

Commission Decision of 29 December 2003 laying down rules for the implementation of Council Decision 2001/792/EC, Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (notified under document number C(2003) 5185) (Text with EEA relevance) (2004/277/EC, Euratom)

CHAPTER VII

INTERVENTIONS INSIDE AND OUTSIDE THE COMMUNITY

Article 28

Alert phase

1 In the event of a major emergency within the participating States or imminent threat thereof, which causes or is capable of causing transboundary effects or which may result in a call for assistance through the Monitoring and Information Centre from one or more countries, the competent authority and/or contact points of the State in which the emergency is imminent or has occurred, shall without delay inform the Monitoring and Information Centre via the established communication channels.

2 If the Commission has been informed of a major emergency occurring in a third country, which may require civil protection assistance, the Monitoring and Information Centre shall take contact with the competent authorities of the Member State holding the Presidency of the Council of the European Union and with the other relevant Commission services in order to inform them of the situation.

3 The Monitoring and Information Centre shall collect the essential information on early warnings and transmit that through the established communication channels and networks to the competent civil protection authorities of all participating States and/or their contact points.

4 A participating State affected by a major emergency shall keep the Monitoring and Information Centre informed of the evolution of the situation if any risks for transboundary consequences may appear. The Monitoring and Information Centre shall subsequently inform other participating States and relevant Commission services and regularly update its information of any evolution of the situation.

Article 29

Requests for assistance

1 A participating State or a third country affected by a major emergency shall, if assistance is required through the Community mechanism, address a formal request for civil protection assistance to the Monitoring and Information Centre.

2 In case of a major emergency occurring in a third country, which may require civil protection assistance, the Commission may decide on its own initiative to inform the third country of potential Community assistance if needed. The Monitoring and Information Centre shall keep the Member State holding the Presidency of the Council of the European Union regularly informed of any developments.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 29 December 2003 laying down rules for the implementation of Council Decision 2001/792/EC, Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (notified under document number C(2003) 5185) (Text with EEA relevance) (2004/277/EC, Euratom), CHAPTER VII. (See end of Document for details)

3 The State requesting assistance shall provide the Monitoring and Information Centre with all relevant information concerning the situation, and in particular, specific needs, the support requested and the location.

If assistance in the form of experts and/or intervention teams and means is requested, the requesting State shall inform the Monitoring and Information Centre about the time frame and location of arrival of the assistance, and the on-site operational contact point managing the emergency.

4 Following coordination between the Monitoring and Information Centre and the requesting State, the Monitoring and Information Centre shall dispatch the request for assistance to the participating States and, where appropriate consult the resources database and inform the relevant Commission services. Any changes in the initial request for assistance by the requesting State shall immediately be transmitted to all participating States.

5 Following the formal request, the participating States shall immediately inform the Monitoring and Information Centre about their current capacity for providing assistance, indicating its scope and terms.

6 The information referred to in paragraph 5 shall immediately be compiled and transmitted by the Monitoring and Information Centre to the requesting State and to the other participating States.

7 The requesting State shall inform the Monitoring and Information Centre of which intervention teams and means it has selected.

8 With regard to requests for intervention teams and means, the Monitoring and Information Centre shall inform the participating States of the selection of the requesting State. The participating States providing the assistance shall keep the Monitoring and Information Centre regularly informed on the dispatch of the intervention teams and means.

9 With regard to requests for experts, the Monitoring and Information Centre shall:

- a contact the participating States, using the 'expert database' set up in accordance with Article 17, and enquire about the availability of experts ready to leave, whenever necessary, within three hours after their designation;
- b after consultation with the requesting State, make a selection from amongst the available experts and inform the participating States accordingly;
- c immediately make contact with the experts and proceed to dispatch them in accordance with the dispatch procedure set out in Article 20(2);
- d on the basis of an updated report established by the requesting State, the Monitoring and Information Centre shall prepare a briefing for the experts and intervention team leaders before their dispatch.

10 In the event of a major emergency occurring in a third country, the Monitoring and Information Centre shall work in close consultation with the Member State holding the Presidency of the Council of the European Union and relevant Commission services.

