



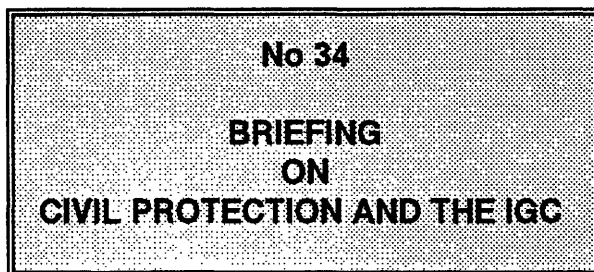
SECRETARIAT WORKING PARTY

TASK-FORCE
ON THE
" INTERGOVERNMENTAL CONFERENCE "

WORKING PARTY SECRETARIAT

JF/bo/274/97

Luxembourg, 14 February 1997



(First update)

PE 166.666
Or. FR

2523 FN

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
8. Codecision procedure
9. CJHA
10. European citizenship
11. WEU, security and defence
12. Public services
13. Social policy
14. The European Parliament
15. The European Council
16. The Council of the European Union
17. The budget and the IGC
18. The IGC and transparency
19. Subsidiarity and the allocation of powers
20. The Union's legal personality and external representation
21. Commitology
22. Fundamental rights
23. The IGC and the democratic nature of the Union
24. The coherence of the external action of the EU under the first (Community) and second (CFSP) pillars
25. The 1996 IGC and the effectiveness of the Union
26. Europol
27. The IGC and the Schengen Convention
28. Combating fraud
29. Energy
30. Tourism and the IGC
31. Economic and social cohesion
32. European environment policy and the IGC
33. The common agricultural policy and the IGC
34. Civil protection and the IGC
35. Non-discrimination on sexual grounds
36. EU enlargement
- 36a. Accession of the CEECs - outlook for agriculture
37. Employment and the IGC
38. The IGC and Economic and Monetary Union
39. Asylum and immigration policy
40. Social exclusion and the IGC
41. Children and the IGC
42. Fight against drugs and the IGC
43. The IGC and the fight against racism
44. Youth and the IGC

**BRIEFING
ON
CIVIL PROTECTION AND THE IGC**

Contents

	<u>Page</u>
I. SUMMARY	4
II. AGENDA FOR THE INTERGOVERNMENTAL CONFERENCE	4
III. COMMUNITY ACTION UNDERTAKEN	4
IV. THE LEGAL BASES USED	5
V. POSITIONS	
1. Parliament	5
2. Commission	6
3. Council	6
4. Reflection Group	6
VI. POSITIONS OF THE VARIOUS MEMBER STATES	
1. Germany	7
2. Finland	7
3. Greece	7
4. Austria	8
5. Portugal	8
6. Spain	8
7. United Kingdom	8
8. Belgium	9
9. Italy	9
10. Others	
10.1. Bertelsmann Foundation	9
10.2 League of German Industrialists (BD)	10
VII. CONCLUSION	10
VIII. ANNEX	10

BRIEFING ON CIVIL PROTECTION AND THE IGC

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 Treaty¹; 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. COMMUNITY ACTION UNDERTAKEN

In order to tackle major disasters, both natural and technological, the states of the European Union have developed various emergency public services, organizations and a variety of associations which make up the civil protection system.

Community cooperation in the sphere of civil protection aims to assist the efforts made in the individual Member States to improve protection for people, the environment and property in the event of natural or technological disasters.

This objective is achieved mainly by setting up a technical network of those responsible for civil protection in the Member States and by ensuring that they share their

¹ 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.'

experiences. The Commission's initiatives are still of secondary importance: only those actions were undertaken which clearly could be most effectively carried out at Community level.

Community action has helped to improve the level of preparation of those involved in civil protection by developing technical instruments, in particular an operational manual and pilot projects. Nevertheless, the Commission's main efforts are concentrated on developing initiatives involving those active in civil protection, aimed at increasing their potential and capacity to intervene in the event of disasters. For example, during the last five years, more than ECU 85 million have been allocated to Community civil protection measures. The main initiatives undertaken concern information workshops, the exchange of experts, simulation exercises, pilot projects, support activities and intervention in the event of disasters (for a description of these actions please refer to the Annex).

Furthermore, in order to increase the consistency and effectiveness of intervention by the civil protection services of the Member States on the international scheme, administrative arrangements have been set up within the Community. Procedures for linking up with a number of international organizations involved in civil protection intervention have also been the subject of practical arrangements.

IV. THE LEGAL BASES USED

The bases for Community cooperation in the field of civil protection were established at an informal meeting of the ministers responsible for civil protection held in 1985.

Hitherto Community operation was based on ad hoc resolutions by the Council and Member State without a legal basis. The latest resolution, adopted on 31 October 1994 was intended to strengthen this cooperation. Furthermore, in May 1995 the Commission, as a follow-up to this resolution, submitted a proposal for a Council decision establishing a programme of Community action for civil protection on the basis of Article 235 of the Treaty. The aim of this proposal is to consolidate measures in this field.

It emerges from this review of Community action that the absence of legal basis has not hindered the development of effective cooperation in the field of civil protection. In fact, the main components of civil protection (prevention, the training of those involved and intervention itself) are now the subject of measures developed at Community level.

V. POSITIONS

1. European 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 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.

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.

VII. POSITIONS OF THE VARIOUS MEMBER STATES

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.

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'.

