 June 2020 please find below some questions from Slovenia:

- We would like to ask the Commission for the explanation, how the principle of subsidiarity is taken into account in the proposal.
- There are new concepts introduced in the proposal. We are in particular interested in the terms »resilience goals« and »resilience planning«, which in our opinion should also be defined also the Article 4 (Definitions). We are also interested in what is the relation/links between new content (resilience planning, resilience goals) and already known and existing elements of the mechanism (disaster risk assessments, disaster risk management capacity assessments, rescEU, European Civil Protection Pool).
- As regards Article 10, the text is general and does not disclose what this planning should be, what the possible resilience plan should be, what the content would be, what methodology or approach will be used, whether it will be done at European or national level or at both levels, whether planning will focus on disasters in general or on a case-by-case basis. It is also not clear from the article whether this will belong to risk management planning in general, or whether it will be separate from it. We would be also interested to know more about the possible scope of the activities to be carried out by Member States under this title.
- We kindly ask for the explanation of the expanded role of the ERCC: What is meant with the wording, that »*The ERCC shall work in close contact with national crisis systems, civil protection authorities and relevant Union bodies*«? What would be the role of existing national focal points /civil protection operational points of contact according to the proposal?
- How the Commission envisages Article 10 to be implemented (are there any concrete examples or general approach for closer cooperation between humanitarian aid and civil protection): *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.*
- How the Commission envisages spending of additional 2 billion (for rescEU, ECPP, other activities? inside or outside Union? etc.)

SLOVAKIA

Slovak Republic appreciates the efforts of the COM in the preparation of the legislative proposal, which is necessary – at the moment we are assessing and preparing an opinion and it is perceived positively.

As mentioned during the PROCIV, by the Presidency, we would like to use the opportunity and send some questions, mainly for clarifications:

- Regarding the added para in art. 6, where: “The Commission shall define Union disaster resilience goals to support prevention and preparedness actions.” How will the Commission define these disaster resilience goals? Jointly with MS? Is it going to be in a form of an implementing act?
 - Article 8 is amended, where General preparedness actions of the Commission are defined. Does this mean the extension of capabilities of the ERCC (ECHO)? E.g. New analytical unit within the ECHO/ERCC? Will there be new responsibilities for MS?
 - Regarding the art. 23, where the term "logistics" was added. What can we imagine by this term? Is it a set of measures including distribution, storage, administration, staffing, etc.? If possible we would like to know more about the proposal or ability to request logistical support (within the UCPM activation), that was loosely mentioned during the discussion.
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