

The local and regional impact of the Union Civil Protection Mechanism

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1. Introduction

This file note assesses the components of the forthcoming European Union (EU) Civil Protection Mechanism and surveys the latest developments and trends in terms of EU policy and funding schemes for the Civil Protection Mechanism with a particular emphasis on their local and regional impact.

The file note has been prepared for the Committee of the Regions by the Centre for Strategy & Evaluation Services (CSES) and is based on a combination of desk research and discussions with national authorities responsible for civil protection, local and regional authorities, and emergency services.

2. Survey of policy developments and trends

EU cooperation in the field of civil protection aims to support and supplement efforts at national, regional and local levels with regard to disaster prevention and preparedness. It also aims to inform the public, to enhance self-protection among European citizens and to establish an efficient framework for rapid cooperation between national civil protection services, when needed, at both national and international levels. Between 1985 and 2002, eight resolutions were adopted and their implementation resulted in the creation of several operational instruments covering both the preparedness of those involved in civil protection and response in the event of a disaster.

The most important instrument was created by the *Council Decision establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions*¹. It was a direct response to the terrorist attack against the United States on 11 September 2001 as governments were forced to reconsider how ready they were to prevent or mitigate the impact of such attacks on their societies. The mechanism was intended to help ensure better protection of people, the environment and property in the event of major emergencies (e.g. natural disasters, technological or radiological accidents).

The Decision was followed by the Communication on *Civil protection – State of preventive alert against possible emergencies*² which described the Commission's work to develop a mechanism to allow Member States affected by a disaster to access a specialised "one-stop shop". The mechanism proposed the creation of the Monitoring and Information Centre (MIC) within the Commission to follow events and provide real-time information, as well as a census of intervention teams available within the civil protection services or other emergency services of the Member States. It included a training programme to help develop the capacity to react and to cooperate in the event of a disaster occurring, and also a common emergency communication system between the civil protection authorities of the Member States and the Commission.

Following the experiences gained from the 2004 tsunami in South Asia, the 2005 US hurricanes and the 2005 earthquake in Pakistan, the Commission introduced additional measures. Decision 2004/277/EC laid down the rules for

¹ 2001/792/EC

² COM(2001) 0707 final

the implementation of the 2001 Council Decision and established a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.

This was followed by the Communication in April 2005 on *Improving the Community Civil Protection Mechanism*³. It pointed out possibilities for improving the mechanism through better preparation of civil protection intervention (especially continuation of evaluation of civil protection capabilities, training and scenario exercises), better specialisation of intervention teams and strengthening analytical and assessment capacities (including MIC capabilities). It also suggested the need for stronger co-ordination between Member States and international organisations (such as the United Nations) and, within the Union, between civil authorities' military services and other key emergency services intervening in the event of disaster.

The *Council Decision of 8 November 2007 establishing a Community Civil Protection Mechanism (recast)*⁴, introduced a number of innovations to the mechanism including improved options for granting assistance to regions "*taking into account the special needs of the isolated, outermost and other regions or islands of the Community*" and better defined the requirements for the Member States regarding the provision of information on the availability of their military assets in their response to requests for assistance (transport, logistical, medical support, etc.). The Decision also increased the role of the Commission in the development of the MIC early-warning system.

While the operational provisions have been set out in the Council Decisions of 2001, 2004 and 2007, the financial aspects of civil protection were laid down in the *Council Decision of 5 March 2007 establishing a Civil Protection Financial Instrument*⁵. Apart from its provisions on administering and monitoring the selection and evaluation of projects co-financed by the EU Civil Protection Financial Instrument, this Decision does not contain many concrete measures for the Member States. It mainly sets out actions eligible for financial assistance (e.g. demonstration projects, awareness measures and training and exercises), most of which are to be undertaken by organisations and entities in the Member States. However, monitoring and assessment measures are mainly the responsibility of the Commission. It also provides special provisions to fund transport resources, establishing an instrument to finance rapid response and preparedness measures for major emergencies. The total budget allocated for the actions and measures is EUR 189.8 million for the period 2007-2013.

³ COM(2005) 137

⁴ 2007/779/EC

⁵ 2007/162/EC, Euratom

Despite the establishment of organisational and financial provisions, the increasing frequency of large-scale, cross-border natural disasters such as the forest fires and floods in Europe in the summer of 2007 has highlighted the need for a more effective EU disaster response capacity.

