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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on establishing the European Union Solidarity Fund
(COM(2005)0108 – C6-0093/2005 – 2005/0033(COD))

Committee on Regional Development

Rapporteur: Rolf Berend

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on establishing the European Union Solidarity Fund (COM(2005)0108 – C6-0093/2005 – 2005/0033(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0108)¹,
 - having regard to Article 251(2), Article 159(3) and Article 181a(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0093/2005),
 - having regard to its resolution of 5 September 2002 on floods in Europe²,
 - having regard to its resolution of 8 September 2005 on natural disasters (fires and floods) in Europe this summer³,
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development and the opinions of the Committee on Budgets and the Committee on the Environment, Public Health and Food Safety(A6-0123/2006),
1. Approves the Commission proposal as amended;
 2. Points out that the appropriations indicated in the legislative proposal beyond 2006 are subject to the decision on the next multi-annual financial framework;
 3. Calls on the Commission, once the next financial framework is adopted, to present, if appropriate, a proposal to adjust the financial reference amount of the programme;
 4. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

² OJ C 272E, 13.11.2003, p.471.

³ Adopted texts, P6_TA(2005)0334.

Amendment 1
Recital 1

(1) In the event of major disasters or crisis situations, the Community should show its solidarity with the Member States and the population concerned by providing financial assistance to contribute to a rapid return to normal living conditions in the affected regions and by contributing to financial compensation for the victims of terrorism.

(1) ***Taking the term "disaster" to mean any major destructive event that occasions serious harm to the population and the environment such as flood, fire or drought, and whereas in the event of major disasters or crisis situations, the Community should show its solidarity with the Member States, and above all with the population concerned, by promptly providing specific financial assistance to contribute to a rapid return to normal living conditions in the affected regions and by contributing to financial compensation for the direct victims, without being a substitute for the competent public and private authorities.***

Amendment 2
Recital 1 a (new)

(1a) The Solidarity Fund enables the Community to intervene in the event of major disasters or crisis situations. It should thus make a substantial contribution to more effective and targeted Community action in areas in which the public expect the Community to act. It is therefore important to ensure that the Fund's financial resources match its field of application, so that in all circumstances the Community can meet public expectations in an enlarged and further enlarging European Union. This means on the one hand that the field of application should not be overstretched, and on the other hand that the Community should be able to mobilise sufficient funds for clearly defined fields of application, even in years of particularly acute crisis.

Justification

The scope of the new Solidarity Fund has been extended thematically, and de facto also geographically, following the start of accession negotiations with new countries such as Turkey, while its financial provision has remained the same. There is therefore a danger that new expectations will be aroused in the public which cannot be fulfilled. This danger should be countered through flexible management of resources and a clearly defined field of application.

Amendment 3 Recital 3

(3) Major disasters *or crisis situations* may result from natural, **industrial and technological** events, **including marine pollution and radiological threats**, or **from public health emergencies, in particular an officially declared influenza pandemic**, or acts of terrorism. Existing economic and social cohesion instruments are able to finance risk-prevention measures and the repair of damaged infrastructure. The European Union Solidarity Fund established by Council Regulation (EC) No 2012/2002¹ enables the Community to help in mobilising emergency services to meet **people's** immediate needs and contribute to the short-term restoration of damaged key infrastructure so that economic activity can resume in the disaster-stricken regions. That Fund is *however* mainly **limited to natural** disasters. Provision should also be made to allow the Community to intervene in the event of crisis situations having a non-natural origin.

(3) Major **environmental, industrial and technological** disasters - **including river and sea pollution and radiological threats** - may result from natural, **human-made or accidental** events, **having immediate devastating effects, such as floods and forest fires**, or **characterised by slow development, such as drought or frosts**, as well as **from** acts of terrorism. Existing economic and social cohesion instruments are able to finance risk-prevention measures and the repair of damaged infrastructure. The European Union Solidarity Fund established by Council Regulation (EC) No 2012/2002¹ enables the Community to help in mobilising emergency services to meet **the** immediate needs **of the persons directly affected** and contribute to the short-term restoration of damaged key infrastructure so that economic activity can resume in the disaster-stricken regions. That Fund is, *however*, mainly **intended for** disasters **resulting from natural causes**, **although** provision should also be made to allow the Community to intervene in the event of crisis situations having a non-natural origin **and for which responsibility cannot be sufficiently identified**.

¹ OJ L 311, 14.11.2002, p. 3.

Amendment 4
Recital 4 a (new)

(4a) The Solidarity Fund should be financed outside the Financial Perspective framework with a maximum amount to be mobilised only when deemed necessary. In order to provide the adequate financing, the Solidarity Fund should be included in the flexibility reserve up to a maximum of EUR 7 billion.

Justification

This amendment follows the recommendations on the Solidarity Fund included in the European Parliament resolution on Policy Challenges and Budgetary Means of the enlarged Union 2007-2013 (2004/2209(INI)) of 8 June 2005. The amount is expressed in current prices (EUR 7 billion) instead of 2004 prices.

Amendment 5
Recital 5

(5) In line with the principle of subsidiarity, action under this Regulation should be confined to major disasters. These should be defined depending on the field; ***however, a certain degree of political appreciation should be allowed for in order to respond to events whose consequences are particularly serious but which, by their nature, cannot be assessed on the basis of physical damage alone as is the case, in particular, with major health crises and acts of terrorism.*** Consideration shall be given to the specific situation of remote and isolated regions, such as the insular and outermost regions.

(5) In line with the principle of subsidiarity, action under this Regulation should be confined to major disasters. These should be defined depending on the field. ***In cases of terrorist attack, the Community should react to events even where the material damage does not reach the threshold for mobilisation of the Fund but the consequences of the attack are so serious that Community solidarity becomes imperative.*** Consideration shall be given to the specific situation of remote and isolated regions, such as the insular and outermost regions, ***on the basis of a reinforced partnership.***

Justification

This amendment is in keeping with the rapporteur's text and aims to clarify how the Community should react to extreme situations arising from terrorist acts, while taking due account of the relations between the remote, isolated, island or outlying regions and the Community.

Amendment 6
Recital 5 a (new)

(5a). The experience acquired in the first years following the establishment of the Solidarity Fund has highlighted the difficulty of applying it to slowly-evolving disasters. The Regulation therefore needs to include a clear definition of the moment from which a request is eligible. It is also necessary, as a matter of urgency, to adapt the eligibility rules to the characteristics, intensity and duration of the event at the root of the problem, in particular by ensuring financial coverage for the specific measures adopted to tackle disasters of this type.

Justification

In cases of earthquake, flood or fire it is not difficult to assess the immediate damage. However, this can take much longer in cases of drought, where the damage caused, though just as severe, is difficult to identify in the short term.

Amendment 7
Recital 6

(6) Major disasters, particularly those which are of a natural origin, often affect more than one country. Where a major disaster has struck an eligible State, assistance ***should*** also be granted to an eligible neighbouring country affected by the same disaster.

(6) Major disasters, particularly those which are of a natural origin, often affect more than one country. Where a major disaster has struck an eligible State, assistance ***may*** also be granted to an eligible neighbouring country affected by the same disaster

Justification

The same terminology as in Article 3 should be used.

Amendment 8
Recital 10

(10) Prudent financial management is required to ensure that the Community can be in a position to respond ***if several major*** disasters occur ***in the same year***.

