

Section 10

CIVIL PROTECTION LEGISLATION

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Civil Protection - Overview

1. Introduction and Overview

This section of the Handbook deals with EC legislation in the civil protection sector. It contains an introductory overview of the sector followed by individual fiches for selected pieces of legislation.

1.1 EU Policy

1.1.1 In the Field of Civil Protection

The purpose of Community co-operation in the field of civil protection is to help ensure better protection for people, the environment and property in the event of natural and technological disasters. The international role that European countries are playing in the provision of civil protection assistance is increasing, which can be seen in both past and recent disasters such as the 2004 South Asia tsunami, the 2005 US hurricanes and the 2005 Pakistan earthquake.

The reliance on co-operation for the provision of civil protection assistance and in the management of natural and human-made disasters is increasing amongst EU institutions and EU Member States. Although national responsibility for dealing directly with disasters remains unchallenged, it is facilitated and assisted through collective effort. It is perceived that joint assistance is more effective and that there is clear added value in working together. Such co-operation allows for the pooling of resources and maximises the collective European effort on site.

More specifically, Community co-operation in the field of civil protection has the following objectives:

- to support and supplement efforts at national, regional and local level with regard to disaster prevention, the preparedness of those responsible for civil protection and the intervention in the event of disaster;
- to contribute to informing the public with a view to increasing the level of self-protection among European citizens;
- to establish a framework for effective and rapid co-operation between national civil protection services when mutual assistance is needed; and
- to enhance the coherence of actions undertaken at international level in the field of civil protection, especially in the context of co-operation with the Central and Eastern European candidate countries in view of enlargement and with partners in the Mediterranean region.

In May 1985, a first ministerial meeting, held in Rome, laid the foundations for Community co-operation in the field of civil protection. Between 1985 and 2002, eight resolutions were adopted.

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Implementation of these resolutions 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.

All civil protection initiatives at Community level are implemented on the basis of the subsidiarity principle laid down in the Maastricht Treaty. In fact, the Commission's aim has been to support and encourage efforts made at national level through a flexible legal and administrative basis (resolutions, and actions decided upon following consultations with the Permanent Network of National Correspondents). Substantial results have been achieved by working on the basis of firm, lasting 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 co-operation on civil protection. Subsequent resolutions (of 9 December 1999 and 26 February 2001) further strengthened Community co-operation.

At the end of 1997, the Council improved the foundations for co-operation still further by adopting a decision establishing a Community action programme in the field of civil protection. The implementation of the action programme was the Commission's main priority in the field of civil protection in 1998 and 1999. An evaluation of past, ongoing and future activities in this field was also completed in May 1999.

To ensure the continuation of Community action in the field of civil protection, at the end of 1998 the Commission adopted Decision 1999/847/EC extending the action programme for the period 2000 to 2004. This decision was amended by Decision 2005/12/EC to cover the period until 31 December 2006. The Council also adopted a resolution in 1999 on co-operation on civil protection with the associated countries of Central and Eastern Europe and Cyprus.

Decision 2001/792/EC was adopted in the wake of the terrorist attack against the United States on 11 September 2001. It supplemented other international commitments concerning emergencies, including the UNECE Convention on the Transboundary Effects of Industrial Accidents, which entered into force in 2000 and which has been approved by the EC. Decision 2001/792/EC further strengthened the capabilities of the EU in the field of civil protection by establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions, particularly in the event of natural, technological or environmental disasters.

In the aftermath of the 2001 terrorist attacks in the USA, governments have been prompted to reconsider how ready they are to prevent or mitigate the impact of such attacks on our society. In the European Union reaction was swift. The European Council in Ghent (19 October 2001) asked the Council and Commission:

“to prepare a programme to improve the co-operation between Member States on the evaluation of risks, alerts and intervention, the storage of such means, and in the field of research. The programme should cover the detection and identification of infectious and toxic agents as well as the prevention and treatment of chemical and biological attacks. The appointment of a European co-ordinator for civil protection measures will be part of the programme.”

This gave rise to a communication from the Commission to the Council and the European Parliament: “Civil protection - State of preventive alert against possible emergencies” (COM (2001) 0707 final, 28 November 2001). As indicated in this communication the Commission is working with Member States to develop a mechanism to allow Member States affected by a disaster to access a “one-stop shop” of specialised personnel and other resources. The mechanism will comprise five major elements:

- 1) the Monitoring and Information Centre within the Commission for following events and providing information, accessible and able to react 24 hours a day;
- 2) a preliminary census of intervention teams available within the civil protection services or other emergency services of the Member States;
- 3) a training programme to reinforce the capacity to react to events and to improve co-operation and the spread of expertise between intervention teams;

- 4) the mobilisation of assessment and co-ordination teams that can be deployed immediately and where needed; and
- 5) a common emergency communication system between the civil protection authorities of the Member States and relevant departments of the Commission.

The EC also adopted a number of resolutions between 2002 and 2003:

- Council Resolution of 28 January 2002 on reinforcing co-operation in the field of civil protection training²⁰⁹. This resolution calls upon the Commission to look at any initiatives supporting the creation of a network of schools and training centres active in the field of civil protection, including financial support for such activities, which would also involve the candidate countries. The Commission should also look into the possibility of creating a European civil protection training centre to perpetuate such co-operation.
- Council Resolution of 19 December 2002 on special civil protection assistance to outermost and isolated regions, to insular regions, to regions that are not easily accessible, and to sparsely populated regions in the European Union²¹⁰. This resolution encourages measures for isolated, distant, insular and sparsely populated regions as well as joint projects between regions with similar characteristics, and provides that these characteristics be taken into account when planning responses to emergency situations, setting up specialised intervention teams and developing effective, reliable and customised communication systems.
- Council Resolution of 22 December 2003 on strengthening Community co-operation in the field of civil protection research²¹¹. The Council encourages the development of research projects on the reduction of natural and technological risks and on mitigating their consequences. It also encourages research institutes and other relevant entities to establish common objectives for preventing and reacting to natural or technological risks.

In the wake of recent disasters such as the 2004 tsunami in South Asia, the 2005 US hurricanes and the 2005 earthquake in Pakistan, the EC has introduced additional measures:

- Decision 2004/277/EC, Euratom, on rules for the implementation of Council Decision 2007/779/EC, Euratom. This decision established a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.
- The Communication "Improving the Community Civil Protection Mechanism"²¹². This communication highlights four areas for the possible improvement of the mechanism:
 - better preparation of civil protection intervention, in particular by continuing to evaluate civil protection capabilities, training and scenario exercises, as well as enhancing the specialisation of intervention teams (modular approach);
 - strengthening the analytical and assessment capacities, including MIC capabilities and actions;
 - enhancing co-ordination between Member States and within the Commission, with the United Nations (UN), the European Community Humanitarian Aid Department (ECHO) on the ground, and with military services intervening in the event of disaster; and
 - improving assistance to EU citizens affected by disasters outside the EU.
- Decision 2007/162/EC, Euratom, establishing a Civil Protection Financial Instrument, which provides a legal basis for funding civil protection operations for the period 2007 to

²⁰⁹ [Official Journal C 43 of 16.02.2002]

²¹⁰ [Official Journal C 24 of 31.01.2003]

²¹¹ [Official Journal C 8 of 13.01.2004]

²¹² [COM(2005) 137]

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2013. In addition, Decision 2007/606/EC, Euratom, lays down rules for the implementation of the provisions on transport in Decision 2007/162/EC.

- Decision 2007/779/EC, which is a recast of Decision 2001/792/EC, Euratom. It introduces a number of innovations, including improved options for granting assistance to regions that need it, including more clearly defined requirements for the Member States regarding the provision of information on the availability of military means in their response to requests for assistance. The decision also increases the role of the Commission in the development of early warning systems for the benefit of Member States and the development of the Monitoring and Information Centre (MIC).
- The European Commission communication of 5 March 2008 on reinforcing the EU's disaster response capacity. The communication proposes that the EU strengthen its abilities to provide civil protection and humanitarian assistance both within the EU and abroad. This communication forms the first step of an action plan of specific measures to be implemented before the end of 2008. Such measures include increasing focus on improving the EU's response to forest fires. The increasing frequency of large-scale, cross-border natural disasters, such as the 2004 tsunami in the Indian Ocean, crises such as that in Lebanon, the forest fires and floods in Europe in the summer of 2007, and marine pollution incidents in third countries requires a more effective EU disaster response capacity. The communication proposes to transform the Community's Civil Protection Mechanism and its Monitoring and Information Centre into a genuine operational centre with increased reserve resources, such as stand-by modules or complementary European resources. It also proposes to reinforce humanitarian aid by strengthening global response capacity (in particular of the UN and International Red Cross) and improving co-ordination with the various humanitarian actors. A European-wide disaster response training network would also be set up, building on the experience of the Member States in civil protection training as well as early warning systems.

1.1.2 In the Field of Marine Pollution

Maritime transport is of fundamental importance to Europe and the rest of the world. Over 90% of the EU's external trade is transported by sea and more than 3.7 billion tonnes of freight a year are loaded and unloaded in EU ports. Shipping is the most important mode of transport in terms of volume. Furthermore, as a result of its geography, its history and the effects of globalisation, maritime transport will continue to be the most important transport mode in developing EU trade in the future.