Against this background, the *Communication on reinforcing the EU's disaster response capacity*⁶ proposed that the EU should strengthen its abilities to provide civil protection and humanitarian assistance both within the EU and abroad by transforming the Community's Civil Protection Mechanism and MIC into a genuine operational centre with increased reserve resources, such as standby modules. It also proposed to reinforce humanitarian aid by strengthening the global response capacity (in particular of the United Nations and International Red Cross) and improving co-ordination with the various humanitarian actors, and setting up a European-wide disaster response training network.

Secondly, the 2009 *Communication on A Community approach on the prevention of natural and man-made disasters*⁷ sets out an overall European approach to the prevention of disasters. It identified areas for action, proposing the creation of an inventory of existing Community instruments capable of supporting disaster prevention activities and the development of a catalogue of prevention measures that could be considered by the Member States for EU funding. It also aimed to strengthen the early-warning mechanism (e.g. through cooperation with the network of European meteorological services, reducing alert times of existing early-warning systems and increasing public awareness regarding the European Emergency Number 112 in partnership with the Member States).

Thirdly, the 2010 *Communication Towards a stronger European disaster response: the role of civil protection and humanitarian assistance*⁸ proposed a strategy aimed at pooling the resources available at local, national and EU levels to strengthen the EU disaster response system through the establishment of a European Emergency Response Capacity. This included the development of specialised hubs/platforms, merging the civil protection and DG ECHO crisis rooms to create a genuine 24/7 European Emergency Response Centre (ERC) which will work closely with other relevant services and over time develop into a platform providing support for other services dealing with major disasters. It also proposed the simplification of existing arrangements for pooling and co-

⁶ COM(2008) 130 final

⁷ COM(2009) 82 final

⁸ COM(2010) 600 final

financing transport assets. The Communication again underlined the need for international cooperation by supporting UN-led efforts to develop joint, cross-sectoral needs assessments.

The report evaluating the civil protection legislation for the period 2007-2009⁹ emphasised the relevance of EU civil protection activities. It argued that while there had been substantial progress in the field of civil protection, there was still room for improvement, especially with regard to disaster prevention and management.

The latest proposal – the *Union Civil Protection Mechanism*¹⁰ – takes into account the shortcomings identified in the evaluation. It proposes the development of the Emergency Response Centre (ERC) with a 24/7 operational capacity, serving the Member States and the Commission for the purposes of the Mechanism. Another proposal includes a shift from reactive and ad hoc coordination to a pre-planned, pre-arranged and predictable EU civil protection system. It suggests the need to identify and fill critical gaps in response capacity and improve the financial and logistical transport support, achieving more cost-effective transport operations. The draft Decision, for the first time, includes provisions on prevention which impose obligations on the Commission and on Member States.

The Commission would be required to develop a knowledge base on disaster risks, help Member States with their risk assessment, mapping and risk management plans, raise awareness about the importance of risk prevention and support Member States in their efforts to prevent major disasters. Member States would be required to communicate to the Commission their risk management plans. The financial provisions relating to the support for transport under the current Instrument are amended and simplified, increasing the co-financing rates up to 85% of the total eligible cost and up to 100% in limited cases when certain criteria are met. Changes are also introduced to the types of financial intervention to allow for the reimbursement of expenses and the establishment of trust funds. The financial provisions of this Decision are to apply from 2014 and provide for a EUR 513 million budget.

The proposal builds on Council Decision 2007/779/EC, Euratom (unlimited duration); Council Decision 2007/162/EC, Euratom (which expires at end of 2013) and the 2010 Commission Communication and merges the abovementioned documents into one single legislative proposal for the 2014-2020 period, with the aim of replacing them.

⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0696:FIN:EN:PDF>

¹⁰ COM(2011) 934

3. Local and regional impact of the future EU Civil Protection Mechanism

Local and regional authorities (LRAs) are usually among the key players in the disaster-management cycle.

One of the aims of the civil protection legislation is to disseminate information to parties at the regional and local levels who have responsibilities for emergency response. They should therefore be involved in the implementation and application of Decision 2004/277/EC, Euratom, and in particular Article 3. The financial instrument provides assistance for various projects involving the participation of Member States, such as pilot projects, workshops, simulation exercises and exchange programmes for technical experts. These activities have helped to disseminate information and share experience between LRA participants.

The way in which this is being done varies across the EU. In some Member States, local and regional authorities are participating in the Mechanism through its modules. For example in Germany, modules are mainly provided by the THW federal agency and relief organisations (e.g. the Red Cross). LRAs and fire services usually do not provide any assistance and do not participate in the modules. The main challenge for LRAs and fire services is Germany's federal structure as the EU level always corresponds only with the federal level and thus does not communicate directly with LRAs. There is therefore a challenge in understanding the nature of incoming aid and the responsibilities and challenges that follow host nation support (HNS). Poland also participates in the Mechanism through modules. However the LRAs are more closely linked to the central level.