(10) Prudent financial management is required to ensure that the Community can be in a position to respond ***where a succession of*** disasters occur ***within a***

relatively short period.

Justification

The Solidarity Fund must be in a position to respond to the effects of disasters which occur in quick succession.

Amendment 9

Recital 12

(12) The mechanisms for payment and use of grants made under this Regulation should reflect the urgency of the situation. Therefore a deadline should be laid down for the use of the financial assistance awarded.

(12) The mechanisms for payment and use of grants made under this Regulation should reflect the urgency of the situation. Therefore a **realistic** deadline should be laid down for the use of the financial assistance awarded.

Justification

The deadlines must be appropriate to the circumstances created by the disaster.

Amendment 10

Recital 13

(13) **It may be desirable for** a State which benefits from assistance **to** involve, in accordance with its specific constitutional, institutional, legal or financial context, regional or local authorities in the conclusion and application of the implementation agreements. The beneficiary State should nevertheless remain responsible for the implementation of the assistance and for the management and control of the operations supported by Community financing in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, (hereinafter "the Financial Regulation").

(13) A State which benefits from assistance **must** involve, in accordance with its specific constitutional, institutional, legal or financial context, regional or local authorities in the conclusion and application of the implementation agreements. The beneficiary State should nevertheless remain responsible for the implementation of the assistance and for the management and control of the operations supported by Community financing in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, (hereinafter "the Financial Regulation").

Justification

The effects of natural disasters are essentially local and, with due regard for the subsidiarity principle, the Member States should involve the regional and local authorities concerned in implementing the assistance.

Amendment 11

Recital 15

(15) Community action should not relieve third parties of their responsibility who, under the 'polluter pays' principle, are liable in the first instance for the damage caused by them, or discourage preventive measures at both Member State and Community level.

(15) Community action should not relieve third parties of their responsibility who, under the "polluter pays" principle, are liable in the first instance for the damage caused by them, or discourage preventive measures at both Member State and Community level ***or be a substitute for public or private insurance provision.***

Justification

Solidarity should not be seen as a substitute for other provisions.

Amendment 12

Recital 21

(21) Technical assistance for solidarity action under this Regulation should be provided for in order to improve the Commission's ability to assess applications made to it.

(21) Technical assistance for solidarity action under this Regulation should be provided for in order to improve ***the ability of Member States to present the Commission and any other relevant body with a duly completed application for assistance and*** the Commission's ability to assess applications made to it.

Justification

The Member State(s) should also be able to cover some of their expenses relating to the preparation of the application for money available under technical assistance to pay for the necessary expertise.

Amendment 13

Recital 23

(23) This Regulation should apply from the ***date of applicability of the Financial Perspectives 2007-2013,***

(23) This Regulation should apply from the ***twentieth day following its publication in the Official Journal of the European***

Union.

Justification

This Regulation should come into force once it has been published in the Official Journal of the European Union.

Amendment 14
Article 1, paragraph 1

1. A European Union Solidarity Fund, hereinafter "the Fund", is established to enable the Community to respond to major disasters affecting Member States, or candidate countries involved in accession negotiations with the European Union, hereinafter "eligible States".

1. A European Union Solidarity Fund, hereinafter "the Fund", is established to enable the Community to respond to major disasters ***or crisis situations*** affecting Member States ***or regions thereof***, or candidate countries involved in accession negotiations with the European Union, hereinafter "eligible States".

Amendment 15
Article 1, paragraph 1 a (new)

1a. A State involved in accession negotiations with the European Union may only apply for assistance from the Fund where a major disaster affects any cross-border land or sea area lying between that State and a Member State.

Justification

Taking into account the limited financial resources of the Fund and the vagueness of the word 'terrorism', financial assistance from the Fund should only be used to alleviate damages incurred as a result of major disasters or major crisis situations.

Amendment 16
Article 1, paragraph 2, point (b)

(b) industrial and technological disasters;

(b) industrial and/or technological disasters;

Justification

Both types of catastrophe may occur both together and separately.

Amendment 17
Article 2, paragraph 1

For the purposes of this Regulation, a disaster shall be considered to be major where it results, in at least one eligible State, in direct damage, the amount of which is estimated as being in excess of EUR 1 billion in 2007 prices or in excess of 0,5 % of the gross national income of the State concerned.

For the purposes of this Regulation, a disaster **or crisis situation** shall be considered to be major where it results, in at least one eligible State, in direct damage, the amount of which is estimated as being in excess of EUR 1 billion in 2007 prices or in excess of 0,5 % of the gross national income of the State concerned.

Justification

When the event occurred in an eligible State does not meet the quantitative criteria of a disaster, the Commission should consult with relevant committees of the EP when assessing the submitted application for financial assistance from this Fund.

Amendment 18
Article 2, paragraph 2

However, even if those quantitative criteria are not met, the Commission may in exceptional and duly justified circumstances, recognise that a major disaster has occurred on the territory of an eligible State.

However, even if those quantitative criteria are not met, the Commission may, in exceptional and duly justified circumstances, recognise that a major disaster has occurred on **a specific** territory of an eligible State. **In these cases the Commission shall take all the necessary measures in the framework of the Solidarity Fund.**

Justification

When the event occurred in an eligible State does not meet the quantitative criteria of a disaster, the Commission should consult with relevant committees of the EP when assessing the submitted application for financial assistance from this Fund.

Amendment 19
Article 2, subparagraph 2 a (new)

Special consideration should be given to remote or isolated regions, such as the insular and outermost regions defined in Article 299(2) of the Treaty.

Justification

This stipulation, which is included in Article 2 of the current Solidarity Fund regulation, should be maintained, so as to reinforce the reference included in Recital 5 of the current proposal for a regulation.

Amendment 20

Article 3, paragraph 1, subparagraph 1

1. At the request of an eligible State, the Commission may award financial assistance from the Fund in the form of a grant, if a major disaster occurs on the territory of that State.

1. At the request of an eligible State, the Commission may award financial assistance from the Fund in the form of a grant, if a major disaster ***or crisis situation*** occurs on the territory of that State.

Justification

Financial assistance should be awarded to any eligible State when a major disaster or crisis situation occurs on both its land and sea territory.

Amendment 21

Article 3, paragraph 1, subparagraph 2

At the request of an eligible State which shares a border with the State referred to in the first subparagraph and has been affected by the same major disaster, the Commission may also grant assistance from the Fund to that State.

At the request of an eligible State which shares a border with the State referred to in the first subparagraph and has been affected by the same major disaster ***or crisis situation***, the Commission may also grant assistance from the Fund to that State.

Justification

Financial assistance should be awarded to any eligible State when a major disaster or crisis situation occurs on both its land and sea territory.

