

Proposal for a Council Decision establishing a Community mechanism for the coordination of civil protection intervention in the event of emergencies

(2001/C 531 E/17)

(Text with EEA relevance)

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(Submitted by the Commission on 29 September 2000)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof, and to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

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

Whereas:

- (1) While action by the Community to implement the Resolution of 8 July 1991 on improving mutual aid between Member States in the event of natural or technological disaster has helped protect people, the environment and property, the need is now to ensure even better protection in the event of natural, technological and environmental emergencies, including accidental marine pollution, occurring both inside and outside the European Union, and to strengthen the provisions of the Resolution.
- (2) The United Nations Economic Commission for Europe (UN/ECE) Convention on the Transboundary Effects of Industrial Accidents, which contains provisions on matters such as prevention, emergency preparedness, public information and participation, industrial accident notification systems, response and mutual assistance, entered into force on 19 April 2000. The Convention was approved by the Community via the Council Decision of 23 March 1998 ⁽¹⁾.
- (3) The mechanism now being proposed supplements the Community Action Programme in the field of Civil Protection by making support available in the event of an emergency. It will facilitate coordinated assistance interventions and the mobilisation of intervention teams, expertise and other resources, as required, through a reinforced Community Civil Protection structure and network of Member States' national contact points. It also provides an opportunity for collecting validated emergency information and disseminating it to the Member States.
- (4) The mechanism will duly take into account the relevant European Community legislation and international commitments.
- (5) In the event of a serious emergency within the Union, or imminent threat thereof, which causes or is capable of causing transboundary effects or which may result in a call for assistance from one or more Member States, there is a need for relevant notification through an established emergency communication system.
- (6) Preparatory measures need to be taken at Community level to enable assistance intervention in emergencies to be mobilised and coordinated with the requisite flexibility and to ensure the effective response capability and complementarity of intervention teams and other resources, as appropriate.
- (7) In accordance with the principle of subsidiarity, a Community mechanism provides an added value in supporting and supplementing national policies in the field of mutual civil protection assistance. Such a mechanism should make it possible to mobilise and coordinate assistance interventions in order to reduce loss of human life, injury, material damage and economic and environmental damage thereby making achievement of the objectives of social cohesion and solidarity more tangible.
- (8) The isolated and outermost regions of the Union have special characteristics owing to their geography, terrain and social and economic circumstances. These have an adverse effect and create particular needs for assistance in the event of a major emergency. The present Community mechanism will also allow to better respond to these needs.
- (9) There is a need to improve transparency and to consolidate and strengthen the various existing civil protection actions in continued pursuit of the objectives of the Treaty.
- (10) The measures necessary for the implementation of this instrument shall be adopted in accordance with Council Decision 1999/648/EC of 28 June 1999 ⁽²⁾ laying down the procedures for the exercise of implementing powers conferred on the Commission.

⁽¹⁾ OJ L 326, 3.12.1998, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

- (11) Use of the same Committee for the present Community mechanism as for the existing Community Action Programme in the field of civil protection should ensure consistency and complementarity.
- (12) The Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community do not provide powers for adopting this Decision other than those respectively of Article 308 and 203,

HAS ADOPTED THIS DECISION:

Article 1

1. A Community mechanism for civil protection intervention in the event of serious emergencies, or the imminent threat thereof, which may require urgent response action (hereinafter the 'mechanism') is hereby established.
2. The mechanism is intended to help ensure better protection of people, the environment and property in the event of natural, technological and environmental emergencies, including accidental marine pollution, occurring inside or outside the European Union. The general purpose of the mechanism is to provide support in the event of emergencies and to facilitate coordinated assistance intervention.
3. The mechanism consists of a series of actions including:
- the identification of resources available for coordinated assistance intervention in the event of emergencies;
 - the setting-up of a training programme;
 - the establishment of assessment and coordination teams;
 - the establishment of an emergency communication system.

Article 2

1. In the event of a serious emergency within the Community, or imminent threat thereof, which causes or is capable of causing transboundary effects or which may result in a call for assistance from one or more Member States, the Member State in which the emergency has occurred shall, without delay, notify:
- (a) those Member States which may be affected by the emergency, and
 - (b) the Commission, in order that the latter may, as appropriate, inform the other Member States and activate its competent services.
2. Such notification shall be made through the emergency communication system.

Article 3

To ensure their capability for effective intervention response in the event of an emergency, Member States shall:

- (a) within their civil protection services, identify in advance intervention teams which are available or could be established for intervening abroad at very short notice, generally within a time frame of 2-24 hours following a request for assistance, taking into account that team composition should depend on the type of emergency and on particular needs in that emergency;
- (b) provide this information to the Commission, within six months from the adoption of the present Decision, and then provide timely any updating on this information;
- (c) consider the possibility of also providing, as required, other intervention support, such as specialised personnel and equipment to deal with a particular emergency, including resources provided by non-governmental organisations and other relevant entities.

Article 4

With a view to well coordinated civil protection intervention in the event of an emergency and to ensure compatibility and complementarity between teams, the Commission shall:

- (a) set up a training programme for intervention teams, to include joint courses and exercises and an exchange system whereby individuals may be seconded to teams in other Member States;
- (b) establish the capability to mobilise small assessment and coordination teams and dispatch them immediately to the scene to render the intervention more effective and, where appropriate, to liaise with the competent authorities of the country requesting assistance;
- (c) set up a programme for the evaluation and dissemination of lessons learned.