The European Community has played a vital role in the field of response to marine pollution since the Council Resolution of 26 June 1978, which set up "an action programme of the European Communities on the control and reduction of pollution caused by hydrocarbons released at sea". This was later supplemented to deal with other harmful substances as well. The main purpose of Community action in the field of accidental marine pollution is:

- to support Member States' efforts to improve their capabilities for response in cases of major pollution incidents at sea involving oil or other hazardous substances; and
- to create the conditions for efficient mutual assistance and co-operation.

On 20 December 2000, the European Parliament and the Council adopted Decision 2000/2850/EC aimed at establishing a Community framework for co-operation in the field of accidental or deliberate marine pollution. The decision included a seven-year action programme for the period 2000 to 2006 and covered pollution risks posed by oil and other hazardous substances. The Commission, with assistance from the Management Committee on Marine Pollution (MCMP), comprising delegates from Member States, implemented the programme via:

- a Community information system, with the purpose of exchanging data on the preparedness for and response to marine pollution; and

- a three-year rolling plan, which included actions such as training, exchange of experts, exercises, pilot projects, and surveys of environmental impacts following an accident.

Thus, the main instrument for marine pollution was, until 2006, Council Decision 2000/2850/EC, concerning the Community information system on pollution by harmful substances at sea. This decision required the collection and publication of information on national resources for controlling and reducing pollution caused by oil and other harmful substances. Key tasks that were undertaken before 2006 were:

- a review of the country's policy on accidental marine pollution, and in particular the conditions for offering assistance to other Member States;
- the designation of the competent authority (or authorities);
- the identification and role of organisations involved in the field of marine pollution and the lines of responsibility and communication between them;
- the identification of means of obtaining required information from private as well as public sources; and
- the identification of means for handling, storing and updating the information, as and when required, to facilitate the revision of the Community information system.

Community action in response to marine pollution emergencies was further reinforced by the Council decision of 8 November 2007 establishing a recast and consolidated Community Civil Protection Mechanism, which repealed and replaced Decision 2001/792, Euratom. This instrument covers civil protection as well as marine pollution. In addition, the Council adopted Decision 2007/162/EC, Euratom, on 5 March 2007, establishing the Civil Protection Financial Instrument, which now also covers the response to accidental marine pollution emergencies through the Community Civil Protection Mechanism. This financial mechanism has a budget of EUR 189.8 million for civil protection measures for the period 2007 to 2013.

Marine-related preparedness and prevention aspects are covered by other instruments such as Regulation (EC) No. 1406/2002 of the European Parliament and of the Council of 27 June 2002, which established the European Maritime Safety Agency (EMSA). In the wake of the Erika and Prestige oil tanker accidents, the setting up of EMSA is one of the key EU-level initiatives aimed at improving the maritime transportation of passengers and goods in terms of safety, security and cleanliness.

The goal of EMSA is to provide technical and scientific assistance to the European Commission and Member States on matters relating to the proper implementation of EC legislation on maritime safety and pollution by ships. In addition to its initial work in relation to safety and pollution, EMSA was given additional tasks in 2004 related to oil pollution response.

The Community is also actively participating in international co-operation activities. It plays a central role between the Member States as a contracting party to all major regional conventions and agreements covering regional seas around Europe, such as the Helsinki Convention of 1992 for the protection of the Baltic Sea; the Bonn Agreement of 1983 for the protection of the North Sea; the Barcelona Convention of 1976 for the protection of the Mediterranean Sea; and the Lisbon Agreement for the protection of the North-East Atlantic (not yet ratified).

In addition to the general acts covering marine pollution issues there have been other Community decisions and regulations in this field. The Council regulation on the accelerated phasing in of double-hull tankers (Regulation (EC) No. 417/2002 of 18 February 2002) is an example, as is Council Decision 2002/762/EC authorising Member States to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the Bunkers Convention).

Community actions in the field of civil protection, as well as in the field of marine pollution, are administered by the Civil Protection Unit, DG ENV/D3. The principal objectives of this unit are summarised in the Box below.

Principal Objectives of the Civil Protection Unit

Civil Protection:

- To support and supplement efforts at national, regional and local level with regard to disaster prevention, preparedness of those responsible for civil protection, and intervention in the event of disaster.
- To contribute to informing the public with a view to increasing the level of self-protection of European citizens.
- To establish a framework for effective and rapid co-operation between national civil protection services when mutual assistance is needed.
- To enhance the coherence of actions undertaken at the international level in the field of civil protection, especially in the context of co-operation with candidate CEECs in view of enlargement and with partners in the Mediterranean region.

Marine Pollution:

- To support Member States' efforts to improve their capabilities for response in the case of major pollution incidents at sea involving oil or other hazardous substances.
- To create the conditions for efficient mutual assistance and co-operation.

1.2 EC Legal Instruments

There are a number of resolutions, decisions, directives and communications that have a direct or indirect impact in the area of civil protection and marine pollution.

The core pieces of legislation considered in separate fiches in this section of the Handbook are:

- Council Decision 2007/779/EC establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.
- Council Decision 2007/162/EC establishing the Civil Protection Financial Instrument.
- Commission Decision 2007/606/EC, Euratom, on the implementation of the provision on transport in Council Decision 2007/162/EC.
- Council Decision 2004/277/EC, Euratom, laying down rules for the implementation of Council Decision 2001/792/EC establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.
- Commission Decision 2008/73/EC, Euratom, amending Decision 2004/277/EC, Euratom, as regards rules for the implementation of the mechanism.
- Regulation (EC) No. 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing the European Maritime Safety Agency and its amending Regulation 724/2004.

Other pieces of legislation or policy documents that are helping to shape the direction of EU civil protection and marine pollution prevention and response include:

- Council Decision 98/685/EC of 23 March 1998 concerning the conclusion of the Convention on the Transboundary Effects of Industrial Accidents.
- Regulation (EC) No. 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing in of double-hull or equivalent design requirements for single-hull oil tankers and repealing Council Regulation (EC) No. 2978/94.

- Council Decision 2002/762/EC of 19 September 2002 authorising Member States, in the interests of the Community, to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the Bunkers Convention).
- COM(2008)130 Communication on Reinforcing the Union's Disaster Response Capacity.
- Commission Staff Working Document SEC(2007) 1721, Towards Better Protecting Citizens against Disaster Risks: Strengthening Early Warning Systems in Europe.
- Council Directive 1996/82/EC on the control of major-accident hazards involving dangerous substances, as amended by Directive 2003/105/EC (see Section 7 of the Handbook).
- Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks.

2. Development of a Sectoral Strategy and Implementation Plan

2.1 Introduction

The implementation management checklist, presented in Section 1 of the Handbook, provides an overall framework for preparing a strategy to implement the legislation contained within the civil protection sector. The following text focuses on key issues pertinent to this sector. Further guidance on implementation is provided in the fiches for individual legal acts.

The legislation considered in relation to civil protection falls into two groups, one concerning civil protection and the other concerning accidental or deliberate marine pollution. As implementation of legislation in these two groups is likely to involve different government offices and competent authorities, it is important to take into consideration the need to co-ordinate the implementation of this legislation, in particular with regard to collaboration between the competent authorities and agencies. However, it should be noted that, since the overhauling of the civil protection legislation in 2006 and the adoption of Decision 2007/779/EC, Euratom, on a Community Civil Protection Mechanism, which deals with both civil protection and deliberate or accidental marine pollution, it is now more efficient to have the same authorities and bodies implement the decision in both sectors in order to ensure consistency and synergies.

2.2 Civil Protection and Marine Pollution

The main obligations that candidate countries participating in the Civil Protection Mechanism should consider in the implementation of Council Decisions 2004/277/EC, Euratom; 2007/162/EC, Euratom; 2007/606/EC, Euratom; 2007/779/EC, Euratom; and 2008/73/EC, Euratom are:

- Selecting the competent authority (or authorities), designating contact points, and informing the Commission thereof (e.g. Decision 2007/779/EC, Euratom, Art. 4(8)).
- Disseminating and granting access to important information (e.g. Decision 2007/779/EC, Euratom, Art. 4(6)).
- Identifying and selecting intervention teams and experts available for intervention following a request for assistance (e.g. Decision 2007/779/EC, Euratom, Art. 4(1,2)).
- Participating in, and actively exchanging information regarding resources available for, civil protection assistance interventions, such as:
 - the intervention teams identified in accordance with Article 3(a) of Decision 2007/779/EC, Euratom;

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- the experts selected in accordance with Article 3(b) of Decision 2001/792/EC, Euratom (Art. 3(1), Decision 2004/277/EC, Euratom);
 - providing information on contact points in the context of civil protection and, where appropriate, of other services handling natural, technological, radiological or environmental accidents, including accidental marine pollution (Art. 11(2), Decision 2004/277/EC, Euratom);
 - nominating representatives for the “user group” that assists the Commission in the validation and testing of the Common Emergency Communication and Information System (CECIS) (Art. 12, Decision 2004/277/EC, Euratom);
 - in case the participating country is affected by a major emergency, it must keep the Monitoring and Information Centre informed of the evolution of the situation if any risks for transboundary consequences may appear (Art. 28(4), Decision 2004/277/EC, Euratom);
 - in case a participating state or a third country is affected by a major emergency and assistance is required through the Community mechanism, it may address a formal request for civil protection assistance to the Monitoring and Information Centre (Art. 29(1), Decision 2004/277/EC, Euratom);
 - when offering civil protection modules under the Community Civil Protection Mechanism, ensure that they are in accordance with Decision 2008/73/EC, Euratom, Annexes II and III and Article 3 regarding their composition, components, elements of self-sufficiency and capacity.
- Whether to apply for financial assistance under Decision 2007/162/EC, Euratom, which is open to candidate countries, for action within the framework of the Community Civil Protection Mechanism and, in particular, for:
 - actions in the field of the Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions;
 - making available certain transport resources in the event of a major emergency, to facilitate a rapid and effective response; and
 - measures to prevent or reduce the effects of an emergency.
 - Ensuring, within the context of the Seveso II Directive, that operators take all measures necessary to prevent major accidents and to limit their consequences for the human population and the environment; that emergency plans are being prepared; and that information on safety measures and on requisite behaviour in the event of an accident is supplied to persons liable to be affected by a major accident.