Amendment 22

Article 4, points (a) to (g)

(a) essential emergency operations necessary for the immediate restoration to working order of infrastructure and plant in the fields of energy, water and waste water, telecommunications, transport, health and education;

(a) essential emergency operations necessary for the immediate restoration to working order of infrastructure and plant, ***and the creation of emergency infrastructure to guarantee the immediate supply***, in the fields of energy, ***drinking*** water and waste water, telecommunications, transport, health

(b) immediate medical assistance and measures to protect the population **against imminent health threats, including the cost of vaccines, drugs, medical products, equipment and infrastructure used during an emergency**;

(c) provision of temporary accommodation and funding of rescue services to meet the immediate needs of the population concerned;

(d) essential emergency operations for the immediate **securing** of preventive infrastructures;

(e) measures for the immediate protection of the cultural and natural heritage;

(f) essential emergency operations for the immediate cleaning up of disaster-stricken areas;

(g) medical, **psychological and social** assistance to the direct victims of **acts of terrorism** and their families.

and education, **to satisfy the population's needs**;

(b) immediate medical assistance and measures to protect the population **in the event of a major health crisis**;

(c) provision of temporary accommodation and funding of rescue services to meet the immediate needs of the population concerned;

(d) essential emergency operations for the immediate **tackling of natural disasters or their immediate impact, as well as the immediate securing of** preventive infrastructures;

(e) measures for the immediate protection of the cultural and natural heritage;

(f) essential emergency operations for the immediate cleaning up of disaster-stricken areas;

(g) **immediate** medical assistance to the direct victims of **major disasters and terrorist attacks as well as psychological and social assistance to them** and their families.

Amendment 23 Article 5, paragraph 1

1. As soon as possible and no later than ten weeks after the date **of the** first damage caused by the disaster, an eligible State may submit to the Commission an application for assistance from the Fund, providing all available information on at least the following:

(a) the damage caused by the disaster and its impact on the population and the economy concerned;

1. As soon as possible and no later than ten weeks after the date **on which authorities were first alerted to the original** damage caused by the **major** disaster, an eligible State may submit to the Commission an application for assistance from the Fund, providing all available information on at least the following:

(a) the damage caused by the disaster and its impact on the population, **the environment** and the economy concerned, **and on the cultural and natural heritage**;

(b) a breakdown of the estimated costs of operations in the categories listed in Article 4 as appropriate to the disaster;

(c) any other sources of Community funding which might contribute to making good the effects of the disaster;

(d) any other sources of national or international funding, including public and private insurance coverage, which might contribute to the costs of repairing the damage and in particular to the costs of eligible operations.

The information provided under point (a) of the first subparagraph shall include an estimate of the amount of total direct damage caused by the disaster.

(b) a breakdown of the estimated costs of operations in the categories listed in Article 4 as appropriate to the disaster;

(c) any other sources of Community funding which might contribute to making good the effects of the disaster;

(d) any other sources of national or international funding, including public and private insurance coverage, which might contribute to the costs of repairing the damage and in particular to the costs of eligible operations.

The information provided under point (a) of the first subparagraph shall include an estimate of the amount of total direct damage caused by the disaster. ***In view of the difficulty of determining the damage occasioned by disasters whose effects are lasting and ongoing, the Commission shall, at the request of the Member State affected, relax the 10-week time limit set for applying for assistance under the Fund.***

Justification

Financial assistance should be awarded to any eligible State when a major disaster or crisis situation occurs on both its land and sea territory.

Amendment 24 Article 6, paragraph 2

2. The amount of the advance funding paid pursuant to the first subparagraph of paragraph 1 shall represent 5% of the total of the estimated costs referred to in Article 5(1)(b), but shall not exceed EUR 5 million.

2. The amount of the advance funding paid pursuant to the first subparagraph of paragraph 1 shall represent ***up to*** 5% of the total of the estimated costs referred to in Article 5(1)(b), but shall not exceed EUR 5 million.

Justification

It seems wrong always to fix possible advances at exactly 5%.

Amendment 25
Article 6, paragraph 2 a (new)

2a. The repayment proviso shall be explicitly mentioned.

Justification

It should be made clear that if a subsequent assessment reveals ineligibility for assistance the advance payment will have to be paid back.

Amendment 26
Article 7, paragraph 1

1. The Commission shall, on the basis of the assessment carried out pursuant to Article 5(2), determine as quickly as possible an appropriate amount of financial assistance, if any, to be granted within the limits of the resources available.

The amount may not exceed 50% of the total of the estimated costs referred to in Article 5(1)(b).

1. The Commission shall, on the basis of the assessment carried out pursuant to Article 5(2), determine as quickly as possible ***and within two weeks*** an appropriate amount of financial assistance, if any, to be granted within the limits of the resources available.

The amount may not exceed 50% of the total of the estimated costs referred to in Article 5(1)(b).

The accompanying budget proposals, as further outlined in Article 8, shall be prepared in parallel with the determination of the appropriate amount and be presented by the Commission at the same time.

The whole procedure for presenting all necessary proposals to mobilise the Fund, as laid down by the deadlines in the previous paragraphs, may not exceed a period of 3 months after reception of the application from the State concerned.

Justification

It is imperative to speed up procedures following the negative experiences with delays in 2005.

Amendment 27
Article 7, paragraph 2, first subparagraph

2. Where, on the basis of the assessment carried out pursuant to Article 5(2), the Commission has concluded that the conditions for granting assistance under this Regulation are not met, it shall notify the State concerned accordingly.

2. Where, on the basis of the assessment carried out pursuant to Article 5(2), the Commission has concluded that the conditions for granting assistance under this Regulation are not met, it shall notify the State concerned accordingly **as quickly as possible**.

Justification

Coherent with Paragraph 1.

Amendment 28
Article 8, paragraph 1, first subparagraph

1. If the Commission has concluded that financial assistance should be granted from the Fund, it shall submit to the budgetary authority the proposals needed to authorise appropriations corresponding to the amount determined in accordance with Article 7(1).

1. If the Commission has concluded that financial assistance should be granted from the Fund, it shall submit to the budgetary authority **without delay** the proposals needed to authorise appropriations corresponding to the amount determined in accordance with Article 7(1).

Justification

The Commission should forward the request for financial assistance to the budgetary authority without delay.

Amendment 29
Article 8, paragraph 2

2. **Once** the appropriations **are** made available by the budgetary authority, the Commission shall adopt a grant decision, taking into account any advance funding paid pursuant to Article 6(1).

2. **Subject to** the appropriations **being** made available by the budgetary authority, the Commission shall adopt a grant decision, taking into account any advance funding paid pursuant to Article 6(1).

Justification

Although perhaps not likely to cause a problem in practice, it cannot be taken for granted in the formulation of this legislative text that appropriations will always be made available.

Amendment 30
Article 9, paragraph 1

1. Following adoption of the grant decision, the Commission shall, ***immediately upon*** signature of the agreement referred to in Article 10(1), pay the grant to the beneficiary State in a single instalment.

1. Following adoption of the grant decision, the Commission shall, ***within 15 days of*** signature of the agreement referred to in Article 10(1), pay the grant to the beneficiary State in a single instalment.

Justification

In emergency situations where swift action is vital, deadlines must be clearly set out so that an immediate response is possible, although with the minimum degree of flexibility required for complex operations.

Amendment 31
Article 9, paragraph 2

2. The beneficiary State shall use the grant, as well as any interest earned thereon, within 18 months of the date of first damage, to finance eligible operations carried out after ***that date***.

2. The beneficiary State shall use the grant, as well as any interest earned thereon, within ***12 months of the date of signature of the agreement referred to in Article 10(1) and in any case within*** 18 months of the date of first damage, to finance eligible operations carried out after ***the date on which the disaster occurred***.

Justification

The aim of this regulation is to respond solely to emergency situations in order to restore normal living conditions. A 12-month timescale for emergency assistance should therefore be sufficient. In addition, the timescale for using the Fund should not depend on factors which are outside the control of the Member State, such as a delay in concluding the agreement referred to in Article 10(1). Similarly, a Member State should not be allowed deliberately to delay the conclusion of the agreement referred to in Article 10(1) in order to prolong the period during which the grant may be used.

