

COMMUNICATION

**from the European Affairs Committee of the Federal Council
to the European Parliament, the Council and the European Commission
pursuant to Article 23f para. 4 of the Austrian Constitution
7 February 2018**

COM (2017) 772 final

**Proposal for a Decision of the European Parliament and of the Council amending
Decision No 1313/2013/EU on a Union Civil Protection Mechanism**

On 23 November 2017, the European Commission tabled a proposal to amend Decision No 1313/2013/EU on a Union Civil Protection Mechanism. The Union and its Member States are faced with a growing number of disasters with tragic loss of lives and damaging consequences for the environment and the economy, depriving many citizens of their livelihood. Above all, the refugee and migration crisis has shown that European cooperation in crisis situations is appropriate and necessary. For cross-border activities, good coordination is particularly important. The Federal Council explicitly underlines the merits of the numerous voluntary organisations at regional and local levels, ready at any time to protect or even save the lives of the inhabitants of our country through enormous personal efforts. In Austria, in particular, volunteerism is deeply rooted in the country's associative life and excellent work is being done in towns and villages. Therefore, great care must be taken in any attempt to improve the system.

Article 196 TFEU: "The Union shall encourage cooperation between Member States in order to improve the effectiveness of systems for preventing or protecting against natural or man-made disasters." In particular, this article refers to the national, regional and local levels.

Within the framework of the creation of a European Civil Protection Pool, the Commission determines the key resources required, monitors progress and analyses the remaining gaps.

However, from the viewpoint of subsidiarity, it would be more appropriate to analyse the requirements locally, and it would be preferable for the Commission not to act alone, but in cooperation with the Member States. Moreover, the European Union can only coordinate resources made available by the Member States and does not have the authority to requisition the Member States' human and material resources. Furthermore, the new regime would be to the disadvantage of Member States unable to contribute resources to the pool, as funding would no longer be available for relief measures outside the pool. In view of the Austrian system of voluntary relief and rescue organisations, the Federal Council rejects any obligation to register capacities with the pool.

According to Article 6 of the proposed legal act, national risk assessments are to be made available in full to the European Commission, whereas the current provision only requires transmission of the most important elements. Given the fact that national risk analyses are performed on the basis of country-specific methods, transmission of the complete risk assessment does not offer any advantages.

As mentioned above, the European Union, pursuant to its primary law, can only support, coordinate and complement the civil protection measures taken by the Member States. Regardless of this unambiguous provision, the proposed decision provides for the creation of "rescEU" capacities for European civil protection activities. This would enable the Commission to acquire, rent or lease certain emergency response capacities. At the same time, it would be empowered to increase these capacities by way of delegated acts, i.e. without real involvement of the Member States. On the one hand, this would create a parallel structure in Europe that is incompatible with Art. 196 TFEU and, on the other hand, it harbours the risk of commercialising emergency response activities, with private operators offering services and resources.

The European Civil Protection Pool and "rescEU" are to the disadvantage of Member States in which national mechanisms are based on services provided by well-structured and well-equipped voluntary organisations, as is the case in Austrian municipalities and local communities.