



EUROPEAN COMMISSION

*Brussels, 26.10.2020  
C(2020) 7490 final*

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism {COM(2020) 220 final}.*

*This proposal intends to introduce targeted amendments allowing for a more ambitious and wide-ranging crisis management system within the Union, further strengthening the Union Civil Protection Mechanism. The main objective of the proposal is to complement and support Member States response in large-scale high impact emergencies where several or all EU Member States are impacted at the same time and they are not able to help each other. While respecting the principles of subsidiarity and proportionality, the Union aims to provide better crisis and emergency support to its citizens in Europe and beyond, in full compliance with Article 196 of the Treaty on the Functioning of the European Union.*

*The Commission and the Bundesrat agree that ensuring citizens' trust in effective healthcare and civil protection is of particular importance and that all levels of responsibility are therefore constantly called upon to meet this challenge through prevention, preparedness and response. The Commission welcomes the Bundesrat's support for initiatives aimed at facilitating and developing mutual solidarity assistance between Member States in the event of disasters through EU support measures.*

*The Commission would also like to take this opportunity to thank Germany for the crucial role it played in responding to the COVID-19 crisis at EU level, in particular for volunteering to purchase and host part of the EU medical stockpiling capacity.*

*The Bundesrat's Opinion has been made available to the Commission's representatives for the negotiations of the co-legislators and will inform these discussions.*

*Mr Dietmar WOIDKE  
President of the Bundesrat  
Leipziger Straße 3 - 4  
D-10117 BERLIN*

*In response to the concerns of the Bundesrat and the more technical comments outlined in the Opinion, the Commission would like to refer to the attached annex. The Commission hopes that these clarifications address the issues raised by the Bundesrat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

*Janez Lenarčič  
Member of the Commission*

## Annexe

*As regards the points to which the Bundesrat has drawn the Commission's particular attention, the Commission is pleased to offer the following clarifications.*

### Consultation and impact assessment (point 5 of the opinion)

*In Europe, the nature and scale of the ongoing COVID-19 crisis at EU, national and regional level is unprecedented. The Commission agrees with the Bundesrat that it is crucial to conduct a comprehensive lessons-learned exercise with the EU and the Member States to ensure that learnings from all relevant stakeholders are effectively captured, allowing to prepare better for future unforeseen large-scale crises. Under the Union Civil Protection Mechanism, a specific lessons-learned programme was activated soon after the the COVID-19 crisis began and is still ongoing. A comprehensive consultation process with Member States takes place in the autumn 2020. However, the COVID-19 crisis has clearly exposed some limitations to the Union Civil Protection Mechanism's architecture, which currently relies largely on Member States' resources. The Commission and the Member States should remedy the said situation as soon as possible to broaden the array of tools at their disposal to protect citizens should similar large-scale emergencies occur in the future. This proposal also comes as a response, albeit limited to civil protection, to the call, made by the European Council to the European Commission on 26 March 2020, to improve its crisis management system.*

### Subsidiarity objections (point 6 of the opinion)

*The Commission's proposal builds on the successfully negotiated 2019 amendment of the Union Civil Protection Mechanism. It aims to bring further improvements to establish a more flexible, faster and reactive system to respond in particular to large-scale emergencies like the COVID-19 pandemic. The principles of subsidiarity and proportionality are firmly upheld. Namely, the main objective of the proposal is to complement and support Member States' preparedness and response to large-scale high impact emergencies, especially where several Member States are impacted at the same time and cannot effectively support each other.*

*The proposal fully adheres to the EU's supporting competence in civil protection, outlined under Article 196 of the Treaty of the Functioning of the European Union. The Union Civil Protection Mechanism would, as always, draw on national resources in the first place, and Member States retain the primary responsibility for protecting people, the environment and property on their territory against disasters. Where an additional and optional strengthening of capacities at EU level is proposed, this must only constitute a means of attaining the objective of reinforcing the Union's and Member States' collective ability to respond to complex large-scale disasters and of addressing recurrent and emerging capacity gaps.*

### Emergency Response Coordination Centre (point 8 of the opinion)

*The Emergency Response Coordination Centre is the backbone of the Mechanism. It has been working together with the relevant national civil protection authorities. Its strategic role will not change. Whilst the COVID-19 outbreak has shown that it can also be useful to involve authorities other than civil protection authorities (e.g. Ministries of Foreign Affairs for repatriation, or Health Ministries) in the response to complex emergencies, civil protection authorities will continue to be the Emergency Response Coordination Centre's focal points for all civil protection matters. The new reference to "national crisis systems" reflects the variety of national crisis management systems that exist within the EU, without putting into question the central role national civil protection authorities play. As in the past, the operational guidelines (data exchange, liaison officers and communication systems) will be developed and agreed with Member States to ensure an efficient cooperation between EU and national authorities.*

