PRACTICAL IMPLICATIONS OF THE CIVIL PROTECTION MECHANISM AT EU LEVEL

Associate Professor Mihaela Adina APOSTOLACHE, PhD.
Petroleum-Gas University of Ploiesti, Romania
mihapostolache@yahoo.com

Abstract
The paper addresses the issue of cooperation between the Union and the Member States in the context of the crisis in Ukraine, highlighting the role of the European Union and some of the Member States directly involved in the reception of refugees (Romania). In order to support the citizens of its neighboring states, the European Union has acted, in accordance with its principles and values, by providing assistance through the civil protection mechanism. In this respect, it is useful to be acquainted with the main coordinates of this mechanism and its practical implications.
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1.Preamble

The EU is currently facing a series of major crises, manifesting both inside and outside this area. These problems have different origins, some come from the neighboring areas, but others have a global character. In this regard, the Union must take into account several priorities: security as a whole, the resilience of the states and societies in the east and south of the Union, an integrated approach to conflict, regional orders based on cooperation and global governance for the 21st century.

The European Neighborhood Policy has pursued, through its regional dimension, the Eastern Partnership, “accelerating political association and deepening economic integration” between the Union and its eastern neighbors. Cooperation between the EU and the Eastern Partnership countries, including Ukraine, has developed in various directions over these years.

The outbreak of war on the borders of the European Union, a war started by an authoritarian regime, which declares itself an opponent of the values of Western civilization, has had a strong impact on the European and global order. The reaction of

the Western world has consisted, among other things, in the application of significant economic sanctions. But the longer the conflagration, the greater the threats to the world order. These dramatic events have visible consequences on all areas of social, political and economic life.

Russia's invasion of Ukraine has sparked a new war in Europe, which has been going on for months and is yet to end. It has attracted sanctions against Russia, the activation of the EU civil protection mechanism, the effective support given to Ukraine by the representative European institutions, but also by the Member States, the joining of citizens from many EU countries in humanitarian efforts to support the Ukrainian population.

2.The Union's civil protection mechanism (EU Civil Protection Mechanism – UCPM)

The purpose of this Civil Protection Mechanism was to strengthen cooperation between the Union and the Member States, but also to facilitate coordination in the field of civil protection in order to improve the effectiveness of systems for the prevention, preparedness and response to natural and man-made disasters [1].

Any country in the world, as well as the United Nations Organization and relevant international organizations, can request assistance through this mechanism in the event of a disaster.

Created in 2001, this mechanism was reformed in 2013 to focus on *disaster prevention and preparedness*. It is a well-known fact that these actions seek preventive measures to reduce the impact of future emergencies or disasters. The field of action considers: fighting forest and urban fires; search and rescue operations; safe repatriation; temporary emergency shelters; deployment of medical staff; research and development actions; water purification.

Firstly, this type of protection to be provided through the Union mechanism covers people, then the environment and material goods, including cultural heritage, against all types of natural and man-made disasters, as well as the consequences of acts of terrorism, technological, radiological or environmental disasters, marine pollution and acute health emergencies occurring within or outside the Union [2]. There is also a

mention in the case of the consequences of acts of terrorism or radiological disasters, the Union mechanism being able to cover only preparedness and response actions.

Countries affected by large-scale disasters are often overwhelmed and their response capacity is limited. It is therefore vital to have a *coordinated response at EU level* to ensure that aid is provided where needed and to avoid duplication of humanitarian aid efforts.

The European Civil Protection Mechanism has become indispensable, succeeding in intervening in cooperation between national civil protection authorities, in order to prepare the population for disasters and to provide coordinated, effective and prompt assistance. Civil protection includes preventive measures to reduce the impact of future emergencies or disasters and the assistance provided by a government to people in difficulty as a result of an emergency or natural disaster. This assistance can take various forms, depending on the nature of the disaster, such as: search and rescue operations; forest and urban firefighting; deployment of medical staff; medical equipment and medicines; water purification; temporary emergency shelters; safe repatriation; fuel supply.