In some Member States, LRAs are responsible for the response in their own municipality. In Sweden, LRAs would be in charge of coordinating incoming international aid if the Mechanism was activated due to an extraordinary event. However, in some cases (e.g. if the event is a major one affecting more than one LRA) the responsibility might be transferred to the national level (Ministry of Defence or Swedish Civil Contingencies' Agency or the national administration at regional level). In the event of sending assistance through the Mechanism, the local and regional levels are not involved unless experts employed by municipal rescue services are part of the Swedish roster and nominated to the MIC. Similarly, in Poland, modules would not be managed or financed by LRAs when being deployed to missions abroad.

In countries like Italy, LRAs are integral parts of the civil protection system as they participate in the Mechanism by providing resources for international operations (both human and material) through the National Department of Civil Protection and under its coordination. In the case of domestic disasters, LRAs benefit from the assistance channelled through the Mechanism through coordination with the National Civil Protection Department. In Italy, host nations support is a task of the national authorities. They provide personnel for the training and deployments as well as assistance in kind under the coordination of the National Department. One of the main problems for LRAs in Italy is that they usually have limited knowledge of the Mechanism and of the international environment.

On the other hand, in Finland, civil protection is defined as fire and rescue under Finnish law in order to distinguish it from civil defence (which is the responsibility of the military). This legal distinction creates difficulties for Finnish LRAs in terms of establishing national resources for civil protection activities. Civil protection activities have been actively supported by the EU Mechanism but there is a lack of funding from the national level to support local and regional civil protection training and exercises.

Overall, there is an increasing awareness of the importance of a bottom-up approach and need for multilevel governance in reaction to problems related to civil protection. It is recognised that LRAs can provide an immediate response to disasters because of their thorough knowledge of the local territory and community. However, the experiences of LRAs in the Mechanism to date show that their involvement, mainly due to the different forms of organisation across the States, is fragmented and needs improvement.

The future EU Civil Protection Mechanism

The organisational provisions of the future EU Civil Protection Mechanism proposed in the latest *Union Civil Protection Mechanism proposal*¹¹ may not have major local and regional consequences.

Firstly, the development of the Emergency Response Centre (ERC), ensuring a 24/7 operational capacity, and serving the Member States and the Commission for the purposes of the Mechanism, will not introduce significant changes or implications for the local and regional levels. It is at the central level that the national points of contact for the ERC (CECIS operators) are located and this level deals with the coordination of the flow of information between the EU and

¹¹ Ibid

local/regional levels. It will have no influence also because the Mechanism is activated at the central level which is responsible for command and control of any rescue activities and experts' involvement. As the ERC does not differ much from the present Monitoring and Information Centre, there are no visible implications for the LRA. (The ERC will serve both humanitarian and civil protection matters, MIC only civil protection).

Secondly, the proposal for shifting from reactive and ad hoc coordination to a pre-planned, pre-arranged and predictable EU civil protection system would be welcomed by LRAs. However, for countries participating in the Mechanism via modules this will not change much because modules in the different Member States are already on standby (alert) according to national plans. If a Member State decides to join the rapid response resources, they will be on standby according to the schedule agreed with the ERC which would be very similar to the present situation.

Thirdly, with regard to identifying and filling critical gaps in response capacity, if Participating States do not voluntarily join the system with their modules, the ERC will ask for any possible modules that they have, which would be no different to the current situation. It is also doubtful if all expected resources (modules and teams) will be provided, as Member States might join the system only with part of their full potential, as they will want to protect their own countries and also being on alert will force them to keep some resources in their own country. Within this context it is important to remember that civil protection resources (national or LRA) are subject to the subsidiarity principle and initiatives like this at EU level should supplement national capacity, not replace it.

There is some scepticism concerning the development of national risk management plans and the EU-wide overview of risks. So far there is no standard form according to which these plans should be created. This could result in different content in each plan. Additionally, it is worth mentioning that many LRA are ahead of the national level when it comes to risk assessments plans.

Last but not least, the financial provisions of the proposal regarding transport seem to have the potential to allow more operations making them swifter and open to a broader spectrum of countries (so far only some countries could afford to finance 50%) as transport is one of the major costs in international missions. However, as most LRAs are prohibited from acting within humanitarian aid internationally at their own expense by national law, this is unlikely to have a direct impact on them.

4. Overall assessment of adherence to the subsidiarity principle

All civil protection initiatives at Community level are implemented on the basis of the subsidiarity principle laid down in the Maastricht Treaty.