It is important to note that these instruments are available to candidate countries having signed a memorandum of understanding with the Commission (Art. 2, Decision 2004/277/EC, Euratom).

It is equally important to note that marine pollution, as of the end of 2006, is either dealt with under the main civil protection instruments (e.g. Council Decision 2007/162/EC establishing a Civil Protection Financial Instrument; Commission Decision 2007/606/EC, Euratom, on the implementation of the provision on transport in Council Decision 2007/162/EC; and Council Decision 2007/779/EC establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions) or it is outsourced to the European Maritime Safety Agency (EMSA), particularly regarding the preparedness and prevention aspect.

3. Institutions and Relevant Parties

3.1 Key Stakeholders

The key stakeholders and their roles in the implementation of civil protection legislation are identified in the Box below.

3.2 Central Government

The topics considered within the civil protection sector may fall within the remit of several government ministries. Matters concerning civil protection in the face of emergencies are usually the remit of the ministry with responsibility for internal affairs or foreign affairs, while pollution at sea may be the responsibility of the ministry dealing with, for example, the environment, the Navy, shipping, or transportation. (Details of the competent authorities in existing Member States can be found at http://europa.eu.int/comm/environment/civil/prote/cp10_en.htm).

Principal Stakeholders and Their Roles in the Implementation of the Civil Protection Legislation	
Stakeholders	Roles
Central government (e.g. a ministry or department) →	Implementation of the legislation on civil protection. Establish national policy on civil protection and emergency response to accidental marine pollution. Act as the competent authority and provide representatives to committees. Co-operate with other Member States through participation within civil protection programmes and committees.
Agencies working on behalf of central government (e.g. an environmental protection agency or marine pollution monitoring authority) →	Act as the competent authority and provide technical experts to committees. Undertake data collection and reporting. Manage emergency response activities. Provide advice and assistance to government on possible projects for funding.
Regional and local government →	Advise national government on potential programmes for funding. Provide data on pollution at sea. Manage emergency response during a crisis. Participate in Community action programmes.
Private sector (e.g. oil exploration companies, oil tanker companies, other shipping companies, port authorities) →	Provide data to competent authorities on pollution at sea and resources for emergency response.
NGOs →	Provide data to the competent authorities on environmental hazards. In some cases, provide assistance during an emergency. Help to monitor the impacts of oil spills and accidents.

3.3 Competent Authorities

Member States and candidate countries (that have signed a memorandum of understanding with the Commission) have to designate competent authorities to implement the Council decisions

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associated with civil protection and marine pollution (Decisions 2007/779/EC, Euratom, and 2004/277/EC, Euratom). In addition, participating countries are asked to nominate representatives for the “user group” that assists the Commission in the validation and testing of the CECIS, according to Decision 2004/277/EC, Euratom. These representatives are, in fact, usually experts from the competent authorities themselves.

3.4 Regional and Local Government

Responsibility for implementing civil protection activities within Member States is usually delegated to the regional or local level, for example municipalities, local planning authorities, port authorities, or local or regionally based pollution control authorities.

One of the aims of legislation in the civil protection sector is to disseminate information to parties at the regional and local level 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 experience between participants.

3.5 Private Sector Involvement

Whilst the public sector has the primary responsibility for amelioration and control in the areas of civil protection and marine pollution, the private sector may also be involved in this regard as holders of equipment and human resources for civil protection modules, rescue teams and marine pollution clean-up operations. A variety of organisations should be approached for information for the Common Emergency Communication and Information System (CECIS) – for example oil companies, shipping companies, and private ports and harbours. Some NGOs are also concerned with the effects of marine pollution on the environment and may hold staffing and equipment resources for use during emergency response and clean-up operations.

4. Technical Issues

Many of the actions supported by the legislation in the civil protection sector are aimed at the transfer of technical information and expertise, for example through the workshops, the programme for the exchange of experts, the provision of civil protection modules and the development of the CECIS, and in the framework of the MIC (Monitoring and Information Centre) and EMSA (European Maritime Safety Agency).

5. Reporting

Pursuant to Decision 2004/277/EC, Euratom, the competent authorities of the requesting state and of participating states that have provided assistance, as well as the dispatched Community experts, shall present their conclusions on all aspects of the intervention to the Monitoring and Information Centre (MIC).

Decision 2007/779/EC, Euratom, requires Member States to provide relevant general information on the teams, experts, modules and other intervention support referred to in paragraphs 1 to 4 of this article by 8 May 2008.

Council Decision 2007/779/EC enhances the scope of information required to be provided to the Commission – for example in relation to intervention teams to be created pursuant to this decision.

Regarding third parties subject to rescue operations, the co-ordination head – pursuant to Decision 2004/277/EC, Euratom – must report to the MIC when assistance is no longer required or can no longer be provided. Dispatched experts carrying out tasks set out in Article 16 to the same decision must report regularly to the requesting state authorities as well as to the MIC.

The financial instrument may, to a limited extent, be used to cover expenditure related to monitoring, control, audit and evaluation directly necessary for the implementation of this decision. Such activities could include cover studies and information activities, publications, and expenditure on informatics networks (and related equipment) for the exchange of information necessary for the adequate functioning of the Civil Protection Mechanism, the CECIS and the MIC.

6. Economic and Financial Issues

The costs to participating countries of implementing the decisions (for both civil protection and marine pollution) are relatively small, except for real interventions by intervention teams and expert missions. The main types of costs to be incurred are:

- the collection and collation of data for the CECIS and MIC;
- information exchange with the Commission;
- the identification and establishment of intervention teams and experts for the purposes of Council Decision 2007/779/EC and Decision 2004/277/EC, Euratom;
- providing transport services in accordance with 2007/606/EC, Euratom.

Decision 2007/162/EC, Euratom, set the financial reference amount for the implementation of the Civil Protection Financial Instrument for the period 2007 to 2013 at EUR 190 million.

7. Summary of Key Issues

The key issues to be borne in mind in planning a programme to implement the decisions in the civil protection sector are summarised in the Box below. The implementation of these decisions will require a considerable effort in terms of the co-ordination of human resources and technical requirements.

Checklist of Key Questions to be Considered in Preparing and Implementing the Legislation in the Civil Protection Sector

Has the candidate country already decided to participate in the Community Civil Protection Mechanism pursuant to Council Decision 2007/779/EC, Euratom (participation is open to those countries having signed a memorandum of understanding with the Commission)?

If yes:

- designate the appropriate competent authority;
- consider whether to set up and make available for emergency requests from other Member States or third countries civil protection modules, experts etc.;
- consider whether to create a mechanism for identifying and evaluating projects within the candidate country;
- consider whether to take advantage of the Civil Protection Financial Instrument, which co-finances certain activities.
- ensure reporting and information exchanges as required under Decisions 2007/779/EC, Euratom; 2004/277/EC, Euratom; and 2007/606/EC, Euratom, and especially regarding

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information to be sent to the Commission, the MIC and for the CECIS.

The Decisions relating to the Community Mechanism for Civil Protection Interventions

Official Title: 2007/779/EC, Euratom: Council Decision of 8 November 2007 establishing a Community Civil Protection Mechanism (recast) (text with EEA relevance) (OJ L 314, 1.12.2007)

2004/277/EC, Euratom: Commission Decision of 29 December 2003 laying down rules for the implementation of Council Decision 2001/792/EC, Euratom, establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions (OJ L 87, 25.3.2004), as amended by 2008/73/EC, Euratom: Commission Decision of 20 December 2007 amending Decision 2004/277/EC, Euratom, as regards rules for the implementation of Council Decision 2007/779/EC, Euratom, establishing a Community Civil Protection Mechanism (notified under document number C(2007) 6464) (text with EEA relevance) (OJ L 20, 24.1.2008)

2008/73/EC, Euratom: Commission Decision of 20 December 2007 amending Decision 2004/277/EC, Euratom as regards rules for the implementation of Council Decision 2007/779/EC, Euratom establishing a Community civil protection mechanism (OJ L 20, 24.1.2008)

Regulation (EC) No. 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing the European Maritime Safety Agency (Official Journal: L208/1, 5.8.2002), as amended by Regulation (EC) No. 1644/2003 (Official Journal: L245/10, 29.9.2003), Regulation (EC) No. 724/2004 (Official Journal: L129/1, 29.4.2004) and Regulation (EC) No. 2038/2006.