It should be noted that the basis of this Union mechanism is represented by an elementary principle, namely *solidarity between Member States*, possible through practical cooperation and coordination, without interfering with or affecting the primary responsibility of Member States to protect the people, the environment and the material goods. The specification also includes the cultural heritage in the territory of the Member States against disasters, with Member States having the task of equipping their disaster management systems with sufficient capabilities to enable them to deal adequately and consistently with disasters of a certain nature and magnitude which they can reasonably expect and be prepared for [3].

The Emergency Response Coordination Center represents the operational core of the civil protection mechanism: it is active 24 hours a day, 7 days a week and it coordinates EU's response efforts in case of disaster.

Since 2001, in the two decades of its existence, the mechanism has been activated more than 420 times, providing additional support to countries facing all types of emergencies and contributing to the protection of the citizens affected by them.

Specifically, rapid voluntary support was provided in the event of natural disasters that occurred either within EU Member States or in other countries [4].

On 7th March 2019, the Council adopted a decision amending the EU Civil Protection Mechanism, with the objectives of the new rules pursuing: the establishment of an additional reserve of resources, to be available in situations where the existing general capacity is insufficient; strengthening the current set of national capacities pooled on a voluntary basis; improving risk prevention by requiring Member States to further develop their risk management capacity assessment and risk management planning; stimulating training and knowledge exchange. At European level, it was considered that once these rules were updated [5], it would be possible to provide assistance more quickly, on time, even if several disasters have to be dealt with simultaneously. However, recent experience has shown that the use of voluntary mutual assistance coordinated and facilitated by this mechanism does not always guarantee that the capacities made available in the event of a disaster are sufficient. This is especially the case when Member States are simultaneously affected by the same type of disaster.

Under the new rules, risk prevention will be improved, requiring Member States to further develop their risk management capability assessment and risk management planning. Training and knowledge exchange will also be intensified. The Commission will be tasked with setting up an EU civil protection knowledge network bringing together those involved in civil protection and disaster management.

For the period 2021-2027, 1.26 billion euros were allotted for the civil protection mechanism, and through the post-pandemic recovery instrument for the same period, more than 2 billion euros were assigned. In a report by the Court of Auditors of the European Union, the activation of the civil protection mechanism in case of emergency was considered effective, ensuring coordination with the teams of the participating states, thus demonstrating the European Union's ability to represent a civilian power capable of protecting affected citizens and to provide support to partner countries [6].

All EU Member States, as well as Iceland, Norway, Serbia, Northern Macedonia, Montenegro and Turkey, are currently participating in the civil protection mechanism. Among the activation cases there were: the aftermath of tropical cyclone Idai in

Mozambique (2019); the earthquake in Albania (2019); the forest fires in Sweden (2018), Bolivia (2019) or Greece (2019) [7].

Following the request for support from the Government of Ukraine on 15th February 2022, the European Union activated the Civil Protection Mechanism for emergency assistance in the context of the threat of escalating security; in this regard, resources were mobilized by Slovenia, France, Ireland, and Austria.

On 28th February 2022, the European Commission announced the addition of 90 million euros in emergency aid programs to support civilians affected by military aggression in Ukraine, as part of the United Nations call for emergency aid. The assistance targeted Ukraine and the Republic of Moldova, as Moldova was responsible for managing a considerable influx of refugees from Ukraine. The civil protection mechanism provides food, water, health services and shelter to cover basic needs, and 20 countries have allocated resources to this end.

3.The temporary protection mechanism

The temporary protection is an EU emergency mechanism that is activated in the exceptional case of a massive influx to provide immediate and collective protection to displaced persons, and also to reduce the pressure on the national asylum systems of EU countries.

The seat of the matter is represented by Council Directive 2001/55/EC of 20th July 2001 [8] on the minimum standards for the provision of temporary protection in the event of a massive influx of displaced persons and the measures promoting a balance between the efforts of the Member States to receive such persons and bearing the consequences of this reception.