Amendment 32
Article 11, Paragraph 2

2. Beneficiary States ***shall seek*** all possible compensation from third parties.

2. ***In principle, particularly in the event of industrial and technological disasters, the 'polluter pays' principle must apply.***
Beneficiary States ***must therefore prove***

that they are seeking all possible compensation from third parties.

Justification

The Solidarity Fund must not relieve those responsible for a disaster of their liability. The Member States should therefore be advised to create an effective legal framework and legal system to ensure that, as far as possible, those responsible are held liable for industrial accidents.

Amendment 33
Article 15

1. Where, at the time when a proposal is submitted under Article 8, the remaining financial resources available for that year for the Fund are not sufficient to cover the amount of financial assistance considered necessary, the Commission may propose that the difference be financed from the financial appropriations available for the Fund for the following **year**.

2. The total annual budgetary ceiling for the Fund in the year of the occurrence of the disaster and the following **year** shall under all circumstances be respected.

1. Where, at the time when a proposal is submitted under Article 8, the remaining financial resources available for that year for the Fund are not sufficient to cover the amount of financial assistance considered necessary, the Commission may propose **to the European Parliament, which exercises budgetary control**, that the difference be financed from the financial appropriations available for the Fund for the following **two years**.

2. The total annual budgetary ceiling for the Fund in the year of the occurrence of the disaster and the following **two years** shall under all circumstances be respected.

Justification

The scope of the Fund is to be extended geographically as well as thematically, i.e. the number of situations in which the Fund can be mobilised is increasing. At the same time, however, there is no margin of manoeuvre to increase the Fund's financial resources. To overcome this contradiction, financial management should be more flexible. As a rule, only a fraction of the maximum upper limit of € 1 billion per year is paid out. To enable the EU to intervene even in extreme situations without breaching its financial constraints, the maximum upper limit should be calculated over three years rather than two years.

Amendment 34
Article 17 paragraph 2

2. Where a beneficiary State has failed to comply with Article 10(3), the Commission may require the beneficiary

2. Where a beneficiary State has failed to comply with Article 10(3) **or Article 11(2)**, the Commission may require the

State to reimburse all or part of the financial assistance received.

beneficiary State to reimburse all or part of the financial assistance received.

Justification

If the beneficiary State has omitted to seek all possible compensation from third parties (which can usually take some considerable time,) the Commission must be able to impose effective penalties if it establishes such an omission.

Amendment 35
Article 17, paragraph 2 a (new)

2a. Where a beneficiary State has failed to take preventive measures after the previous major disaster and damage following from a major disaster would have been reduced or prevented had preventive measures been taken, the Commission will require the beneficiary State to reimburse all or part of the financial assistance received.

Justification

Assistance from the Fund should not hinder – but rather stimulate – Member States to take measures in order to prevent either major disasters happening again or reducing their impact. If Member States have not taken preventive measures - assuming they could have done - their support from the Fund in case of a major disaster should be reviewed.

Amendment 36
Article 19

Before 1 July of each year, with effect from [year following year of date of application], the Commission shall present to the European Parliament and to the Council a report on the activities under this Regulation in the previous year. That report shall in particular contain information relating to applications submitted, grant decisions adopted and the winding-up of financial assistance granted.

Before 1 July of each year, with effect from [year following year of date of application], the Commission shall present to the European Parliament and to the Council a report on the activities under this Regulation in the previous year. That report shall in particular contain information relating to applications submitted, grant decisions adopted and the winding-up of financial assistance granted ***and the operations carried out.***

Justification

The annual report shall not only list applications and grant decisions, but can also be used as a compendium of completed operations. In the event of future major disaster it may be used by Member States for reasonable and useful operations.

Amendment 37
Article 21

Regulation (EC) No 2012/2002 is repealed with effect from **1 January 2007**.

References to the repealed Regulation shall be construed as references to this Regulation.

Regulation (EC) No 2012/2002 is repealed with effect from the ***date of entry into force of this Regulation***.

References to the repealed Regulation shall be construed as references to this Regulation.

Justification

The entry into force of the Regulation must be taken into account.

Amendment 38
Article 23, paragraph 2

It shall apply from 1 January 2007.

deleted

Justification

The Regulation should be valid after its publication in the Official Journal of the European Union.

EXPLANATORY STATEMENT

Background

After the devastating floods in the summer of 2002 the Community quickly introduced a new instrument, known as the Solidarity Fund, to allow financial support to be provided to Member States and regions hit by major natural disasters. Since 2002 financial aid has been granted from the Solidarity Fund 16 times. This shows the need for this kind of support.

However the current instrument needs some improvements to optimise financial management, adjust its scope to meet new challenges and prevent misuse. The Council has been asked to revise the current regulation, on the basis of a Commission proposal, by 31 December 2006.

The proposal for a revised Solidarity Fund is the latest in a series of Community measures aiming to tackle natural disasters, industrial accidents, threats to health and terrorist attacks:

- the Structural Funds are used for disaster prevention, for example helping to finance flood prevention measures;
- the Commission is proposing a rapid response and preparedness instrument to provide immediate relief in the event of major emergencies;
- this should be followed up by mobilisation of the Solidarity Fund under certain conditions to support public expenditure on temporary measures to deal with the direct damage resulting from a disaster in a Member State.

The instrument ensures that the EU can better fulfil public expectations through EU measures. It thus helps to close the gap between public expectations and Community policies.

Commission proposal

Until now the EU has not been able to provide financial assistance to people or regions facing a crisis as a result of industrial accidents (such as the wreck of the 'Prestige' oil tanker) or terrorist attacks (such as in London in July 2005 and Madrid in March 2004) by taking over part of the public expense of immediate repairs.

On the basis of the current Solidarity Fund, which is exclusively for natural disasters, the Commission proposes to extend its scope to:

- terrorist attacks
- industrial and technological disasters,
- public health crises such as pandemics.

The geographical scope of the Solidarity Fund (Member States and candidate countries in accession negotiations with the EU) is *de jure* to remain unchanged, but it has been extended *de facto* with the start of accession negotiations now with two new countries (Turkey and Croatia).

In addition the Commission intends the new proposal to increase transparency with regard to mobilisation of the Fund, by changing the criteria as follows:

- reducing the damage threshold for mobilising the Fund from the present 0.6% of national GNI to 0.5%, or from €3 billion to €1 billion;
- abolishing the criterion of ‘extraordinary regional disasters’;
- introducing a political criterion for unexpected and exceptional cases.

The following measures are intended to mobilise the Fund more effectively and quickly:

- faster help for affected Member States, through an advance payment of 5% of the total damage;
- introduction of time limits for each phase of the mobilisation, to prevent delays;
- introduction of a budget for technical assistance within an upper limit of 0.20% of the available financial resources for the year in question.

In addition the Fund cannot be added to other sources of funding and must not exceed 50% of the total damage which the country in question has to repair.

Rapporteur's proposals

Your rapporteur agrees with the Commission that the Solidarity Fund must be adapted to new challenges and that there is potential for improvement in the way it is used. He therefore welcomes the Commission proposal but also sees a need for some changes, which must be incorporated in the proposal.

