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**BRIEFING  
ON  
CIVIL PROTECTION AND THE 1996  
INTERGOVERNMENTAL  
CONFERENCE**

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**These briefings have been drafted by the Parliament Secretariat Task Force on the Intergovernmental Conference. Their purpose is to gather together, in an organized, summary form, the proposals and suggestions which the authorities in the Member States, the Union's institutions and specialist commentators have put forward on the issues likely to be on the IGC 96 agenda.**

**Briefings will be updated as negotiations proceed.**

**Already out:**

- 1 The Court of Justice**
- 2 The Commission**
- 3 The Court of Auditors, ESC and COR**
- 4 Differentiated integration**
- 5 The common foreign and security policy**
- 6 The role of the national parliaments**
- 7 The hierarchy of Community acts**
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- 16 The Council of the European Union**
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**BRIEFING  
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**I. SUMMARY**

Few opinions have hitherto been expressed on extending the Union's competence and responsibilities in the area of civil protection, although civil protection is often mentioned indirectly in connection with application of the subsidiarity principle and the principle of 'sufficient means'. It is noteworthy that the opinions which have been expressed range from introducing specific Union competence to deleting Article 3(t) of the EC Treaty<sup>1</sup>; there is an evident need for negotiation on this point.

**II. AGENDA FOR THE CONFERENCE**

The question of introducing titles relating to civil protection, as indicated in Article 3(t) of the TEU, will be examined on the basis of a report which the Commission will submit to the Council by 1996 at the latest, pursuant to the procedure under Article N.2 of the TEU. In line with its aim of concentrating on carrying out existing tasks more effectively rather than acquiring new powers, the Commission in its report on reinforcing political union and preparing for enlargement, which was submitted at the end of February 1996, did not request any particular powers in the sphere of civil protection, which was not even mentioned in the report. The December 1995 final report by the Reflection Group advocates increased cooperation on civil protection, rather than extending Community competence to this area. It is therefore an open question whether civil protection will feature on the agenda of the IGC which opened on 29 March 1996.

**III. POSITIONS**

**1. Parliament**

In its resolution on the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference, Parliament points out that the Union must strengthen its existing policies but does not adopt any particular stance on civil protection.

In other documents, such as the resolution of September 1995 on forest fires in Greece, Italy and Portugal, Parliament called on the Commission to cooperate with the various

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<sup>1</sup> Article 3(t) of the EC Treaty (as formulated in Article G.1 of the TEU) reads: 'For the purposes set out in Article 2, the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein: (t) measures in the spheres of energy, civil protection and tourism.'

governments and local authorities to provide compensation and financial aid for the affected areas. The report on the IGC and preparations for the Turin European Summit, which was adopted on 13 March 1996, calls for tourism to be included in the Union Treaty, but no mention is made of either civil protection or a common energy policy.

## **2. Commission**

In the Declaration (No. 1) on civil protection, energy and tourism, the Commission declared that 'Community action in those spheres will be pursued on the basis of the present provisions of the Treaties establishing the European Communities'.

In its report of 10 May 1995 on the operation of the Treaty on European Union the Commission does not directly express a view on civil protection. It notes, however, that in the new areas of activity which, according to Article 3(t) of the EC Treaty, include civil protection, harmonization is ruled out for the moment and only limited use has so far been made of the new provisions.

On 3 April 1996 the Commission adopted a report on the possible inclusion of new chapters in the Treaty during the Intergovernmental Conference. The report also mentions disaster relief. The Commission points out that the absence of a legal basis in the Treaty was no obstacle to the establishment of efficient cooperation in the area of disaster relief. As the measures taken by the Union in this field should continue to be largely based on intergovernmental cooperation, the Commission sees no need for a common policy in the true sense.

## **3. Council**

Although the Council does not specifically include civil protection in its report on the functioning of the Treaty on European Union, it notes that the Community's action in the new areas of competence, including civil protection under Article 3(t) of the EC Treaty, is specifically limited to complementarity measures (support programmes, no harmonization), which has enabled a clearer distinction to be made between the fields of action of the Community and the Member States.

## **4. Reflection Group**

The Reflection Group's interim report of 7 September 1995 expresses its views on civil protection. In general, the Group is of the opinion that the Community's sphere of activities should not be widened, but rather that its existing tasks should be carried out more effectively. One member even proposed deleting Article 3(t) of the TEU.