11 The requesting State shall activate its own arrangements allowing coordination of the dispatched assistance at national or regional levels. The requesting State shall facilitate border crossings for the interventions and ensure logistical support.

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Article 30

Direction of interventions

1 In the event of a major emergency occurring inside the Community, the requesting State shall direct the assistance intervention in accordance with Article 5(3) and (4) of Decision 2001/792/EC, Euratom.

2 In the event of a major emergency occurring outside the Community, the assessment and coordination teams shall carry out their tasks in accordance with Article 16. The coordination is ensured by the Member State holding the Presidency of the Council of the European Union or its appointed representative.

Article 31

Interventions in third countries

In third countries, the Community assistance intervention may either be conducted as an autonomous operation between the affected third country and the Monitoring and Information Centre and the representative of the Member State holding the Presidency of the Council of the European Union, or as a contribution to an intervention led by the EU or by an international organisation.

Article 32

Expert missions

1 The dispatched experts shall carry out the tasks set out in Article 16. They shall report regularly to the requesting State authorities and to the Monitoring and Information Centre.

2 The Monitoring and Information Centre shall keep the participating States informed about the progress of the expert mission.

3 With regard to the progress of the expert missions in third countries, the Monitoring and Information Centre shall keep the Delegation of the Commission in the country concerned and the representative of the Member State holding the Presidency of the Council of the European Union informed as well as the relevant services of the Commission.

4 The requesting State shall inform the Monitoring and Information Centre on a regular basis about the evolution of ongoing activities at the site of the emergency.

5 In the case of interventions in third countries, the coordination head shall inform the Monitoring and Information Centre on a regular basis of the evolution of ongoing activities on the site of the emergency.

6 The Monitoring and Information Centre shall compile all information received and distribute it to the contact points and competent authorities of the participating States.

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Article 33

Operational disengagement

1 The requesting State or any of the participating States providing assistance shall inform the Monitoring and Information Centre and the dispatched Community experts and assistance intervention teams when their assistance is no longer required or can no longer be provided. The effective disengagement shall be organised in an appropriate way by the requesting State and the participating States; the Monitoring and Information Centre shall be kept informed thereof.

2 In third countries, the coordination head shall report to the Monitoring and Information Centre when assistance is no longer required or can no longer be provided. The Monitoring and Information Centre shall transmit this information to the delegation of the Commission in that country and the representative of the Member State holding the Presidency of the Council of the European Union as well as the relevant Commission services. The Monitoring and Information Centre in coordination with the Member State holding the Presidency of the Council of the European Union and the requesting State shall ensure the effective disengagement.

Article 34

Reporting and lessons learnt

1 The competent authorities of the requesting State and of the participating States having provided assistance, as well as the dispatched Community experts, shall present their conclusions on all aspects of the intervention to the Monitoring and Information Centre. A summary report shall then be prepared by the Monitoring and Information Centre on the assistance provided.

2 The Monitoring and Information Centre shall disseminate lessons learnt in order to evaluate and to improve the civil protection assistance interventions.

Article 35

Costs

1 If not agreed otherwise, the State requesting assistance shall bear the costs of assistance provided by the participating States.

2 The Participating State providing assistance may, bearing in mind in particular the nature of the emergency and the extent of any damage, offer its assistance entirely or partially free of charge. That State may also waive all or part of the reimbursement of its costs at any time.

3 If not agreed otherwise, for the duration of the intervention, the requesting State shall house and feed the assisting teams from the participating States, and, if their supplies and provisions run out, shall replenish them at its own expense. Nevertheless, assisting teams shall be initially logistically independent and self-sufficient for a reasonable period depending on the used assets and shall inform the Monitoring and Information Centre accordingly.

4 Costs for dispatching Community experts shall be handled in accordance with Article 20. The Commission shall bear these costs.

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Article 36

Compensation for damage

1 The requesting State shall refrain from making any request for compensation from participating States for damage caused to their property or service staff where such damage is the consequence of the assistance intervention provided for by this Decision, unless it is proven to be the result of fraud or serious misconduct.

2 In the event of damage suffered by third parties as the result of assistance interventions, the requesting State and the participating State providing assistance shall cooperate to facilitate compensation of such damage.

Article 37

This Decision is addressed to the Member States.

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