Precise definition of the extended field of application

Your rapporteur in principle welcomes the extension of the thematic field of application. Thus the EU will be able to provide urgently-needed action in crises reflecting new kinds of threat such as shipwrecked tankers or other major industrial accidents, or terrorist attacks.

But the Solidarity Fund’s field of application must not be overstretched or arouse false expectations. Preventive measures in the area of health are certainly desirable, but have no place in an instrument which aims to assist in reconstruction and alleviating the distress of people in areas affected by crises and disasters. In the area of health policy it is up to the Member States to take appropriate precautions in the event of a pandemic.

Appropriate flexibility of financial resources

Your rapporteur would also like to stress that the financial resources must match the scope of the Fund, which has been extended both geographically and thematically. Not only must the Solidarity Fund cover new crisis situations, it must also be applicable in the new accession countries, Turkey and Croatia. This is particularly significant with regard to Turkey, which not only has a large population but also is at considerable risk from earthquakes.

According to Commission figures there are large variations from year to year in the actual calls on the budget (2002: € 728 000 million; 2004: € 19 600 million), and in 2004 these were far below the maximum budgeted amount. However it cannot be excluded that in years of extreme disasters, because of the substantially increased scope of the Fund, the financial need will exceed the annual budget of €1 billion. Therefore the Fund's resources must be sufficiently flexible to be able to respond appropriately to events of this kind.

Your rapporteur therefore proposes that in a year of particularly serious disasters, the budget appropriations for the following two years can be mobilised. Within three consecutive years however the upper budget limit of three times the annual €1 billion may not be exceeded.

Strict criteria for mobilisation

With the new Solidarity Fund the Commission hopes to increase the transparency of the mobilisation criteria. It thus advocates abolishing the exceptions for smaller disasters and at the same time lowering the threshold. Your rapporteur considers that these two measures are inextricably linked, and the exception for smaller disasters can only be abolished if the threshold is substantially lowered, as the Commission proposes.

In this connection it is however incomprehensible that the Commission can make an arbitrary political assessment. It is not acceptable that for vaguely defined exceptional disasters the Commission can decide to provide support in cases which do not meet the quantitative criterion of € 1 billion or 0.5% of GNI.

Only in the event of terrorist attacks should political considerations to a certain extent determine the mobilisation of the Fund in exceptional circumstances which do not fulfil the quantitative criterion. Terrorist attacks can sometimes cause only limited physical damage but provoke a great deal of human suffering and serious psychological consequences. The EU should therefore, on the initiative of the Commission and in agreement with the Council and Parliament, be able to use the Fund in such cases as a political signal of solidarity.

Stricter application of the 'polluter pays' principle

In addition the Fund should only be mobilised when compensation for damage cannot be obtained from other sources, particularly from those responsible for the crisis. This means that the Fund will only be used when the damage cannot be covered by third parties.

Member States have a duty, particularly in the event of industrial accidents, to demand compensation from third parties. This should be expressed more clearly in the regulation. If it is obvious that the country has not made sufficient effort to claim compensation from those

responsible, the Commission must be able to impose penalties to claim back the payments it has made.

21.2.2006

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Regional Development

on the proposal for a regulation of the European Parliament and of the Council establishing the European Union Solidarity Fund
(COM(2005)0108 – C6-0093/2005 – 2005/0033(COD))

Draftsman: Janusz Lewandowski

SHORT JUSTIFICATION

Description of the proposal

The proposal is based on the current European Union Solidarity Fund (EUSF)¹ Regulation, which will be repealed with effect from the moment the proposed new Regulations applies, i.e. 1 January 2007. The main features and differences of substance are the following:

- the geographical scope remains unchanged (it is limited to Member States and countries negotiating their accession to the EU);
- the thematic scope is enlarged to cover not only major crisis situations resulting from **natural disasters** but also to include **industrial and technological disasters, public health emergencies and acts of terrorism**;
- the Fund remains limited to "major" disasters.

For the purposes of this Regulation, a disaster shall be considered to be major where it results, in at least one eligible State, in direct damage, the amount of which is estimated as being in excess of EUR 1 billion in 2007 prices or in excess of 0,5 % of the gross national income of the State concerned.

This is a change quantitative criteria as compared with the current legislation which defines a major disaster' as one which causes a damage of over EUR 3 billion or more than 0,6% of the Member State's GNI.

¹ Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund (OJ L 311, 14.11.2002, p. 3).

Budgetary implications

The proposal remains consistent with the existing Solidarity Fund by providing financial assistance for immediate repair and assistance after a request from a Member State or candidate country.

The Commission proposes that the Fund be included in Heading 3 '*Citizenship, Freedom, Security and Justice*' of the financial framework 2007-2013

Three budget lines under heading 3 are concerned:

- For Administrative Management: 13 01 04 04
- For Member States: 13 06 01
- For Candidate countries: 13 06 02

The financial envelope foreseen for the Fund also follows the existing Solidarity Fund, with an annual amount of EUR 1 billion (current prices). In each case the amount of assistance considered necessary is mobilised through an amending budget.

The total cost of human resources and associated costs is estimated at EUR 216 000 annually.

Your rapporteur recalls that the resolution of the European Parliament of 8 June 2005 on Policy Challenges and Budgetary Means of the enlarged Union 2007-2013¹ considered it preferable to maintain the current system of the Solidarity Fund, when it is financed as a reserve outside the ceilings with a maximum amount to be mobilised only when deemed necessary. Moreover the Resolution clearly calls for the inclusion of the Solidarity Fund into the flexibility instrument as a reserve up to a maximum of EUR 6,2 billion in 2004 prices (7 billion in current prices).

He also recalls the need to speed up procedures following the significant delays in 2005.

AMENDMENTS

The Committee on Budgets calls on the Committee on Regional Development, as the committee responsible, to incorporate the following amendments in its report:

Draft legislative resolution

Amendment 1 Paragraph 1 a (new)

1a. Points out that the appropriations indicated in the legislative proposal beyond 2006 are subject to the decision on the next multi-annual financial framework;

¹ *Texts Adopted*, P6-TA(2005)0224.

Amendment 2
Paragraph 1 b (new)

1b. Calls on the Commission, once the next financial framework is adopted, to present, if appropriate, a proposal to adjust the financial reference amount of the programme;

Justification

The financial reference amount cannot be finally established until the financial perspective has been adopted. Once it has been adopted, the Commission should submit a legislative proposal with a view to determining the reference amount in accordance with the ceiling set in the financial perspective.

Text proposed by the Commission¹

Amendments by Parliament

Amendment 3
Recital 1

(1) In the event of major disasters or crisis situations, the Community should show its solidarity with the Member States and the population concerned by providing financial assistance to contribute to a rapid return to normal living conditions in the affected regions and by contributing to financial compensation for the victims ***of terrorism***.

(1) ***Taking the term 'disaster' to mean any major destructive event that occasions serious harm to the population and the environment such as flood, fire or drought, and whereas in the event of major disasters or crisis situations, the Community should show its solidarity with the Member States, and above all with the population concerned, by promptly providing specific financial assistance to contribute to a rapid return to normal living conditions in the affected regions and by contributing to financial compensation for the direct victims, without being a substitute for the competent public and private authorities.***

Justification

To achieve its goals the financial assistance should reach those in need promptly. Some recent examples showed that delays in the processing of the Members States' request endanger the very idea of the Solidarity Fund.