Regulation (EC) No. 1891/2006 of the European Parliament and of the Council of 18 December 2006 on multi-annual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation (EC) No. 1406/2002 (Official Journal: 394/1, 30.12.2006).

1. Summary of Main Aims and Provisions:

1.1 Decision 2007/779/EC, Euratom

The main instrument in the field of civil protection dealing with both emergency preparedness and response on land and from accidental or deliberate marine pollution is Council Decision 2007/779/EC, Euratom, which is a recast of Council Decision 2001/792/EC. This recast version is intended to make the EU's emergency response more consistent and efficient. Decision 2007/779 also partly replaces Decision 1999/847/EC, Euratom, on a Community action

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programme in the field of civil protection; and Decision 2000/2850/EC, Euratom, on marine pollution in regard to operational provisions.

Decision 2007/779/EC, Euratom, establishes a mechanism for the EU co-ordination of civil protection, primarily consisting in determining the resources available in Member States for co-ordinated measures. The mechanism also includes the development of training programmes, the mobilisation of assessment and co-ordination teams, as well as a common emergency alert system between the Commission and Member States. The co-operation mechanism was intended to improve the co-ordination of civil protection assistance intervention in major emergencies. Such cases may arise as the result of a natural, technological, radiological or environmental disaster, including accidental marine pollution, occurring inside or outside the EU.

The purpose of the Civil Protection Mechanism is to improve the co-ordination of interventions in case of disasters triggered by natural events or human intervention, including environmental disasters and maritime pollution. The decision sets out the various roles of the MIC and the Member State holding the presidency of the Council.

Activities under the Civil Protection Mechanism include:

- compiling an inventory of assistance and intervention teams available in the Member States, including training programmes for team members;
- launching workshops, seminars and pilot projects concerning the main aspects of interventions;
- establishing assessment and co-ordination teams;
- establishing the Monitoring and Information Centre and the Common Emergency Communication and Information System.

To ensure an adequate and functioning mechanism, Member States must take a number of important steps such as:

- identifying the teams available for intervention within 12 hours of a request for assistance;
- selecting experts who can take part in an assessment or co-ordination team;
- providing all the relevant information for setting up the mechanism by 1 June 2002;
- designating the competent authorities and contact points for implementing the decision and notifying the Commission accordingly.

The European Commission, on the other hand, was responsible for setting up the Monitoring and Information Centre (MIC), based in Brussels. The MIC is accessible at all times, enabling the Commission to mobilise civil protection resources from the Member States in case of emergency. The MIC also set up the Common Emergency Communication and Information System and a training programme for intervention teams. The MIC is the most important part of this mechanism. Any country affected by a major disaster – inside or outside the EU – can request assistance through the MIC. The MIC then immediately forwards the request to a network of national contact points, asking whether they can offer assistance. The affected country selects the assistance it needs and establishes contact with the assisting countries. The MIC also provides technical support, including improved access to satellite images, and collects and distributes data to all participating countries.

The Civil Protection Mechanism not only provides support in the event of emergencies but also works towards enhanced preparedness. It is supported by a database containing information on the national civil protection capabilities available for assistance interventions. The mechanism also receives the contents of the military database, compiled by the EU military staff (EUMS), giving it a broad picture of all resources available to manage the consequences of disasters. The Common Emergency Communication and Information System (CECIS) aims at ensuring efficient information sharing between the MIC and the national contact points.

Decision 2007/779/EC requires that Member States:

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- supply information on the availability of military means in their response to requests for assistance, in line with the goal of creating a genuine European rapid reaction capacity; and
- develop intervention "modules" (predefined arrangements of resources) capable of being combined if necessary.

Decision 2007/779/EC is a framework, and more specific rules addressing the various provisions will be adopted regarding the resources available for assistance intervention, the MIC, the CECIS, the assessment and co-ordination teams, training programmes, modules, detection and early warning systems and interventions.

The mechanism is open to Member States, as well as candidate countries with which the Commission has signed a memorandum of understanding. Today, 30 states – the EU-27, Iceland, Liechtenstein and Norway – participate. The mechanism receives funding on a year-by-year basis, in accordance with Decision 2007/162/EC, Euratom, establishing a Civil Protection Financial Instrument. This latter decision is designed to reinforce the Civil Protection Mechanism on the basis of past experience and to provide a suitable legal basis for future action. Decision 2007/162/EC, Euratom, seeks improved options for delivering assistance to regions that need it. Although the main responsibility for delivering assistance to the site of a disaster remains primarily with Member States, the new decision grants the Commission powers to mobilise additional assistance if necessary. The decision introduces new reinforced requirements both for Member States and for the Commission.

1.2 Decision 2004/277/EC, Euratom, as amended by Decision 2008/73/EC, Euratom

Decision 2004/277/EC lays down more precise rules for implementing Decision 2007/779/EC, Euratom, establishing a Community Civil Protection Mechanism. It introduces more specific requirements regarding the following:

- information regarding the resources available for assistance intervention;
- the establishment of the Monitoring and Information Centre (MIC) (Arts. 4-6, Decision 2004/277);
- the establishment of the Common Emergency Communication and Information System (Arts 7-13, Decision 2004/277);
- the assessment and co-ordination teams, including criteria for selecting experts (Arts. 14-20, Decision 2004/277);
- the establishment of a training programme (Arts. 21-27, Decision 2004/277);
- interventions within and outside the EU (Arts. 28-36, Decision 2004/277).

Decision 2008/73/EC, Euratom, amends Decision 2004/277 in many respects, including:

- additional definitions (Art. 2);
- more specific requirements on the kind of information to communicate to the Commission (Art. 3);
- two additional annexes:
 - Annex II on general requirements for European civil protection modules containing specific criteria and provisions on high-capacity pumping; medium urban search and rescue; water purification; heavy urban search and rescue; aerial forest fire fighting using aeroplanes or helicopters; advanced medical posts; field hospitals; medical aerial evacuation of disaster victims; emergency temporary shelters; chemical, biological, radiological and nuclear detection and sampling (CBRN); and search and rescue in CBRN conditions.

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- Annex III on general requirements for technical assistance support teams (in terms of tasks, capacities, main components and deployment time).

Decisions 2004/277 and 2008/73 should be read and implemented in the light of Decision 2007/162/EC, Euratom, which establishes a financial framework providing co-financing for a number of actions in the field of civil protection, including the provision of transportation resources and other technical/communication resources (on a voluntary basis).

1.3 Marine pollution

It is important to note that the Civil Protection Mechanism also applies to accidental or deliberate marine pollution in terms of emergency preparedness and response. The Community legislative and policy framework initially took the form of Decision 2000/2850/EC setting up a Community framework of co-operation in the field of accidental or deliberate marine pollution for the period 1 January 2000 to 31 December 2006. Since 1 January 2007, Community action in response to marine pollution emergencies was further reinforced by Decision 2007/779/EC, Euratom, covering both civil protection and marine pollution. In addition, Decision 2007/162/EC, Euratom, on a Civil Protection Financial Instrument having a total budget of EUR 189.8 million for the period 2007 to 2013, also covers activities undertaken in response to accidental or deliberate marine pollution.

The main piece of legislation dealing exclusively with accidental or deliberate marine pollution is Regulation (EC) No. 1406/2002, establishing the European Maritime Safety Agency (EMSA). It supplements the existing Community framework (two key decisions referred to above) related to co-operation in the field of accidental or deliberate marine pollution. The regulation was adopted in the wake of large oil catastrophes such as the Erika and Prestige oil tanker accidents, which emphasised the need for effective and quick civil protection response and for the protection of the environment. The regulation outsources the action for emergency preparedness and response to the EMSA.

The EMSA's main objective is to provide technical and scientific assistance to the European Commission and to the EU Member States in the proper development and implementation of EC legislation on maritime safety, pollution by ships and security on board ships. To do this, one of the EMSA's most important supporting tasks is to improve co-operation with, and between, Member States in all key areas. In addition, the EMSA has operational tasks in oil pollution preparedness, detection and response. The EMSA is an EU body: it plays a key role in the EU maritime safety network and collaborates with many industry stakeholders and public bodies, in close co-operation with the European Commission. The EMSA produces a number of relevant technical and scientific documents²¹³.

The regulation mainly deals with describing the mandate and tasks of the EMSA (e.g. voting procedure, composition, financial framework) and does not put in place direct obligations of Member States. The provisions most relevant to the Member States and candidate countries are Article 2 (f) regarding assistance to candidate countries and Article 3 regarding visits to Member States.

- Article 2(f) provides that candidate countries may request technical assistance as regards the implementation of Community legislation in the field of maritime safety, maritime security, and the prevention of pollution by ships. The EMSA may also provide assistance in case of accidental or deliberate marine pollution affecting these states via the Community Civil Protection Mechanism established by Decision 2007/779/EC, Euratom.