Article 5

1. Where an emergency occurs within the Community, a Member State may request assistance:

- (a) through the competent Commission services. Upon receiving such a request the Commission shall, as appropriate and without delay:
 - forward the request through the network of Member States' national contact points,
 - facilitate the mobilisation of teams, expertise and other intervention support,
 - collect validated information on the emergency and disseminate it to the Member States;

(b) directly from other Member States.

2. Any Member State to which a request for assistance is addressed shall promptly decide, and inform the requesting Member State, directly or through the competent Commission services, whether it is in a position to render the assistance required and shall indicate the scope and terms of any assistance it might render.

3. The fundamental principles of assistance intervention within the Community are set out in the Annex to this Decision.

4. The provisions of this Article may also, upon request, be implemented in respect of interventions outside the Community.

Article 6

The mechanism shall be open to participation of:

- the candidate countries of central and eastern Europe (CCECs), in accordance with the conditions established in the Europe Agreements, in their additional protocols, and in the decisions of the respective Association Councils,
- Cyprus, Malta and Turkey on the basis of bilateral agreements to be concluded with these countries.

Article 7

The Commission shall implement the actions related to the mechanism in accordance with the procedures provided for in Article 8.

Article 8

1. Where reference is made to this article, Articles 4 and 7 of Decision 1999/468/EC shall apply. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

2. The Commission shall be assisted by the same management committee as that which has been set up by the Council Decision of 9 December 1999 establishing a Community action programme in the field of civil protection ⁽¹⁾.

3. For the implementation of this Decision, the Commission shall establish common rules, particularly on the following matters:

- (a) the identification of resources available for coordinated assistance intervention in the event of emergencies;
- (b) the setting-up of a training programme;
- (c) the establishment of assessment and coordination teams;
- (d) the establishment of an emergency communication system;

as well as concerning the leadership of assistance intervention, taking into account traditional links between States; or the specialisation of teams, i.e. in certain disciplines or to deal with certain risks.

Article 9

Costs relating to actions laid down in Article 1(3) will be fully covered by Community financing.

Article 10

The Commission shall evaluate the implementation of this Decision every third year from its entry into force.

Article 11

This Decision shall enter into force on 1 July 2001.

Article 12

This Decision is addressed to the Member States.

⁽¹⁾ OJ L 327, 21.12.1999, p. 53.

ANNEX

Fundamental principles of assistance intervention within the Community ⁽¹⁾

1. Assistance must generally take the form of the prompt dispatch of intervention teams, supplied with equipment and aid material, to the locality affected, for the rescue and protection of persons and the protection of property, including cultural heritage, and the environment.
2. Intervention teams must be logistically independent and be self-sufficient *in situ* for at least 48 hours. Thereafter, on the exhaustion of their stores, all supplies of means of subsistence to intervention teams and the normal replenishment of their equipment must be carried out by the Member State requesting assistance.
3. The Member State requesting assistance will be responsible for directing assistance interventions. The authorities of the Member State requesting assistance must lay down guidelines and if necessary define the limits of the tasks entrusted to the intervention teams, without giving details of their execution, which are to be left to the person assigned by the Member State offering assistance.
4. The Member State requesting assistance must take the measures necessary to ensure the safety of members of the intervention team of the Member State offering assistance.
5. In order to provide effective assistance, intervention teams must be given access to all places where their cooperation is required, as indicated by the authorities in charge of the operation. The Member State requesting assistance must ensure that the necessary means of assistance are deployed and communications provided.
6. The Member State requesting assistance must examine procedures for the rapid issue of the necessary permits, in particular for exceptional transport operations, and must also study arrangements for the free use of infrastructure where transit dues, tolls, port dues or airport taxes are levied.
7. In order to ensure the speed and efficiency of assistance interventions, the Member State requesting assistance and, where appropriate, the Member States of transit must endeavour to reduce to a minimum border checks and formalities for intervention teams, their equipment and the aid material they need to carry out their assignment, including medical equipment and medicinal products.

To this end, a comprehensive certificate describing the mission and the composition of the intervention team, issued by the authorities of the Member State offering assistance, together with a complete list of its equipment and the aid material being sent, must be produced if at all possible at the time of entry into the territory of the Member State concerned or at the latest one month after the date of entry.

Each Member State must authorise aircraft from the other Member States taking a direct part in the assistance interventions or transporting equipment to fly over its territory and to land and take off at predetermined places. The flights must be organised and carried out in accordance with the rules on navigation and the use of airspace applicable in the relevant Member State.

8. In the absence of any arrangement to the contrary between the Member States concerned, such as bilateral agreements, the cost of the assistance provided by the Member State offering assistance is to be borne by the Member State requesting assistance.

Member States may, bearing in mind in particular the nature of the disaster and the extent of the damage suffered by the Member State requesting assistance, offer assistance entirely or partially free of charge.

The Member State offering assistance may also waive all or part of the reimbursement of its costs at any time.

For the duration of the assistance interventions, the Member State requesting assistance must house and feed the intervention teams from the Member State offering assistance, and if their supplies and provisions run out the Member State requesting assistance must replenish them at its own expense.

9. Except in the case of duly proven fraud or serious misconduct, Member States must refrain from making any request for compensation from other Member States for damage caused to their property or service staff where such damage is the consequence of assistance interventions provided in accordance with this Decision.

In the event of damage suffered by third parties as the result of assistance interventions, the Member State requesting assistance and the Member State offering assistance are to cooperate to facilitate the compensation of such damage.

10. On completion of the assistance interventions, the Member State offering assistance and the Member State requesting assistance must provide the Commission with a report on the emergency which occurred and the measures taken. The Commission must inform the other Member States thereof.

⁽¹⁾ These principles will be applicable also to Candidate Countries which will participate in the mechanism.