¹ OJ C xx, 8.9.2005, p. xxxx.

Amendment 4
Recital 4 a (new)

(4a) The Solidarity Fund should be financed outside the Financial Perspective ceilings with a maximum amount to be mobilised only when deemed necessary. In order to provide the adequate financing, the Solidarity Fund should be included in the flexibility reserve up to a maximum of EUR 7 billion.

Justification

This amendment follows the recommendations on the Solidarity Fund included in the European Parliament resolution on Policy Challenges and Budgetary Means of the enlarged Union 2007-2013 (2004/2209(INI)) of 8 June 2005. The amount is expressed in current prices (EUR 7 billion) instead of 2004 prices.

Amendment 5
Recital 6

(6) Major disasters, particularly those which are of a natural origin, often affect more than one country. Where a major disaster has struck an eligible State, assistance ***should*** also be granted to an eligible neighbouring country affected by the same disaster.

(6) Major disasters, particularly those which are of a natural origin, often affect more than one country. Where a major disaster has struck an eligible State, assistance ***may*** also be granted to an eligible neighbouring country affected by the same disaster

Justification

The same terminology as in Article 3 should be used.

Amendment 6
Article 3, paragraph 1

At the request of an eligible State, the Commission may ***award*** financial assistance from the Fund in the form of a grant, if a major disaster occurs on the territory of that State.

At the request of an eligible State which shares a border with the State referred to in the first subparagraph and has been affected by the same major disaster, the Commission may also ***grant*** assistance from the Fund to

At the request of an eligible State, the Commission may ***propose*** financial assistance from the Fund in the form of a grant, if a major disaster occurs on the territory of that State.

At the request of an eligible State which shares a border with the State referred to in the first subparagraph and has been affected by the same major disaster, the Commission may also ***propose*** assistance from the Fund

that State.

to that State.

Justification

The Commission proposes an amount which needs the authorization of the Budgetary Authority in order to be mobilised.

Amendment 7 Article 5

1. As soon as possible and no later than ten weeks after the date of the first damage caused by the disaster, an eligible State may submit to the Commission an application for assistance from the Fund, providing all available information on at least the following:

- (a) the damage caused by the disaster and its impact on the population and the economy concerned;
- (b) a breakdown of the estimated costs of operations in the categories listed in Article 4 as appropriate to the disaster;
- (c) any other sources of Community funding which might contribute to making good the effects of the disaster;
- (d) any other sources of national or international funding, including public and private insurance coverage, which might contribute to the costs of repairing the damage and in particular to the costs of eligible operations.

The information provided under point (a) of the first subparagraph shall include an estimate of the amount of total direct damage caused by the disaster.

1. As soon as possible and no later than ten weeks after the date of the first damage caused by the disaster, an eligible State may submit to the Commission an application for assistance from the Fund, providing all available information on at least the following:

- (a) the damage caused by the disaster and its impact on the population and the economy concerned;
- (b) a breakdown of the estimated costs of operations in the categories listed in Article 4 as appropriate to the disaster;
- (c) any other sources of Community funding which might contribute to making good the effects of the disaster;
- (d) any other sources of national or international funding, including public and private insurance coverage, which might contribute to the costs of repairing the damage and in particular to the costs of eligible operations.

The information provided under point (a) of the first subparagraph shall include an estimate of the amount of total direct damage caused by the disaster.

Where additional information is provided by the State concerned on its own initiative, that information must be received by the Commission within one month of the date of the application.

The Commission may also request additional information from the State

concerned. That information must be received by the Commission within one month of the date of the request.

2. The Commission shall assess, on the basis of the information referred to in paragraph 1, and of any additional information, which the Commission may have sought or otherwise obtained, whether the conditions for granting financial assistance under this Regulation are met.

Where, for the purposes of the first subparagraph, additional information is provided by the State concerned on its own initiative, that information must be received by the Commission within two months of the date of the application.

However, where, for the purposes of the first subparagraph, the Commission requests additional information from the State concerned, that information must be received by the Commission within one month of the date of the request.

2. The Commission shall assess, on the basis of the information referred to in paragraph 1, and of any additional information, which the Commission may have sought or otherwise obtained, whether the conditions for granting financial assistance under this Regulation are met.

This assessment shall be carried out as soon as possible and no later than two weeks after finally receiving the information referred to in paragraph 1.

(Article 5, paragraph 1, subparagraphs 2a and 2b are new, but some elements were taken from the Commission's text under paragraph 2 (with modifications)).

Justification

It is imperative to speed up procedures following the negative experiences with delays in 2005

Amendment 8 Article 6, paragraph 2

2. The amount of the advance funding paid pursuant to the first subparagraph of paragraph 1 shall represent **5%** of the total of the estimated costs referred to in Article 5(1)(b), but shall not exceed EUR 5 million.

2. The amount of the advance funding paid pursuant to the first subparagraph of paragraph 1 shall represent **up to 5%** of the total of the estimated costs referred to in Article 5(1)(b), but shall not exceed EUR 5 million.

Justification

It seems wrong always to fix possible advances at exactly 5%.

Amendment 9
Article 7, paragraph 1

1. The Commission shall, on the basis of the assessment carried out pursuant to Article 5(2), determine as quickly as possible an appropriate amount of financial assistance, if any, to be granted within the limits of the resources available.

The amount may not exceed 50% of the total of the estimated costs referred to in Article 5(1)(b).

1. The Commission shall, on the basis of the assessment carried out pursuant to Article 5(2), determine as quickly as possible **and within two weeks** an appropriate amount of financial assistance, if any, to be granted within the limits of the resources available.

The amount may not exceed 50% of the total of the estimated costs referred to in Article 5(1)(b).

The accompanying budget proposals, as further outlined in Article 8, shall be prepared in parallel with the determination of the appropriate amount and be presented by the Commission at the same time.

The whole procedure for presenting all necessary proposals to mobilise the Fund, as laid down by the deadlines in the previous paragraphs, may not exceed a period of 3 months after reception of the application from the State concerned.

Justification

It is imperative to speed up procedures following the negative experiences with delays in 2005.

Amendment 10
Article 8, paragraph 2

2. **Once** the appropriations **are** made available by the budgetary authority, the Commission shall adopt a grant decision, taking into account any advance funding paid pursuant to Article 6(1).

2. **Subject to** the appropriations **being** made available by the budgetary authority, the Commission shall adopt a grant decision, taking into account any advance funding paid pursuant to Article 6(1).

Justification

Although perhaps not likely to cause a problem in practice, it cannot be taken for granted in the formulation of this legislative text that appropriations will always be made available.

PROCEDURE

Title	Proposal for a regulation of the European Parliament and of the Council establishing the European Union solidarity Fund
References	COM(2005)0108 – C6-0093/2005 – 2005/0033(COD)
Committee responsible	REGI
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 27.9.2005
Enhanced cooperation Date announced in plenary	No
Draftsman Date appointed	Janusz Lewandowski 26.10.2004
Previous draftsman	
Discussed in committee	31.1.2006 20.2.2006
Date adopted	20.2.2006
Result of final vote	+: 23 -: 0:
Members present for the final vote	Reimer Böge, Herbert Bösch, Simon Busuttil, Bárbara Dührkop Dührkop, James Elles, Salvador Garriga Polledo, Ingeborg Gräßle, Louis Grech, Nathalie Griesbeck, Catherine Guy-Quint, Jutta D. Haug, Anne E. Jensen, Wiesław Stefan Kuc, Alain Lamassoure, Janusz Lewandowski, Vladimír Maňka, Mario Mauro, Jan Mulder, Gérard Onesta, Esko Seppänen, László Surján, Kyösti Virrankoski, Ralf Walter
Substitute(s) present for the final vote	
Substitutes under Rule 178(2) present for the final vote	
Observations (information available in only one language)	...