²¹³ Technical Overview, Accident Investigation, Assessment of Classification Societies, EU Vessel Traffic Monitoring, Liability & Compensation, Pollution Preparedness & Response, Environmental Protection, Port State Control, Seafarer Education, EMSA Workshops (materials & reports) and EMSA Newsletters and Annual Maritime Accidents Reviews.

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These tasks shall be co-ordinated with the existing regional co-operation programmes and shall include, where appropriate, the organisation of relevant training activities.

- Article 3 regulates the procedure for visits to the Member States. For instance, all visits have to be planned and announced in advance. National authorities are requested to facilitate these visits and the work of the EMSA's staff in relation to these visits.

In addition to Regulation (EC) No. 1406/2002 on the establishment of the EMSA, EC Directive 2002/59/EC was adopted to establish a Community vessel traffic monitoring and information system. The purpose of this directive is to step up the monitoring of ships and their cargoes in EU waters and to adopt a more consistent approach across all EU sea areas. The EMSA is the EU-level provider of technical support in implementing Directive 2002/59, and this includes the following responsibilities:

- Provision of support to the European Commission in the development of the SafeSeaNet project, which is a pan-European electronic information system that deals with ship movements and cargoes.
- Management of SafeSeaNet and organisation of follow-up issues in co-operation with Member States' maritime administrations.
- Co-ordination of activities aimed at organising places of refuge around the EU coastline for ships in distress.
- Provision of technical support to the European Commission in its work in proposing amendments to Directive 2002/59.
- Monitoring of developments in the International Maritime Organization (IMO) and the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) on long-distance automatic identification systems (AIS).
- Participation in regional meetings concerning the above items (e.g. HELCOM, the Bonn Agreement, etc.).
- Participation in the work of the IMO ad hoc working group on the engineering aspects of access to the Shore-based Traffic Monitoring Infrastructure Database (STMID).

2. Principal Obligations of Member States

2.1 Planning

- Establish competent authority and designate contact points for the implementation of the decision (Art. 4(8), Decision 2007/779/EC, Euratom).
- Identify in advance intervention teams or modules that are available for intervention or that could be established at short notice (within 12 hours) (Art. 4, Decision 2007/779/EC, Euratom).
- Provide general information on the teams, experts, modules and other intervention support by 8 May 2008 and update this information at regular intervals (Art. 4(6), Decision 2007/779/EC, Euratom).
- Establish facilities and procedures for notifying Member States and the Commission in cases of emergency, including requests for assistance (Arts. 1 and 4, Decision 2007/779/EC, Euratom).
- Select experts who can be called on to serve at the site of an emergency (Art. 4, Decision 2007/779/EC, Euratom).

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- On a voluntary basis, provide other intervention support, including specialised personnel and equipment (Art. 4(4), Decision 2007/779/EC, Euratom).
- On a voluntary basis, work towards developing modules comprising the resources of one or more states that are capable of acting in the areas of response and in accordance with international guidelines; that are interoperable with other modules; that have been subject to training; and that are able to provide assistance to other EU bodies or international institutions (Art. 4(3), Decision 2007/779/EC, Euratom).
- On a voluntary basis, provide information about military assets that can be mobilised as a last resort through the mechanism, including transport and logistical or medical support (Art. 4(5), Decision 2007/779/EC, Euratom).
- Ensure the timely transportation of the civil protection assistance offered (Art. 4(7), Decision 2007/779/EC, Euratom).
- Ensure that there are administrative structures and communication channels established to guarantee that, in the case of an emergency or imminent emergency, the affected state informs the MIC immediately (Art. 28, Decision 2004/277).
- Ensure that procedures are developed to launch or address a formal request for civil protection assistance through the Community Civil Protection Mechanism through the MIC (Article 29, Decision 2004/277).
- Ensure that civil protection modules and technical assistance support teams meet the criteria in Annexes II and III (Art. 3a, Decision 2008/73).
- Ensure that individual civil protection modules conform to the criteria for self-sufficiency set out in Annex II (in terms of appropriate shelter, power generation and lighting, hygiene facilities, availability of food and water, medical or paramedical staff, facilities and supplies, equipment storage, communications equipment and local transportation). Member States have the discretion to choose how to guarantee self-sufficiency, whether by including it in the civil protection module, by making the necessary arrangements on site, or by a combination of the two. It is important that the period of self-sufficiency is at least 96 hours or according to the periods laid down in Annex II to Decision 2008/73 (Art. 3b, Decision 2008/73).
- Take the necessary measures to ensure that civil protection modules and technical assistance support teams can operate with other modules and support teams and that the different components of the modules and support teams can operate together as one module or support team. They also, where deployed outside the EU, be able to operate with international disaster response capabilities. Furthermore, team leaders, deputy leaders and liaison officers of modules and support teams must participate in training courses and exercises organised by the Commission. This means a relatively high level of standardisation of the composition and components of such modules and teams to guarantee conformity and efficient emergency response (Art. 3c, Decision 2008/73).
- Nominate a national representative to form part of the user group that assists the Commission in the validation and testing of the CECIS (Art. 12, Decision 2004/77).
- In the context of the country card template set out in Annex I, ensure that all relevant engagements are met, including connection to the TESTA II network, the availability of conformant web browsers and email clients, and the implementation of PKI procedures (Art. 13(2), Decision 2004/77).
- Ensure that the technical and assessment experts selected fulfil the requirements in Article 16 in terms of capacities and co-ordination requirements regarding liaison with the authorities of the affected country, the MIC and other international organisations, the Commission delegation etc. (Art. 32, Decision 2004/277).

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- Ensure that experts selected according to Decision 2007/779/EC, Euratom, national key contact staff, participating states' intervention leaders, deputies and liaison officers, and the intervention teams follow the training programme set out in Article 21 covering civil protection assistance interventions including general and specific courses, exercises and systems for the exchange of experts (Arts. 18, 21 and 22, Decision 2004/277).
- Participating states must designate their trainees for each training session (Art. 27, Decision 2004/277).

In relation to Regulation (EC) No. 1406/2002 on the European Maritime Safety Agency (EMSA), candidate countries may consider whether to request technical assistance as regards the implementation of Community legislation in the field of maritime safety, maritime security, and the prevention of pollution by ships. The EMSA may also provide assistance in case of accidental or deliberate marine pollution affecting these states, via the Community Civil Protection Mechanism established by Decision 2007/779/EC, Euratom.

2.2 Administrative Procedures

Establish suitable administrative procedures to implement Decisions 2004/277 and 2008/73 in terms of ensuring the timely and adequate provision of information to the Commission regarding available resources; co-operation with the Commission and the other participating states regarding contribution to and participation in the MIC; and the Common Emergency Communication and Information System (CECIS). Although most states have national emergency preparedness and response systems, these decisions introduce a co-ordinating and co-operating dimension that requires additional administrative efforts. In addition, there are many administrative tasks for participating states that wish to get involved in voluntary actions, in terms of developing civil protection modules and technical assistance support teams. Decision 2008/73, in particular, sets out the requirements and criteria regarding the composition, capacities and components of such modules and teams.

2.3 Information and Reporting

Member States must:

- keep the Commission informed and updated on competent authorities, contact points and available resources in terms of personnel and equipment as well as on stocks and production capacity for vaccines, serums and other medicines (Art. 4(6), Decision 2007/779/EC, Euratom);
- inform the Commission about the designated contact points as well as the competent authorities that have been appointed (Arts. 4(8) and 11, Decision 2007/779/EC, Euratom);
- inform those Member States requesting assistance whether they can provide such assistance and the form and conditions of this assistance. The MIC must also be informed about such responses (Arts. 7(3) and 9, Decision 2007/779/EC, Euratom);
- provide the Commission with information (and regular updates) on the resources available for civil protection assistance interventions regarding:
 - the intervention teams, in terms of their size and mobilisation time, their availability for interventions in participating states as well as in third countries, their availability for short-, medium- and long-term missions, their means of transportation and the degree of self-sufficiency;
 - the experts selected in accordance with Decision 2007/779;
- submit information using the country card template set out in Annex I and resubmit information in the event of changes to the information (Art. 11, Decision 2004/277);

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- inform the Commission about the designated contact points as well as the competent authorities or services handling natural, technological, radiological and environmental accidents, including accidental marine pollution, and provide updated information in the event of changes (Art. 11(2), Decision 2004/277);
- provide accurate and up-to-date information on the experts selected in accordance with Article 3(b) of Decision 2001/792/EC, Euratom, also ensuring that experts are classified as either technical experts, assessment experts, co-ordination team members or co-ordination heads (Arts. 14 and 15, Decision 2004/77);
- immediately inform the MIC about emergencies that have occurred or that are likely to occur and that may result in a call for assistance through the MIC (Art. 28(1), Decision 2004/277).

Where a major emergency has occurred, the affected state must keep the MIC informed of the situation if there are risks of transboundary consequences (Art. 28(4), Decision 2004/277).

The state requesting assistance must provide the MIC with ample information on the situation, specific needs, the support requested and the location. Where assistance has been requested, the MIC must be informed about the timescale and location of the arrival of the assistance and the on-site operation contact point in charge of managing the emergency (Arts. 29(3) and 32, Decision 2004/277).