In accordance with Declaration No. 1, the Group considered the possibility of including the sphere of civil protection in the area of common policy. It came to the conclusion that 'it would probably be more appropriate for these spheres simply to envisage greater cooperation between the Member States'. The form this increased cooperation was to take was not mentioned in the interim report, and no details were given in the Reflection Group's final report in December 1995.

## **5. Member States**

### **5.1 Germany**

In connection with application of the subsidiarity principle and its intention of achieving a clear division of responsibilities between the Union and the Member States, the German Government specifically mentions civil protection as an example of an area where the compatibility between existing Community competence and the subsidiarity principle should be examined.

### **5.2 Finland**

The Government report submitted to the Finnish Parliament on 27 February 1996 on Finland's principles and objectives for the 1996 Intergovernmental Conference takes the view that the Community should fulfil its existing tasks more effectively. 'There is no need for a common policy on energy, tourism and civil protection, but the question of including civil protection in the third pillar could be considered'.

### **5.3 Greece**

In the memorandum for the 1996 Intergovernmental Conference submitted in January 1995 the Greek Government calls for a common policy on rapid reaction to natural disasters. In addition, the Greek Government Committee of Ministers in June 1995 concluded that common policies should be developed for the new sectors indicated in Article 3(t) of the EC Treaty, while taking account of the problem of allocation of resources.

In the paper entitled 'For a democratic European Union with a social content' which it published in early April 1996 the Greek Government again recommends the inclusion of disaster relief in the Treaty. Among other things, it advocates the creation of a stand-by system for Member States affected by natural disasters.

### **5.4 Austria**

In its 'Guidelines on the probable topics for the 1996 Intergovernmental Conference' the Austrian Government concentrates on existing Community policies and their reinforcement in terms of resources, institutions and decision-making procedures. It also considers the introduction of new Union competences and takes the view that the TEU should include a common responsibility for civil protection.

### **5.5 Portugal**

In the memorandum on 'Portugal and the Intergovernmental Conference on revision of the Treaty on European Union', submitted by the Portuguese Foreign Ministry in March 1996, the Government is not opposed to the idea that the extension of Union competence to further areas such as energy, tourism and civil protection be considered at the IGC.

## 5.6 Spain

The Spanish document on 'The 1996 Intergovernmental Conference: the Spanish approach' mentions extending Community competence to the areas of energy, tourism and civil protection. Spain also calls for the principle of 'sufficient means' to be included in the Treaty specifically in connection with civil protection, so that the Member States would not be obliged by Union decisions to incur costs which were not covered by the Community budget.

## 5.7 United Kingdom

In the White Paper on the British approach to the 1996 Intergovernmental Conference<sup>1</sup>, submitted to the British Parliament in March 1996, the Government confirmed its opposition to extending Community competence to further areas. Consequently it is opposed to the inclusion in the Treaty of new titles on energy, civil protection and tourism, which may be discussed at the IGC.

## 6. Others

### 6.1 Bertelsmann Foundation

The working group set up by the Bertelsmann Foundation, the Mainz University 'Europa' research group and the European Structural Commission has drawn up a programme of reform for the European Union. The reform programme proposes a list of competences, to avoid overlapping areas of responsibility and competence between the Union and the Member States. With regard to the principles which should govern questions of competence - deepening rather than widening areas of responsibility, and the federal principle, i.e. diversity rather than widespread harmonization of cooperation - the working group considers it 'not plausible for the Union to adopt measures in the area of civil protection(...), as is stated as an objective in Article 3(t) of the EC Treaty.'<sup>2</sup> The working group thus rejects extension of Union competence to the area of civil protection.

### 6.2 League of German Industrialists (BDI)

In its May 1995 preliminary reflections on the 1996 Intergovernmental Conference, the BDI states that from the point of view of the German economy there are no practical reasons for extending Union competence to the area of civil protection.

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<sup>1</sup> A Partnership of Nations - The British Approach to the European Union Intergovernmental Conference 1996, London HMSO Cm 3181, March 1996

<sup>2</sup> cf. Werner Weidenfeld (ed.) Europa '96. Reformprogramm für die Europäische Union. Strategien und Optionen für Europa, Verlag Bertelsmann Stiftung, Gütersloh, 1994, pp 25-27.

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