### Disaster resilience planning (point 9 of the opinion)

*COVID-19 has highlighted our interdependencies when it comes to risk assessment at national level. The proposed new resilience-building approach is intended to complement and supplement disaster risk management work undertaken in Member States. The current legal proposal does not predefine resilience goals, as the identification process should be conducted together by Member States and the Commission. Jointly defined resilience goals should subsequently be enshrined in a delegated act. This approach would allow sufficient time to discuss and agree on common resilience goals, as well as to give more flexibility in case the goals need to be reviewed over time. The objective is that Union resilience goals will build on and ensure synergies with wider national and EU efforts, aimed at increasing resilience across sectors. Some of the relevant initiatives include the ongoing revision of the EU framework on critical infrastructure protection, new requirements on climate resilience or increasing attention to building resilience to hybrid threats.*

*The formulation of the Union resilience goals would have to reflect their primary purpose, which is to support prevention and preparedness actions at national and EU level – as opposed to setting new obligations for Member States or establishing a compliance mechanism. It is expected that Union resilience goals would inform and guide national prevention/preparedness efforts, which can also be supported through existing EU financial instruments, such as Union Civil Protection Mechanism or cohesion policy funding. With the proposed increase of the Union Civil Protection Mechanism budget, the available financial resources for resilience-building activities will be strengthened.*

### Direct procurement of rescEU capacities (point 10 of the opinion)

*The proposed targeted change on direct procurement builds directly upon the early operational experience gained during the COVID-19 crisis. This experience suggests that Member States could not respond, or could not respond fully, to requests for assistance, as they were overwhelmed by their own national response needs. Direct procurement of specific items by the Commission for the rescEU reserve is therefore foreseen as an additional EU "safety net" to increase the speed and ability of rescEU to react with tailored responses to*

*unexpected high-impact emergencies like the current COVID-19 outbreak. It should be seen as an additional and, most importantly, optional mode for procuring assets, also contributing to minimise the operational burden on Member States. The European Commission would be guided by Member States through the usual institutional channels, such as the Civil Protection Committee and relevant task team meetings, on the use of direct procurement.*

*Direct procurement by the Commission would only be relevant for certain types of rescEU capacities, not all of them. It would allow for rapid response in particular to high-impact emergencies, which could not have been foreseen, like the current COVID-19 outbreak. The stockpiling of strategic medical capacities (vaccines, personal protective equipment, testing kits) is a good example where direct procurement would have allowed us to assist the Member States (e.g. Italy) more rapidly, at the peak of the COVID-19 outbreak in Europe, through the Union Civil Protection Mechanism.*

*Direct procurement was discussed already at the time of the negotiations that led to the establishment of rescEU. At the time, the Council Legal Service issued an opinion stating that “the competence of the Commission with respect to acquiring rescEU capacities or having capacities of its own does not supersede Member States’ competence and thus respects the limitation of the supporting competence”.*

*The Commission’s proposal does not aim at replacing Member States’ competence. Member States retain primary responsibility for protecting people, the environment and property on their territory against disasters. Furthermore, rescEU arrangements established under the 2019 reform will remain in place, including the principle of operational command and control during response operations, which is vested in the Member States.*

*Cross-sectoral resilience strategy at European level/European Knowledge Network (point 11 of the opinion)*

*The Commission agrees with the Bundesrat that more resources for public health protection and for European civil protection should be mobilised. It is therefore very pleased with the outcome of the European Council in July 2020, that agreed on the 2021-2027 multiannual financial framework and the NextGenerationEU, which will provide for a successful EU recovery from the COVID-19 crisis.*

*The Commission also acknowledges the need for a sustainable crisis management which must be interdisciplinary from the outset and cover multiple sectors. As the current COVID-19 crisis has shown the importance of connecting civil protection and disaster management actors across different sectors and countries, the establishment of the Union Civil Protection Knowledge Network will prove even more relevant. It will strengthen the exchange of knowledge, promote innovation, and create more and new networking opportunities among various actors at all levels, including the local level. It is the Commission’s ambition to establish a Knowledge Network which addresses the real needs of the national and local stakeholders, including the German Länder, meets their expectations, and creates mutual benefits – a Network at the service of Member States and their civil protection actors.*

*The Commission wishes, as explained above, to focus in the future on the definition of “Union disaster resilience goals” as a tool to strengthen the cross-sectoral resilience strategy. The Commission does not intend to replace national provisions nor to take away national competences in this area, but recognises the interdependencies and transboundary impacts of a range of high-impact emergency scenarios, which can benefit from coordinated planning and risk management at EU level. This approach should enhance ways to ensure stronger long-term European resilience to withstand future crises.*