Under Article 2 (a) of the Directive, "*temporary protection*" means an exceptional procedure designed to ensure, in the event of a massive influx or an imminent massive influx of persons displaced from third countries who are unable to return to their country of origin, immediate and temporary protection of such persons, in particular where there is a risk that the asylum system will not be able to manage this influx without adverse effects on its effective functioning, in the interests of the respective people asking for protection.

A statement that needs to be made is that temporary protection is without prejudice to the recognition of the refugee status under the Geneva Convention [9]. Thus, Member States apply temporary protection, with full respect for human rights and fundamental freedoms and non-return obligations.

The most important aspects are developed throughout the directive: the beneficiaries of temporary protection can apply for asylum at any time. The asylum procedure is more complex, containing several procedural steps, involving an individual analysis of the case and often involving a lengthy procedure. Also, during the asylum procedure, the applicant has the obligation to hand over the travel document and not to leave the territory of the state where they are seeking asylum [10]. If an asylum application is submitted and no form of international protection (refugee or subsidiary protection) has been obtained at the end of the procedure, the applicant will continue to benefit from temporary protection until the expiration of the period for which it was granted.

On 4th March 2022 [11], the EU activated the *Temporary Protection Directive*, adopted in 2001, following the massive displacements Europe has faced as a result of armed conflicts in the Western Balkans, especially in Bosnia and Herzegovina and Kosovo.

Romania has implemented the temporary protection mechanism, approved by the European Commission in early March 2022. Thus, the people who arrive in Romania, eligible for temporary protection and who want to stay here have the opportunity to apply for a permit that will facilitate their stay in Romania for a longer period of time [12].

It should be noted that the persons who can benefit from temporary protection in Romania are not only Ukrainian citizens, but also stateless persons, beneficiaries of some form of international/national protection in Ukraine, as well as family members of citizens from all categories mentioned. There is also the situation of non-Ukrainian citizens, holders of a permanent residence permit in Ukraine who can also benefit from temporary protection in Romania only if, following an investigation carried out by the Romanian immigration authorities, it turns out that they cannot return to their country of origin in conditions of safety and stability.

The provisions of the new regulation on temporary protection are applicable [13] for those who entered Romania starting with February 24th 2022, except for Ukrainian

citizens, who benefit from these facilities even if they entered the country before this date. The temporary protection system allows displaced persons to enjoy harmonized rights throughout the EU: residence rights; access to the labor market; access to housing; social assistance; healthcare [14].

The temporary protection mechanism involves a simplified process consisting of: the written/oral request of the Ukrainian citizen to the Romanian authorities, such as the Border Police, the General Inspectorate for Immigration; the decision of the Romanian authorities regarding the status granted to the respective citizens; issuance of official documents for the stay in Romania (residence permit). Thus, Ukrainian citizens will enjoy a number of rights from the time of application before the decision of the authorities (e.g. medical services, accommodation in special centers, access to legal and translation services). Following the approval of the application for temporary protection, Ukrainian citizens will benefit, among others, from free access to the Romanian labor market (with rights associated with the quality of employee); access to the public health system; access to education in the public system; social assistance if they do not have sufficient means of subsistence [15].

The protection measures are valid by issuing the residence permit, which is valid as long as the European Union (EU) decision is currently in force, currently issued for one year, respectively until March 2023 [16].

The main rights conferred by the new regulation [17] are the right to work as an employee or independently, as well as the right to use the national health and education system. At the same time, the beneficiaries of temporary protection who do not have the support means, can benefit from government measures of temporary accommodation in locations prepared for this purpose, clothing, food, or personal hygiene products.

4.Conclusions

The EU Civil Protection Mechanism, set up in 2001, contributes to improving cooperation between Member States and facilitates a wider coordination in the field of civil protection. In this regard, it is imperative to know the main coordinates of this mechanism and its implications in practice.

It is well known that the EU is strengthening its civil protection capabilities to improve risk prevention and to provide timely support to Member States and other participating countries whenever a natural or man-made disaster occurs.

In these complex times, the respect for international law must prevail, on the one hand, but also international commitments, on the other. The principles enshrined at Union level are guidelines to be followed, and European unity, humanity and solidarity should be manifested not only within the European Union, but globally.

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