1.3.2006

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Regional Development

on the proposal for a regulation of the European Parliament and of the Council establishing the European Union Solidarity Fund
(COM(2005)0108 – C6-0093/2005 – 2005/0033(COD))

Draftswoman: Jutta D. Haug

SHORT JUSTIFICATION

The major floods in Central Europe in 2002 showed that emergency situations require action at EU level. As a consequence, the European Solidarity Fund (EUSF) was created (Council Regulation (EC) 2012/2002) and has since been mobilized to help Member States and countries negotiating their accession to cope with disasters of natural origin.

The current Commission proposal is based on the existing EUSF while enlarging its scope and improving its operation mechanism. The thematic scope is enlarged to cover not only major crisis situations resulting from natural disasters but also to include industrial / technological disasters, public health threats and acts of terrorism.

Furthermore, it is suggested to lower the threshold for mobilisation of the Fund from EUR 3 billion or 0.6% of GNI of the affected country to EUR 1 billion or 0.5% respectively.

The Draftswoman endorses in principle the enlarged scope and the new threshold. She feels, however, that the decision of whether to award financial assistance should not be left at the discretion of the European Commission, once the criteria for a major disaster have been fulfilled (Article 2 of the Commission proposal).

The Draftswoman also believes that assistance to the victims of acts of terrorism should not be explicitly included in the list of eligible operations (Article 4), but should rather be mentioned in connection with the general assistance for victims of all kinds of emergency situations. Besides, she believes that it is not appropriate to include in this list assistance for victims without any time limit; long-term assistance, which is possibly necessary, should be provided by the Member States and their social security systems. Another important change

the draftsman would like to see concerns the deadline to submit an application for assistance. The reference to the first damage caused by the disaster risks to exclude applications where a disaster progresses slowly. The draftsman tables further amendments where she feels that the text needs clarification.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Regional Development, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission ¹	Amendments by Parliament
Amendment 1 Recital 3	
<p>(3) Major disasters or crisis situations may result from natural, industrial and technological events, including marine pollution and radiological threats, or from public health emergencies, in particular an officially declared influenza pandemic, or acts of terrorism. Existing economic and social cohesion instruments are able to finance risk-prevention measures and the repair of damaged infrastructure. The European Union Solidarity Fund established by Council Regulation (EC) No 2012/2002 enables the Community to help in mobilising emergency services to meet people's immediate needs and contribute to the short-term restoration of damaged key infrastructure so that economic activity can resume in the disaster-stricken regions. That Fund is however mainly limited to natural disasters. Provision should also be made to allow the Community to intervene in the event of crisis situations having a non-natural origin.</p>	<p>(3) Major disasters or crisis situations may result from natural, industrial and technological events, including marine pollution and radiological threats, or from public health emergencies, in particular an officially declared influenza pandemic, or acts of terrorism. Existing economic and social cohesion instruments are able to finance risk-prevention measures and the repair of damaged infrastructure. The European Union Solidarity Fund established by Council Regulation (EC) No 2012/2002 enables the Community to help in mobilising emergency services to meet people's immediate needs and contribute to the short-term restoration of damaged key infrastructure so that economic activity can resume in the disaster-stricken regions. That Fund is however mainly limited to natural disasters. Provision should also be made to allow the Community to intervene in the event of crisis situations having a non-natural origin <i>and threats to public health which may have cross-border repercussions</i></p>

¹ Not yet published in OJ.

in the Member States.

Amendment 2
Recital 6

(6) Major disasters, particularly those which are of a natural origin, often affect more than one country. Where a major disaster has struck an eligible State, assistance should also be granted to an eligible neighbouring country affected by the same disaster.

(6) Major disasters, particularly those which are of a natural origin, often affect more than one country. Where a major disaster has struck an eligible State, assistance should, ***after careful examination***, also be granted to an eligible neighbouring country affected by the same disaster.

Justification

There need to be certain hurdles with regard to assistance for third countries.

Amendment 3
Article 1, paragraph 2, point (b)

(b) industrial and technological disasters;

(b) industrial and technological disasters, ***when not covered by civil liability***;

Justification

In the case of industrial and technological disasters, it should be clarified that the party responsible is liable for the damages.

Amendment 4
Article 2, paragraph 1

For the purposes of this Regulation, a disaster shall be considered to be major where it results, in at least one eligible State, in direct damage, the amount of which is estimated as being in excess of ***EUR 1 billion*** in 2007 prices or in excess of ***0,5 %*** of the gross national income of the State concerned.

For the purposes of this Regulation, a disaster shall be considered to be major where it results, in at least one eligible State, in direct damage, the amount of which is estimated as being in excess of ***EUR 3 billion*** in 2007 prices or in excess of ***0,6 %*** of the gross national income of the State concerned.

Justification

The old thresholds need to be maintained or claims for Solidarity Fund assistance will be made too frequently.

Amendment 5
Article 3, paragraph 1

1. At the request of an eligible State, the Commission **may award** financial assistance from the Fund in the form of a grant, if a major disaster **occurs** on the territory of that State.

At the request of an eligible State which shares a border with the State referred to in the first subparagraph and has been affected by the same major disaster, the Commission **may** also **grant** assistance from the Fund to that State.

1. At the request of an eligible State, the Commission **shall propose** financial assistance from the Fund in the form of a grant, if a major disaster **or threats to public health which may have cross-border repercussions in the Member States occur** on the territory of that State.

At the request of an eligible State which shares a border with the State referred to in the first subparagraph and has been affected by the same major disaster, the Commission **shall** also **propose** assistance from the Fund to that State.

Justification

If the criteria laid down in Article 2 are met, the Commission should always propose financial assistance. There should be specific provision for assistance and relief in cases concerning public health, such as epidemics or an influenza pandemic, which may have a cross-border impact in the Member States.

Amendment 6
Article 4, point (b)

(b) immediate medical assistance and measures to protect the population against imminent health threats, including the cost of vaccines, drugs, medical products, equipment and infrastructure used during an emergency;

(b) immediate **and short-term** medical assistance - **which may be preventive** - and measures to protect the population against imminent **cross-border** health threats, including the cost of vaccines, drugs, medical products, equipment and infrastructure used during an emergency **caused by any of the disasters referred to in Article 1(2);**

Justification

Short-term measures aiming at the protection of public health have to be envisaged in all kind of emergencies, whether a natural, industrial or technological disaster is at stake, a public health emergency or an act of terrorism.

Amendment 7 Article 4, point (g)

(g) medical, psychological and social assistance to the direct victims of acts of terrorism and their families. **deleted**

Justification

In case of acts of terrorism immediate medical assistance is covered by Article 4(b). Member States are responsible for short-term psychological and social assistance. Long-term assistance can not be assured by the EU and is rather part of national security systems.