Following a request for assistance, participating states must immediately inform the MIC about their current capacity for providing assistance in terms of the scope of assistance and the conditions (Art. 29(5), Decision 2004/277).

The requesting state must inform the MIC about its selection of intervention teams and assistance resources (Art. 29(7), Decision 2004/277).

States providing assistance must inform the MIC regarding the dispatching of the intervention teams and other resources.

2.4 Additional Legal Instruments

The decision has links with a number of civil protection initiatives, notably in the context of the action programme mentioned below. In addition to this action programme, only initiatives of specific environmental relevance are mentioned:

- Council Decision 2007/162/EC, Euratom, establishing a Civil Protection Financial Instrument.
- Commission Decision 2007/606/EC, Euratom, implementing provisions on transport in Council Decision 2007/162/EC, Euratom, establishing a Civil Protection Financial Instrument.
- Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (Seveso II Directive), as amended by Directive 2003/105/EC (see Section 7 of the Handbook).
- Decision 98/685/EC concerning the Convention on the Transboundary Effects of Industrial Accidents.
- Regulation No. 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing the European Maritime Safety Agency, as amended by Regulation 724/2004.

3. Implementation

3.1 Key Tasks

The key tasks involved in implementing the decision are summarised below.

- Appoint an authority (authorities) responsible for identifying and keeping inventories of available personnel and equipment and for planning, co-ordination and communication.
- Review/develop emergency strategies and procedures for the co-ordination of assistance received from the Commission/directly from other Member States.
- Ensure that all relevant information is provided to the Commission regarding the teams, experts, modules and other intervention support by 8 June 2008.
- Develop procedures for the various lines of communication with the Commission and similar authorities/contact points in Member States.
- Establish criteria/procedures for determining in which cases emergencies are of such a character that the Commission and other Member States should be notified.
- Establish rules and guidelines for the handling of requests for assistance from the Commission and Member States, especially with a view to ensuring prompt replies to such requests.
- Set up rules for the provision of information regarding military assets and capabilities that Member States may be willing to provide as a last resort.
- Consider whether to offer other intervention support including specialised personnel and equipment and resources that could be provided by non-governmental organisations.
- Introduce a mechanism to facilitate the co-operation with the EMSA and, most importantly, to ensure that assistance is requested from the EMSA to facilitate the implementation of Community legislation in the field of maritime safety, maritime security, and the prevention of pollution by ships.

The key tasks for implementing Decision 2004/277/EC, Euratom, as amended by Decision 2008/73/EC, Euratom, include:

- Appointing an authority/authorities responsible for identifying and keeping inventories of available personnel and equipment, as well as for planning, co-ordination and communication.
- Reviewing/developing emergency strategies and procedures for the co-ordination of assistance received from the Commission or directly from other Member States.
- Ensuring that all relevant information is provided to the Commission regarding the teams, experts, modules and other intervention.
- Developing procedures for the various lines of communication with the Commission and similar authorities/contact points in Member States.
- Establishing criteria/procedures for determining the kind of emergencies for which notification of the Commission and other Member States should be required.
- Establishing rules and guidelines for the handling of requests for assistance from the Commission and Member States, especially with a view to ensuring prompt responses to such requests.
- Setting up rules for the provision of information regarding the military assets and capabilities that Member States would be willing to provide as a last resort.
- Considering whether to offer other intervention support, including specialised personnel and equipment and resources that could be provided by non-governmental organisations.

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- National authorities must facilitate visits of the European Maritime Safety Agency (EMSA) and the work of the EMSA's staff in relation to these visits (Regulation (EC) No. 1406/2002, Art. 3(1)).

3.2 Phasing Considerations

Due to the relatively simple nature of the tasks required for implementation, there are no significant considerations on the order of actions. However, if existing national civil protection structures are too fragmented, this might make the implementation difficult. It is very helpful to work from civil protection standards or other guiding documents ensuring appropriate and cost-efficient planning, information/communication systems and co-ordinating activities. See further under sub-section 4. In such cases it may prove necessary to centralise or otherwise ensure co-ordination within the system in advance.

4. Implementation Guidance

Most Member States have chosen to allocate the task of implementation to existing authorities. The need for institution building is further reduced because most of the decisions referred to do not require new personnel or other resources beyond what already exist. Overall, the key tasks are not entirely different from the activities of existing civil protection administration at national level. In most countries, the relatively simple co-ordination structures have been established within the existing institutional framework, where facilities for international co-operation already exist. The Community Civil Protection Mechanism is intended to respond to a broad range of different emergencies, which, on a national level, involve different authorities and services. Effective implementation requires close co-ordination within each Member State between different agents, such as police, fire brigade, and veterinary and environmental controls as well as between different levels of government (central, regional and local). In most countries, this does not present a problem because of the developments that have taken place towards greater centralisation. This is partly the result of an entirely new approach to crisis management that has evolved, especially in the light of the major crises in recent years.

In regard to Decision 2004/277, which sets out detailed requirements regarding training, competences and exercises, this might require additional efforts on the part of participating states.

Example of Practice in a Member State (UK)

Exercises:

Some sites, organisations or operators are required by law to carry out exercises to test their emergency plans. It may be possible for the emergency services and other service providers to work with the site operator to develop a scenario that would enable a range of plans and organisations to be tested. The UK Home Office has prepared a guide for those who have to plan, design and carry out emergency exercises.

The guide is a useful tool for managers, executives and chief officers who are responsible for their organisation's overall strategy with respect to contingency planning, including training and exercises, in order to help prioritise the allocation of resources.

The guide emphasises the importance of the choice of exercise, since it should fulfil its aims and objectives in the most appropriate and cost-effective way. The basic types of exercise are: seminar, table top, control post and live.

The guide emphasises the importance of setting clear aims and objectives for the exercise, which should be the first item on the planning group's agenda. The overall aim of the exercise must be agreed by the senior management of all participating agencies and must answer the question "What are we hoping to achieve by the exercise as a whole?" Objectives should then be set by individual participating agencies as targets within the exercise and consistent with its overall aim.

The group should develop a realistic scenario, with a realistic timescale, to ensure that participants take the exercise seriously. It should be kept in mind that planning based on detailed assumptions regarding a likely future scenario is often too inflexible to adapt to the unforeseen. Hence, the objective is rather to test arrangements and procedures that can be brought into play if needed, regardless of the cause.

Identification of resources:

In 1999, the UK Home Office issued the document "Standards for Civil Protection in England and Wales". This offers useful guidance and examples of good practice on many issues relating to civil protection planning. Although it focuses mainly on the national civil protection system, some of the guidance is also helpful with respect to EC civil protection legislation. According to the document, the main civil protection authority should ensure that all available resources relevant to the risk are identified, in order to be able to deliver an effective emergency response. The management of scarce resources is crucial when coping with an emergency situation. Additional resources can often be secured through mutual aid arrangements, but these arrangements may be limited if an incident affects a wide area and if a number of authorities are seeking the same resources. The document states that where the main authority delivers its own services there is more control over staff, allowing for the prioritising of resources. Where authorities outsource services, contracts must be robust, must incorporate clauses on the potential emergency role, and must address the issue of payments.

The key elements in identifying available resources are:

- establishing a mechanism for authorising additional expenditure during an emergency;
- ensuring that contractors are aware of, and committed to, their responsibilities in an emergency;
- establishing a mechanism for securing additional resources during an emergency;
- ensuring the continuity of communications systems;
- establishing call-out lists.

Northern Ireland has also adopted civil protection standards²¹⁴:

- Standard 1: Organisations should demonstrate a commitment to developing and maintaining effective emergency management arrangements.
- Standard 2: Organisations should identify adequate resources relevant to the risk to ensure that they can deliver an effective emergency response.
- Standard 3: Organisations should ensure that emergency response and management plans are prepared in accordance with the principles of integrated emergency management and encompassing hazard analysis and risk assessment for the activities in which they are engaged and/or the services that they provide.
- Standard 4: Organisations should ensure that they can deliver their critical services in all reasonable circumstances.
- Standard 5: Organisations should ensure that all those involved in emergency planning and/or response are adequately prepared.
- Standard 6: Organisations should ensure that emergency arrangements are reviewed and validated at appropriate intervals and that the lessons learned from incidents and exercises are acted upon.
- Standard 7: Organisations should establish and maintain arrangements to identify all stakeholders and consult them on their civil protection policy and objectives.

²¹⁴ The civil protection standards of Ireland can be accessed at:
<http://cepu.nics.gov.uk/pubs/Microsoft%20Word%20-%20FINAL%20NEW%20STDS%20MAS.pdf>

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- Standard 8: Organisations should ensure that effective liaison on emergency management and response arrangements takes place within the organisation, and between the organisation and other response agencies.
- Standard 9: Organisations should develop and maintain a high profile for emergency management, and a comprehensive media strategy to address needs arising as a result of a major emergency.

Regional projects:

The Eurobaltic Civil Protection Project II²¹⁵ was launched in March 2004. The main objectives of the Eurobaltic civil protection projects are to contribute to a less vulnerable society while supporting development in the region. The projects are a part of the Eurobaltic Programme for Civil Protection, initiated by and run within the framework of the Council of the Baltic Sea States.