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.

The Greek Government recommends incorporating protection against disasters in the Treaty, as most recently proposed in the contribution which it published at the beginning of April 1996 entitled 'Towards a democratic European Union with a socio-political content'. In this text it advocates setting up a system of assistance for Member States hit by natural disasters. This mechanism would demonstrate greater solidarity between the Member States and would provide the European Union with a tangible means of coming closer to European citizens.

Finally, in the memorandum entitled 'Towards a democratic European Union with a political and social content', submitted in May 1996 Greece stated that it was in favour of strengthening social policy and extending social protection.

According to the Greek Government, the European Union in order to help combat the economic and social problems affecting its citizens, should endeavour to devise new policies, taking into account the principle of subsidiarity.

More particularly, Greece advocates the introduction of new titles in the revised Treaty concerning the fields of civil protection, energy and tourism.

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.

In the document setting out Austria's policy position for the Intergovernmental Conference, the Austrian Government says that the future of the EU intrinsically belongs to European citizens that the crisis affecting the ratification of the Maastricht Treaty clearly showed the problems which arise in this context and that the Intergovernmental Conference must therefore focus on its discussions, citizens' expectations and concerns.

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 and a title be inserted in the TEU on these subjects. Hence the importance of guaranteeing that the Union takes greater account of the social questions which are the central concern of the citizens of the Member States, and that new solutions should be sought at Community level with a view to ensuring the safety of citizens and improving their quality of life and protection.

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.

7. United Kingdom

In the White Paper on the British approach to the 1996 Intergovernmental Conference¹, 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.

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

The government considers civil protection to be another field requiring greater Community cooperation, and more effective exercise of Community tasks at Intergovernmental level. This is why the Government considers it possible to envisage incorporating civil protection in the third pillar and hence deleting civil protection from Article 3t of the Treaty.

8. Belgium

In a proposal from the Belgian delegation (of 27 November 1996) on a common policy in the field of energy, Belgium calls for the following amendments to Article 3 of the EC Treaty:

- 'Article 3(t)... a common policy in the sphere of energy;
- a new Article 3(u)... measures in the spheres of civil protection and tourism'.

In the policy note from the Government to the Belgian Parliament on the IGC, the Belgian Government considers that the revision of the Treaty must not bring about the abolition of spheres of action for the Union, nor the abolition of sectors such as civil protection, energy and tourism.

On the other hand, it considers that Article 235 of the Treaty must be maintained, in order to guarantee a dynamic and developing process of European integration.

9. Italy

In the document 'The Italian Government's position on the Intergovernmental Conference for the revision of the Treaties' Italy says that the inclusion of certain policies in the Treaty (energy, tourism and civil protection) would help to ensure that the Union is perceived in a more positive way by its citizens.

10. Others

10.1 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.'¹ The working group thus rejects extension of Union competence to the area of civil protection.

¹ Cf. Werner Weidenfeld (ed.) Europa '96. Reformprogramm für die Europäische Union. Strategien und Optionen für Europa, Verlag Bertelsmann Stiftung, Gütersloh, 1994, pp 25-27.

10.2 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.

VII. CONCLUSION

The current situation is therefore characterized by an absence of specific legal bases for Community action in the sphere of civil protection.

Of course the absence of specific legal bases has not prevented the Community from undertaking and carrying out a number of actions in this sphere. The measures adopted were based either on the general provisions of the Treaty and those concerning its sectoral policies or on Article 235 of the Treaty.

Nevertheless the Commission points out that it should be borne in mind that recourse to Article 235 of the Treaty might prove much more difficult, if not impossible, in an enlarged Community in which unanimity was maintained for decision-making.

It says that, on the other hand, the continuity and consistency of Community action in the spheres concerned might be facilitated by the insertion of provisions in the Treaty ensuring it greater visibility and effectiveness.

* * * * *

Further information is available from:

*Mme Maria Cristina FONTI / M. Javier FERNANDEZ, Task-Force CIG 96,
Tel.: 4300-2758; Fax: 4300-9207 (LUX) - Tel. 8817-4408; Fax: 8817-4840 (STR).*

ANNEX

The following are the main initiatives undertaken during the last five years.

A. Information workshops (approx. 25% of expenditure).

There is a growing interest in the information workshops: the number of workshops and the spheres covered by them is increasing steadily. The number of Member States organizing such workshops is also growing.

B. The expert exchange scheme (approximately 20% of expenditure)

The exchange scheme, set up in January 1995, has enjoyed considerable success. In one year 215 applications were registered and 148 exchanges were actually organized.

C. Simulation exercises (approximately 15% of expenditure)

During these exercises participants from all the Member States had the opportunity to observe intervention by all those involved in the civil protection chain of a given Member State. Furthermore, the relevant workshops make it possible to pool the lessons to be learnt from these exercises.

D. Pilot projects (approximately 20% of expenditure)

The pilot projects aim to improve intervention techniques and methods in the event of disasters.

E. Support measures (approximately 20% of expenditure)

The general aim of support measures is to support civil protection initiatives (such as exhibitions, awareness-raising projects and information brochures) which most closely concern citizens.

F. Intervention in the event of disasters (less than 1% of expenditure)

A unit operating 24 hours a day has been set up within the Commission to back up and accompany the work of the Member States in the sphere of intervention. It is a small unit, whose essential aim is to collect and distribute information and to mobilize know-how in the national government services.

4

4