Amendment 8 Article 5, paragraph 1, introductory part

1. As soon as possible and no later than ten weeks after the date **of the first** damage caused by the disaster, an eligible State may submit to the Commission an application for assistance from the Fund, providing all available information on at least the following:

1. As soon as possible and no later than ten weeks after the date **on which authorities were first alerted to the original** damage caused by the **major** disaster, an eligible State may submit to the Commission an application for assistance from the Fund, providing all available information on at least the following:

Justification

Original damage can sometimes go relatively unnoticed due to its slow progression. Member States need to have legal certainty regarding the eligibility of the actual 'first notice' within the ten week period.

Amendment 9 Article 5, paragraph 1, subparagraph 1, point (a)

(a) the damage caused by the disaster and its impact on the population and the economy concerned;

(a) the damage caused by the disaster and its impact on the population, **the environment, the natural surroundings** and the economy concerned;

Justification

Transport disasters not only kill people, they also devastate the environment.

Terrorist attacks on buildings or monuments that play a cultural or artistic role in Europe, such as the Louvre, the Colosseum or the British Museum, and the resulting damage cannot, under the current provisions, be the subject of a reasoned request to the Commission for assistance from the Solidarity Fund. Exceptional disasters affecting a large area result in the destruction of many valuable ecosystems, in which humans live and farm. The droughts that affected Portugal and parts of Spain in summer 2005, for instance, were accompanied by forest fires that were difficult to extinguish. They resulted in losses not only for people and the economy but above all for European biodiversity. Large-scale flooding of the Danube Delta could also completely destroy protected areas (wetland bird habitats).

Amendment 10

Article 6, paragraph 2 a (new)

2a. The repayment proviso shall be explicitly mentioned.

Justification

It should be made clear that if a subsequent assessment reveals ineligibility for assistance the advance payment will have to be paid back.

Amendment 11

Article 7, paragraph 2, subparagraph 1

2. Where, on the basis of the assessment carried out pursuant to Article 5(2), the Commission has concluded that the conditions for granting assistance under this Regulation are not met, it shall notify the State concerned accordingly.

2. Where, on the basis of the assessment carried out pursuant to Article 5(2), the Commission has concluded that the conditions for granting assistance under this Regulation are not met, it shall notify the State concerned accordingly ***as quickly as possible.***

Justification

Coherent with Paragraph 1.

Amendment 12
Article 9, paragraph 2

2. The beneficiary State shall use the grant, as well as any interest earned thereon, within 18 months of the date *of first* damage, to finance eligible operations carried out after that date.

2. The beneficiary State shall use the grant, as well as any interest earned thereon, within 18 months of the date *on which authorities were first alerted to the original* damage *caused by the major disaster*, to finance eligible operations carried out after that date.

Justification

Coherent with the change to Article 5, introductory part.

Amendment 13
Article 19

Before 1 July of each year, with effect from [year following year of date of application], the Commission shall present to the European Parliament and to the Council a report on the activities under this Regulation in the previous year. That report shall in particular contain information relating to applications submitted, grant decisions adopted *and* the winding-up of financial assistance granted.

Before 1 July of each year, with effect from [year following year of date of application], the Commission shall present to the European Parliament and to the Council a report on the activities under this Regulation in the previous year. That report shall in particular contain information relating to applications submitted, grant decisions adopted, the winding-up of financial assistance granted *and the operations carried out*.

Justification

The annual report shall not only list applications and grant decisions, but can also be used as a compendium of completed operations. In case of future major disaster it may be used by Member States for reasonable and useful operations.

PROCEDURE

Title	Proposal for a regulation of the European Parliament and of the Council establishing the European Union Solidarity Fund
References	COM(2005)0108 – C6-0093/2005 – 2005/0033(COD)
Committee responsible	REGI
Opinion by Date announced in plenary	ENVI 17.11.2005
Enhanced cooperation – date announced in plenary	No
Draftswoman Date appointed	Jutta D. HAUG 12.12.2005
Previous drafts(wo)man	
Discussed in committee	24.1.2006
Date adopted	22.2.2006
Result of final vote	+: 50 –: 0 0: 1
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Liam Aylward, Johannes Blokland, John Bowis, Frederika Brepoels, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Avril Doyle, Jillian Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Françoise Grossetête, Satu Hassi, Gyula Hegyi, Mary Honeyball, Marie Anne Isler Béguin, Caroline Jackson, Christa Kläß, Eija-Riitta Korhola, Holger Kraemer, Urszula Krupa, Aldis Kušķis, Marie-Noëlle Lienemann, Marios Matsakis, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vittorio Prodi, Frédérique Ries, Karin Scheele, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Jonas Sjöstedt, María Sornosa Martínez, Antonios Trakatellis, Evangelia Tzampazi, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman
Substitute(s) present for the final vote	María del Pilar Ayuso González, Bairbre de Brún, Milan Gaľa, Jutta D. Haug, Erna Hennicot-Schoepges, Miroslav Mikolášik, Andres Tarand
Substitute(s) under Rule 178(2) present for the final vote	Miguel Angel Martínez Martínez
Comments (available in one language only)	...

PROCEDURE

Title	Proposal for a regulation of the European Parliament and of the Council on establishing the European Union Solidarity Fund			
References	COM(2005)0108 – C6-0093/2005 – 2005/0033(COD)			
Date submitted to Parliament	06.04.2005			
Committee responsible Date announced in plenary	REGI 27.9.2005			
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 27.9.2005	ENVI 17.11.2005		
Not delivering opinion(s) Date of decision				
Enhanced cooperation Date announced in plenary				
Rapporteur(s) Date appointed	Berend Rolf 11.7.2005			
Previous rapporteur(s)				
Simplified procedure – date of decision				
Legal basis disputed Date of JURI opinion	/			
Financial endowment amended Date of BUDG opinion	/			
European Economic and Social Committee consulted – date of decision in plenary				
Committee of the Regions consulted – date of decision in plenary				
Discussed in committee	5.10.2005	23.1.2006	23.2.2006	6.3.2006
Date adopted	21.3.2006			
Result of final vote	+: -: 0:	42 3 0		
Members present for the final vote	Alfonso Andria, Stavros Arnaoutakis, Jean Marie Beaupuy, Rolf Berend, Thijs Berman, Jana Bobošíková, Graham Booth, Bairbre de Brún, Giovanni Claudio Fava, Hanna Foltyn-Kubicka, Gerardo Galeote Quecedo, Iratxe García Pérez, Eugenijus Gentvilas, Lidia Joanna Geringer de Oedenberg, Ambroise Guellec, Gábor Harangozó, Konstantinos Hatzidakis, Mieczysław Edmund Janowski, Gisela Kallenbach, Miloš Koterec, Constanze Angela Krehl, Jamila Madeira, Sérgio Marques, Miroslav Mikolášik, Francesco Musotto, James Nicholson, Jan Olbrycht, Francisca Pleguezuelos Aguilar, Alyn Smith, Grażyna Staniszevska, Margie Sudre, Kyriacos Triantaphyllides, Thomas Ulmer, Oldřich Vlasák			
Substitute(s) present for the final vote	Inés Ayala Sender, Simon Busuttil, Den Dover, Jillian Evans, Emanuel Jardim Fernandes, Louis Grech, László Surján, Manfred Weber			
Substitute(s) under Rule 178(2) present for the final vote	María Esther Herranz García, Anne E. Jensen, Thomas Wise			
Date tabled	31.3.2006			

Comments (available in one language only)	
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