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(Information)

COUNCIL

RESOLUTION OF THE COUNCIL AND OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

of 8 July 1991

on improving mutual aid between Member States in the event of natural or technological disaster

(91/C 198/01)

THE COUNCIL AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES, MEETING WITHIN THE COUNCIL,

Recalling their resolutions of 25 June 1987 on the introduction of Community cooperation on civil protection (1), of 13 February 1989 on the new developments in Community cooperation on civil protection (2) and 23 November 1990 on Community cooperation on civil protection (3);

Recalling their resolution of 23 November 1990 on improving mutual aid between Member States in the event of natural or man-made disaster (4);

Recalling that, pursuant to point 2 of the resolution of 25 June 1987, a network of liaison officers from the Member States and the Commission was set up so that the information collected would help to produce a clearer picture of the assistance available in each Member State in the event of a disaster, enabling such assistance to be better and more swiftly used;

Conscious that the Commission has prepared a civil protection manual including, *inter alia*, a list of the means of intervention available in the Member States in the event of emergencies;

Aware of the threat of natural or technological disaster confronting the Member States and of the need of improve mutual aid when such disasters occur;

Desirous of strengthening Community cooperation on civil protection by increasing mutual aid between the Member States;

Conscious of the usefulness of bilateral and multilateral agreements on cooperation in the sphere of civil protection, and specifically in the area of improving mutual aid in the event of natural or technological disaster;

Conscious that this resolution must not affect the reciprocal rights and obligations of the contracting Member States under bilateral, multilateral or international agreements which relate to the matters covered by this resolution or the relevant Community legislation, and that it must not affect national provisions on compensation for damages,

HAVE AGREED as follows:

1. The Member States shall, if requested by another Member State, furnish all such assistance as they deem possible and available in the event of a disaster in the territory of that other Member State entailing serious physical damage or danger to persons, property and the environment, and clearly exceeding that Member State's own assistance capability.

2. If a disaster occurs, assistance shall take the form of the early dispatch of aid teams, supplied with equipment and aid material, to the locality affected, for the rescue and protection of persons and the protection of property and the environment.

   Aid teams must be losgistically independent and be self-sufficient *in situ* for at least 48 hours. Thereafter, on the exhaustion of their stores, all

(1) OJ No C 176, 4. 7. 1987, p. 1.
(2) OJ No C 44, 23. 2. 1989, p. 3.
(3) OJ No C 315, 14. 12. 1990, p. 1.
(4) OJ No C 315, 14. 12. 1990, p. 3.

supplies of means of subsistence to aid teams and the normal replenishment of their equipment shall be carried out by the requesting Member State.

3. Direction of the aid operations shall be the responsibility of the Member State requesting aid (hereafter referred to as the 'requesting Member State'). The authorities of the requesting Member State shall lay down guidelines and if necessary define the limits of the tasks entrusted to the aid teams, without giving details of their execution, which shall be left to the person assigned by the Member State offering the aid (hereafter referred to as the 'offering Member State').

4. The requesting Member State shall take the measures necessary to ensure the safety of members of the offering Member State's aid team.

5. In order to provide effective assistance, aid teams shall have access to all places where their cooperation is required, as indicated by the authorities in charge of the operations. The requesting Member State must ensure that the necessary means of assistance are deployed and communications provided.

   The requesting Member State shall examine procedures for the rapid issue of the necessary permits, in particular for exceptional transport operations, and shall also study arrangements for the free use of infrastructures where transit dues, tolls, port dues or airport taxes are charged.

6. In order to ensure speed and efficiency of intervention, the requesting Member States and, where appropriate, the Member States of transit shall endeavour to reduce to a minimum border checks and formalities for aid teams, their equipment and the aid material needed to carry out their assignment, including medical equipment and medicinal products.

   To this end, a comprehensive certificate describing the mission and the composition of the aid team, issued by the authorities of the offering Member State, together with a complete list of the aid equipment and material being sent, shall be produced if at all possible at the time of entry into the territory of the Member State concerned or at the latest one month after the date of entry.

7. Each Member State shall authorize aircraft from the other Member States taking a direct part in the rescue operations or transporting equipment to overfly its territory and to land and take off at predetermined places. The flights must be organized and carried out in accordance with the rules on navigation and the use of airspace applicable in the relevant Member State.

8. In the absence of any arrangement to the contrary between the Member States concerned, the costs of assistance provided by the offering Member State shall be borne by the requesting Member State.

   The offering Member State may, bearing in mind in particular the nature of the disaster and the extent of the damage suffered by the requesting Member State, offer its assistance entirely or partially free of charge.

   The offering Member State may also waive all or part of the reimbursement of its costs at any time.

   For the duration of the operation, the requesting Member State shall house and feed the aid teams from the offering Member State, and if their supplies and provisions run out, the requesting Member State shall replenish these at its own expense.

9. The Member States shall refrain from making any request for compensation from other Member States for damage caused to their property or service staff where such damage is the consequence of the aid operations provided for in this resolution, unless it is a case of duly proven fraud or serious misconduct.

   In the event of damage suffered by third parties as the result of aid operations, the requesting Member State and the offering Member State shall cooperate to facilitate the compensation of such damage.

10. On completion of the aid operation the offering Member State and the requesting Member State shall forward to the Commission a report on the incident which occurred and the measures adopted and the Commission shall inform the other Member States thereof.

11. Regularly, or at the request of a Member State, the Commission shall call meetings of the network of national liaison officers for the purpose of examining the technical and operational aspects of the

organization of the cooperation provided for in this resolution. National liaison officers may have recourse to expert assistance as far as necessary.

The Commission shall also call a meeting of national liaison officers after each operation provided for in this resolution in order to benefit from the lessons to be learnt from that operation.

The Commission shall also examine with national liaison officers the possibility of implementing a programme of training for emergency aid officers to improve mutual disaster aid.

12. For the purposes of applying this resolution, the Member States shall appoint the competent authorities and inform the Commission accordingly.