The first project was carried out between November 2004 and March 2006. The second project (Eurobaltic II), started in September 2005 and involves 36 partners representing national, regional and local emergency and rescue services, emergency services, training and education institutions, municipalities, counties and voluntary organisations. The Swedish Rescue Services Agency is the leading partner for the projects.

The main challenges of Eurobaltic II are to gather cross-sector and transnational competence and experience. By improving the abilities of individuals and organisations, many of the negative effects of disasters and emergencies can be prevented or reduced.

Project activities include the dissemination of common methodologies to integrate risk management into spatial development processes, such as:

- best-practice examples of risk identification;
- the establishment of a research network for local and regional risk management;
- the development of the use of geographical information systems (GIS) in risk management.

The project mainly focuses on capacity-building activities that support better and increased cross-border and cross-sector co-operation in order to handle major emergencies and disasters. The activities involve assessments of cross-border risks, transnational exercises, seminars and training. Specific attention is given to capacity for handling oil spills in inland waterways and along coastlines. Eurobaltic II is divided into three work packages, each comprising a wide variety of activities and partners from several countries including pilot projects, tailored to the needs of the participating countries and the specific risks and problems faced by those countries.

Regarding the implementation of Community legislation in the field of maritime safety, maritime security and prevention of pollution by ships, the candidate countries should make use of the possibility to ask for assistance from the EMSA in terms of both the legislative and policy framework, and also to ask for assistance in the event of accidental or deliberate pollution affecting them, pursuant to Regulation (EC) No. 1406/2002 (Art. 2).

5. Costs

Since most states already have some kind of civil protection emergency preparedness and response system in place, candidate countries will mainly have to adapt and extend the existing systems to ensure coherence with the Community Civil Protection Mechanism. Furthermore, Decision 2007/162/EC, Euratom, provides a financial contribution of a total of EUR 189.8 million

²¹⁵ More information on the Eurobaltic II project can be obtained at:
http://www.srv.se/Eurobaltic/templates/Page____16642.aspx

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for the period 2007 to 2013 for some of the activities concerned. The costs will mainly relate to modifications to, and the reinforcement of, administrative procedures and internal regulations, including co-ordination activities and training. Hence, the costs will mainly be related to modifications to, and the reinforcement of, administrative procedures and internal regulations, including co-ordination activities, reporting and training. For instance, all participating states must take appropriate steps to select experts and fulfil engagements with respect to the country card template (information to be submitted to the Commission).

Some costs will also be incurred in assessing and providing information about the resources available for civil protection assistance interventions in terms of capacities; components; size; estimated mobilisation time; availability for short-, medium- and long-term missions; and degree of self-sufficiency. There will also be costs involved for the training of technical experts.

However, the real costs are mainly associated with activities carried out on a voluntary basis such as the dispatching of intervention teams to aid in emergencies in other states, or making available transportation resources, communication/technical equipment and military resources. Some of these costly activities are eligible for co-funding from the EU under the Community Civil Protection Financial Instrument. Furthermore, most of the costs for implementing the Decision in regard to MIC activities are borne by the EU. It should also be noted that Decision 2007/162/EC, Euratom, provides a financial contribution of a total of EUR 189.8 million for the period 2007 to 2013 for some of the voluntary activities concerned, including the provision of transportation resources, the dispatching of civil protection modules, and training activities.

Concerning mandatory activities, mainly of an administrative character, the following costs are the most significant:

- providing 24 person-hours of crisis training for civil servants (although most civil servants need to receive similar training with respect to national emergencies as well);
- setting up administrative structures to deal with requests for emergency assistance abroad, including ensuring adequate communication with the MIC and other participating states;
- setting up administrative structures to deal with emergency preparedness (e.g. training and the communication of information to the public).

The cost of developing civil protection modules and technical support teams can be lowered by opting to share/pool resources with one or more Member States. Also, the level of costs incurred in planning, implementing and reviewing an exercise depends on the type, location, timing and duration of the exercise. There are several ways to reduce costs. For example, messages can be passed via internal telephones or by paper feed rather than the public telephone system, radio or fax, as would happen in a real emergency. Furthermore, the cost of live exercises can be reduced by limiting the number of people involved and by scheduling exercises within working hours to avoid overtime payments. It may also be possible to schedule training in parallel with the exercise. However, some exercises have to be carried out outside normal working hours for safety or commercial reasons.

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THE DECISIONS RELATING TO THE COMMUNITY MECHANISM FOR CIVIL PROTECTION INTERVENTIONS

The Civil Protection Financial Instrument

Official Title: 2007/162/EC, Euratom: Council Decision of 5 March 2007 establishing a Civil Protection Financial Instrument (OJ L 71, 10.3.2007), as amended by 2007/606/EC, Euratom: Commission Decision of 8 August 2007 laying down rules for the implementation of the provisions on transport in Council Decision 2007/162/EC, Euratom, establishing a Civil Protection Financial Instrument (OJ L 241, 14.9.2007)

1. Summary of Main Aims and Provisions

Decision 2001/792/EC, Euratom, established a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions. This decision was implemented through Decision 2004/277/EC, Euratom. These decisions were recast in Decision 2007/779/EC, Euratom. This decision sets out the operational provisions for civil protection.

The financial aspects of civil protection have been laid down in Decision 2007/162/EC, Euratom. This decision applies both to civil protection and to marine pollution emergencies, with respect to financial aspects. It contains very few concrete measures on the part of the Member States, apart from administrating and monitoring the selection and evaluation of projects co-financed by the EU Civil Protection Financial Instrument.

Decision 2007/162/EC sets out special provisions to fund transport resources in the event of a major emergency, facilitating a rapid and effective response. Hence, it establishes an instrument to finance rapid response and preparedness measures for major emergencies, resulting from natural, industrial and technological disasters or terrorist acts. The main objective is to contribute to the existing national systems for preparedness and response to risk situations for people, the environment or property, and to render them more efficient. The total funding for the actions and measures financed by the instrument is set at EUR 189.8 million for the period 1 January 2007 to 31 December 2013.

Decision 2007/162/EC, Euratom, extends the Community action programme in the field of civil protection established by Decision 1999/847/EC and Decision 2850/2000/EC setting up a Community framework for co-operation in the field of accidental or deliberate marine pollution. These decisions expired on 31 December 2006, and Decision 2007/162 partly replaces them in regard to financial aspects. These decisions aimed to contribute to the protection of people, the environment and property in the event of natural or technological disasters and to a greater awareness of the interrelationship between human activities and nature through the establishment of an action programme. The action programme intended to support and supplement action at national, regional and local level in the field of civil protection. It also provides a means of facilitating co-operation between Member States.

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Decision 2007/162/EC, Euratom, is a continuation of the above decisions. It sets out eligible actions including demonstration projects, awareness and dissemination measures, training and exercises, the sending/deployment of experts or the provision of adequate means and equipment. Most of these activities are to be undertaken by organisations and entities in the Member States. However, monitoring and assessment measures are mainly the responsibility of the Commission.

The decision contains rules regarding the provision of financial assistance for:

- actions under Decision 2007/779/EC, Euratom, establishing the Community Civil Protection Mechanism;
- measures to prevent or mitigate the effects of an emergency; and
- actions to enhance the EU's state of preparedness for emergency response.

The following actions are eligible for financial assistance regarding prevention and preparedness:

- studies and surveys to facilitate the sharing of knowledge and best practices and to enhance prevention, preparedness and response;
- training, exercises, workshops, networks, demonstration projects and technology transfer;
- public information, education and awareness raising to help EU citizens to protect themselves efficiently;
- actions related to the functions of the Monitoring and Information Centre (MIC);
- communication activities to promote the visibility of the EU's response;
- contribution to the development of detection and early warning systems for disasters; and
- monitoring and assessment activities.

The decision also defines activities eligible for financial assistance in the field of response under the Civil Protection Mechanism, including:

- dispatching assessment and co-ordination experts along with equipment and communication tools;
- supporting Member States in accessing equipment and transportation resources by providing information on equipment and transportation resources, and assisting Member States to identify and facilitate access to transportation resources; and
- complementing the transportation provided by Member States by financing additional transportation resources.

Activities supported by the EU budget must correspond to certain parameters:

- allow the assessment of needs and the establishment of adequate means and equipment;
- ensure the availability of means and equipment and allow their transfer to requesting states;
- promote the sharing of expertise and experience between national services, etc.

Certain areas are not eligible for funding through this instrument, for example the actions and measures included in the action programme "Health and Consumer Protection 2007-2013" and those relevant to the maintenance of order and internal security. Moreover, funding is excluded where the proposed action or measure is already funded by another European financial instrument.

The funding provided under the instrument will increase the effectiveness of rapid response and preparedness measures for major emergencies, particularly measures taken by way of co-operation between Member States established by Decision 2007/779/EC, Euratom, on an assistance intervention mechanism. Both Member States and third countries can participate in the Civil Protection Financial Instrument. The financial assistance granted by the EU will be in the form of grants or public procurement contracts. Both natural and legal persons governed by either private or public law are eligible under the Civil Protection Financial Instrument. However, financial assistance from the EU is only granted once all other possibilities for funding transport under the Civil Protection Mechanism have been exhausted.

