European Union Solidarity Fund: common and coordinated action to provide assistance to the Member States and the candidate countries in case of major disasters or public health emergencies

2005/0033(COD) - 18/05/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Rolf **BEREND** (EPP-ED, DE) and made some amendments to the Commission's proposals:

- the recitals define a "disaster" as any major destructive event that occasions serious harm to the population and the environment such as a flood, fire or drought, and specify that the financial assistance should not become a substitute for the competent public and private authorities;

- a further recital states that the Solidarity Fund should be financed independently of the financial framework with a maximum amount to be mobilised only when deemed necessary. In order to provide adequate financing, the Solidarity Fund should be included in the flexibility reserve up to a maximum of EUR 7 billion;

- in an amendment to recital 5, Parliament said that, in cases of terrorist attack, the EU 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";

- the scope of the regulation (Article 1) should be extended to enable assistance to be provided under the Fund in the event of "crisis situations" as well as major disasters;

-a new clause states that a candidate country involved in accession negotiations with the European Union may only be awarded assistance from the Fund where a major disaster affects a cross-border land or sea area lying between that country and a Member State;

-Parliament reinserted the clause, included in Article 2 of the current Solidarity Fund regulation, stipulating that "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";

- the operations eligible for financial assistance under the Fund should include the creation of emergency infrastructure to guarantee the immediate supply needed to satisfy the population's needs in the field of energy, drinking water and waste water, telecommunications, transport, health and education, and essential emergency operations for "the immediate tackling of natural disasters or their immediate impact";

- in view of the difficulty of determining the damage occasioned by disasters whose effects are lasting and ongoing, the Commission may, at the request of the Member State affected, extend the 10-week time-limit set for applying for assistance under the Fund;

- the repayment proviso shall be expressly mentioned;

- Parliament was concerned to speed up procedures following the negative experiences with delays in 2005, and introduced a number of amendments to that end. It specified inter alia that "the whole procedure for presenting all the necessary proposals to mobilise the Fund.....may not exceed a period of 3 months after reception of the application from the State concerned".

- the ‘polluter pays’ principle should apply, particularly in the event of industrial and technological disasters. Beneficiary states must therefore prove that they are seeking all possible compensation from third parties. MEPs argued that the Solidarity Fund must not relieve those responsible for a disaster of their liability;

- Parliament wanted to see more flexible financial management, enabling the Fund to be used even where the remaining resources available for a given financial year are not sufficient to provide the necessary amount of financial assistance. Whereas the Commission had proposed that the difference be financed from the appropriations available for the Fund for the following year, Parliament suggested that it be financed from the appropriations available for the following two years;

- a new clause states that the beneficiary State shall clearly inform the population directly concerned and the general public about assistance received from the Fund;

- 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 shall require the beneficiary State to reimburse all or part of the financial assistance received;

- entry into force shall be within 20 days of publication in the Official Journal, rather than 1 January 2007.