Positive results have been achieved by working on the basis of consensus among the authorities concerned and this working method was endorsed at the political level in the resolution of 31 October 1994 on strengthening Community cooperation on civil protection. Subsequent resolutions (of 9 December 1999 and 26 February 2001) further strengthened Community co-operation.

The objectives of the proposal cannot be sufficiently achieved by the Member States acting on their own. EU action in this field involves managing situations with a strong trans-/multinational component, which necessarily require overall coordination and concerted action beyond the national level.

The European Parliament in its resolution¹² underlined that the European disaster response system should respect the principle of subsidiarity regarding the national, regional and local competences of each Member State. It needs to take into account both the crucial role those authorities play in the disaster-management cycle – particularly as in many Member States legislative power is exercised at local or regional level – and the coordinating role played by the United Nations in disaster relief operations when acting outside the EU.

In its opinion on the Communication *Towards a stronger European disaster response*, the Committee of Regions pointed out that the Lisbon Treaty had introduced a solidarity clause¹³ stipulating that the EU and its Member States help each other in the event of disasters in the EU; supported the strengthening of the coordinating role of the EU according to the subsidiarity principle; and welcomed the promotion of the cooperation and mutual assistance among Member States.¹⁴

The TFEU states that the EU has a supporting, coordinating and supplementary role in the area of disaster response. Therefore, the MIC has only a coordinating role, while the EU does not have the competences concerning the establishment

¹² <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0404&language=EN&ring=A7-2011-0283>

¹³ (Article 222 TFEU)

¹⁴ Official Journal C 192, 1.7.2011, p.15-19

of own units or taking over the leadership of units and other resources provided by Member States. All planning and actual measures must be adjusted and carried out in accordance with the requirements, enabling Member States to implement the subsidiarity principle.¹⁵

At this point, the Civil Protection Mechanism framework is essentially a framework for cooperation through which the Member States can coordinate their actions at times of disaster. EU activity itself is quite modest as civil protection is a responsibility of the Member States under the subsidiarity principle.

In the *Union Civil Protection Mechanism*¹⁶, the Commission explains the grounds for its proposals: "*managing situations with a strong multinational component, requiring overall coordination and concerted action beyond the national level. EU added value would result from economies of scale, such as logistics, transport, voluntary pooling of assets, better use of scarce resources and economies of preventive action instead of post factum response to disasters.*"

There have been some concerns, however, that certain proposals challenge the principle of subsidiarity. This applies especially to the proposed EU-level standby arrangements for a European Emergency Response Capacity where it was pointed out that the available evidence from pilot projects and preparatory actions was not sufficient to justify EU-level action.

Secondly, the development of EU-subsidised assets, including in relation to poorly defined "capacity gaps" (Article 12(2)(a, b)) should not go forward unless investments meet rigorous tests of EU added value. Also, in the case of the Article 7(e) and Article 17(5) measures empowering the Commission to establish, maintain and deploy a logistical support and assistance capability, this is already provided voluntarily by seven Member States in the form of eight Technical Assistance Support Teams (TAST). These concerns will have to be addressed through a progress report on the Decision.

¹⁵ NAT-V-012

¹⁶ COM(2011) 934

5. Recommendations for better involvement of regional and local authorities in the future EU Civil Protection Mechanism

- ✓ EU action should continue to support and complement Member States' action at national, regional and local levels in risk prevention, in preparing their civil-protection personnel and in responding to disasters within the Union.
- ✓ The EU should promote the principles of solidarity, cooperation, coordination and support among the EU's Member States, regions and local authorities in the area of civil protection where there is a need for even more consistency and efficiency and a higher profile if there is to be potential for a more integrated EU disaster-response.
- ✓ The Member States and the EU should aim to utilise existing resources to prevent the creation of additional financial and administrative red tape, especially in the context of regional and local administrations.
- ✓ The EU also needs to identify specific shortcomings in resources and to clarify precisely how the EU could contribute to Member States' efforts to improve their preparedness, especially with regards to LRAs.
- ✓ The EU should create a platform that can be used to exchange experiences between Member States and their local and regional authorities on the prevention of disasters.
- ✓ The EU should develop a comprehensive network of appropriate precautionary measures that will make it possible for disasters to be dealt with more quickly and effectively, reducing their impact to a minimum. Experience in dealing with current disasters has highlighted the importance of a first and rapid response coming from LRAs.
- ✓ The Member States should include LRAs in the preparation of risk assessment plans.
- ✓ The Member States and the EU should provide more training for staff at local and regional levels to ensure a sufficient and efficient first disaster response.
- ✓ The Member States, supported by the EU, should involve their regional and local authorities in disaster response from an early stage, building on the multi-level governance model applied in the area of cohesion policy.