



EUROPEAN COMMISSION

Brussels, 8.10.2020
C(2020) 7047 final

Dear President,

The Commission would like to thank the Senat 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 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 welcomes the Senat's support for an enhanced Union Civil Protection Mechanism, as well as its conclusion that the proposal is fully compliant with the principles of proportionality and subsidiarity.

The Commission would also like to take this opportunity to thank Romania for the crucial role it played in responding to the COVID-19 crisis at EU level, through enhancing its medical stockpiling capacity. This is a clear expression of European solidarity in action.

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

In response to 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 Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

Janez Lenarčič
Member of the Commission

Maroš Šefčovič
Vice-President

Mr Robert-Marius CAZANCIUC
Interim President of the Senat
Calea 13 Septembrie nr. 1-3, sector 5
RO – 050711 BUCHAREST

ANNEX

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

Regional hubs for medical stockpiles

Romania has played a pivotal role in the EU response to the COVID-19 crisis, with the establishment of crucial medical stockpiling capacities that have allowed for the urgent distribution of medical equipment to other Member States and Participating Countries when their own national level response was overwhelmed. This is a clear expression of European solidarity in action. In line with the Senat's recommendation on the further development of medical stockpiling capacities under rescEU at regional level, the Commission is now working with several Member States to develop further medical stockpiling capacities.

Consultations and lessons learned process

In Europe, the nature and scale of the ongoing COVID-19 crisis at EU, national and regional level is unprecedented. Many of the consequences of this complex crisis still need to be fully evaluated. The Commission agrees with the Senat 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 has been activated and 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. It currently relies completely on Member States' resources, a situation that the Commission and the Member States should remedy 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 the EU's crisis management system.

Direct procurement

The proposed targeted change on direct procurement builds directly on the early operational experience gained during the COVID-19 crisis. This experience suggests that Member States could not respond, or not respond in full, 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 minimising 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 technical 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 as such, 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.

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 that operational command and control during response operations is vested in Member States.

The role of the private sector in indirect management

Introducing the possibility of the indirect management mode of execution, in addition to the direct management mode used until now, would provide additional flexibility to the Union Civil Protection Mechanism and would allow for greater optimisation of budget implementation.

While public authorities primarily bear responsibility for civil protection, private sector organisations – especially those with a public service mission – can, under specific conditions, usefully fulfil certain tasks and thereby contribute to an enhanced civil protection system.

Indirect management would also decrease the administrative burden on relevant entities at EU and national level, while allowing Member States to more flexibly choose their own partners/sub-contractors.