The Commission has a number of obligations in terms of reviewing the effectiveness of the decision, especially regarding the provision of transport and the provision of financial assistance for additional transport resources. The Commission had to conduct an analysis, jointly with the Member States, by 31 December 2007, on the transportation and equipment needs experienced in major civil protection interventions. Based on the outcome of this analysis, the Commission might propose revisions to the provisions on transportation assistance.

Decision No. 2007/606/EC, Euratom, amends Decision 2007/162/EC, Euratom, by providing more specific rules and procedures regarding requests from participating states for EU financial support for transport assistance to the affected country. It also sets out more detailed provisions on the procedures for handling such requests by the Commission. This Decision fleshes out the meaning and criteria set out in Article 4(2)(c) of Decision 2007/162/EC, in terms of defining criteria for determining the effectiveness of additional transport resources and whether they are complementary and necessary.

Furthermore, Decision 2007/606/EC:

- sets out the procedures governing the request for financial support from the EU for the transport of assistance (Arts. 3-5);
- defines eligible costs for actions eligible for EU funding through grants or public procurement contracts (Art. 9); and
- establishes rules and procedures for the requirement to reimburse at least 50% of the EU support for the transport assistance by Member States within 180 days of the intervention.

2. Principal Obligations of Member States

2.1 Administrative Arrangements

Under Decision 1999/847/EC on a Community action programme in the field of civil protection, Member States had to take a number of administrative measures such as:

- appointing a representative to the committee to assist the Commission in implementing the action programme; and
- agreeing upon and implementing individual actions (detailed in the programme) in close co-operation with the competent authorities.

The most important tasks for Member States under Decision 2007/162 are to:

- apply the same definitions as those laid down in Article 3 of Decision 2007/162/EC (i.e. “emergency”, “major emergency”, “response”, “preparedness”, “prevention” and “early warning”);
- ensure that their own civil protection systems are able to cope adequately with disasters (Art. 4(3, b));
- assess the need for EU financial assistance regarding some of the mandatory and non-mandatory requirements under the Civil Protection Mechanism in terms of assistance in

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the event of emergencies both at home and in other Member States. This assistance may include dispatching experts and support equipment to emergency locations, supporting access to equipment and transportation, and accessing and providing for additional transportation resources;

- scrutinise the annual work programme of the Commission specifying the calls for proposals as well as public procurement contracts for rapid response actions, and define possible actions by public bodies for which the Member States can request EU financial support;
- facilitate and aid the Commission in its monitoring and supervision and financial control, including providing necessary information (Art. 12, Decision 2007/612);
- ensure that a system is in place to:
 - provide for the reimbursement of a part of the EU funds received for the transportation of their assistance within 180 days of the intervention (Art. 4(3,a));
 - assist in the monitoring of awarded grants and contracts by carrying out on-the-spot checks and audits (Art. 11);
 - keep financial documents on file for at least five years with respect to expenditures linked to EU funds (Art. 11).

On 8 August 2007, the Commission adopted Decision 2007/606/EC, Euratom, on the implementation of the provisions on transportation in Decision 2007/162/EC, Euratom. The most important requirements deriving from this decision include:

- designating authorities mainly responsible for implementing activities under the Civil Protection Financial Instrument, including the provision of equipment and transportation for civil protection assistance;
- designating the competent authorities authorised to request and receive financial support from the Commission and notifying the Commission thereof within 60 days of the notification (Art. 12);
- determining authorities, companies and entities that are capable of delivering reliable and adequate logistical support for the intervention teams or modules they deploy (Art. 12);
- defining an administrative framework and response system in terms of requests for logistical support and transportation assistance, ensuring that all procedural requirements have been fulfilled in terms of the format for requests (telefax, email, common emergency communication and information system), the information to be submitted etc. This system shall ensure that states receiving a request for transportation support inform the Commission promptly of any transportation resources that they can make available, including information set out in Part B of the annex. Also, states that do not have suitable transportation resources available must notify the Commission immediately (Arts. 3-5);
- liaising with the states providing additional support or the operator identified by the Commission (Art. 5(5)).

2.2 Reporting

- Notify the Commission of the competent authorities that the Member State has designated to request and receive financial support for the Commission in regard to transportation assistance (Art. 12).
- Where Member States request transportation support for civil protection assistance, the competent authority designated for implementing Decision 2007/606 must submit the information set out in Part A of the annex to Decision 2007/606 (Art. 3(3)).

- A Member State that offers transportation support has to provide the information set out in Part B of the annex (Art. 3(3)).
- All communication and messages relating to requests for assistance, and the replies to such requests, must be transmitted to the MIC (Art. 3(4)).
- Where a state has received a request for support for pooling or identifying transportation resources, it must inform the Commission as soon as possible of any such resources that it can make available, including the information set out in Part B of the annex. Also, in the event that there are no suitable transportation resources, the relevant state must inform the Commission immediately (Art. 5).
- A state that makes a request for access to additional transportation resources must inform the Commission of the transportation solutions it has selected (Art. 5(5)).
- Where a state is requesting a transportation service from the Commission, it must confirm this request in writing as well as its intention to reimburse the Commission for up to 50% of the costs. The Commission must be notified of all subsequent changes to the request for transportation services (Art. 7(3) (4)).
- The requesting state must keep the Commission regularly informed of progress in the delivery of civil protection assistance (Art. 5(6)).
- Any information required to assess the fulfillment of the criteria set out in Article 4(2)(c) regarding the eligibility of EU-financed actions must be provided to the Commission upon request (Art. 8 (3)).

2.3 Additional Legal Instruments

Other related instruments include:

- Commission Decision 2004/277/EC, Euratom, establishing a Community mechanism to facilitate reinforced co-operation in civil protection assistance interventions.
- Commission Decision 2007/779/EC, Euratom, establishing a Community Civil Protection Mechanism.
- Regulation No 1406/2002 (EC) establishing the European Maritime Safety Agency.

3. Implementation

3.1 Key Tasks

The key tasks for Member States include designating competent authorities authorised to request and receive financial support from the Commission; and ensuring that they are meeting their obligations regarding the submission of information and reporting to the Commission, the MIC and other participating states.

3.2 Phasing Considerations

The current decisions concern a seven-year financing period from 2007 to 2013, with a total budget of EUR 189.8 million. There are no major phasing considerations, apart from the fact that Member States should make the most efficient use of the Financial Instrument prior to 2013, after which the shape and size of future EU financial support is uncertain.

4. Implementation Guidance

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The Community action programme was established to contribute to the protection of persons, the environment and property in the event of a natural (e.g. earthquakes, floods, forest fires) or technological (e.g. ferry accident) disaster. The programme is intended to support and supplement the efforts of Member States within the framework of their own actions at national, regional and local level. While government responsibility for these issues tends to lie with a central ministry, such as the ministry of the interior or the ministry for internal affairs, the key actors dealing with such emergencies are often locally based (e.g. emergency services, local planning authorities and municipalities).

It is important that the designated competent authorities have the mandate and necessary resources to deal adequately with Decisions 2007/162 and 2007/606, in terms of both requesting and receiving financial support from the EU, but also to deal adequately with reporting obligations and information requests from other participating states and the Commission. In the field of civil protection, response must be very quick and resources must be identified and mobilised within hours.

5. Costs

The EU provided EUR 189.8 million for the period 2007 to 2013. However, it is made clear that the EU will only finance requests for emergency response, and for transportation resources in particular, when all other resources have been exhausted. Hence civil protection preparedness and emergency response is very much the responsibility of the EU Member States and other participating (non-EU) states. EC legislation on civil protection aims not only at providing financial support for measures and interventions by the participating states but also at facilitating the identification, pooling, co-ordination and mobilisation of resources to enhance the effectiveness of the emergency response system.

There are various costs associated with Decisions 2007/162 and 2007/606, in terms of both setting up the administrative system to implement the requirements and dealing with information requests, for example identifying authorities dealing with requests for EU funds for additional transportation resources and for actual intervention measures (e.g. dispatching experts, sending transportation resources etc.). The following list of examples of costs is not exhaustive and is only intended to give a preliminary idea of potential expenditures:

- costs of selecting authorities and enhancing their capacity to deal with requests for financial support from the EU for transportation resources;
- costs of setting up an administrative structure to ensure that the above-mentioned competent and other related authorities dealing with emergency preparedness respond to requests from requesting states, information requests from the Commission etc.;
- costs of dispatching assessment and co-ordination experts and their support equipment (voluntary);
- costs of making transportation resources available in response to a request for support for pooling or identifying transportation resources. Up to 50% of these costs are eligible for EU financial support (voluntary measures).

The objective of this Handbook is to provide a planning framework and step-by-step guidance on the approaches and specific activities required to implement EC environmental legislation. It is aimed at officials (legislators, civil servants, planners, environmental advisers etc.) and may also be of interest to other stakeholders. The Handbook is a reference resource that provides:

- a series of overview chapters setting out a framework for planning the implementation of the legislation contained within that particular environmental sector; and
- a series of fiches containing information and guidance about environmental legal acts.

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