

COMMISSION IMPLEMENTING DECISION (EU) 2021/88
of 26 January 2021
amending Implementing Decision (EU) 2019/570 as regards rescEU capacities in the area of chemical,
biological, radiological and nuclear incidents
(notified under document C(2021) 313)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism ⁽¹⁾, and in particular point (g) of Article 32(1) thereof,

Whereas:

- (1) Decision No 1313/2013/EU sets out the legal framework of rescEU which is a reserve of capacities at Union level aiming to provide assistance in overwhelming situations where the overall existing capacities at national level and those committed by Member States to the European Civil Protection Pool are not able to ensure an effective response to natural and man-made disasters.
- (2) Commission Implementing Decision (EU) 2019/570 ⁽²⁾ sets out the initial composition of rescEU in terms of capacities and quality requirements. Currently, the rescEU reserve consists of capacities for aerial forest firefighting, medical aerial evacuation, emergency medical teams and stockpiling of medical equipment and/or personal protective equipment.
- (3) Pursuant to Article 12(2) of Decision No 1313/2013/EU, the capacities of rescEU are to be defined by taking into account identified and emerging risks, overall capacities and gaps at Union level. That Article also lays out the three areas on which rescEU should particularly focus, namely aerial forest firefighting, emergency medical response and chemical, biological, radiological and nuclear ("CBRN") incidents.
- (4) An analysis of identified and emerging risks as well as of capacities and gaps at Union level reveals a need for rescEU decontamination capacities in the area of chemical, biological, radiological and nuclear incidents.
- (5) The decontamination capacity developed under rescEU should be able to respond to chemical, biological, radiological, and nuclear scenarios. A full-board CBRN capacity should provide the advantage of being able to respond to situations that involve a mix of agents and thus provide for an effective multi-faceted deployment.
- (6) Whilst the primary task of the CBRN decontamination capacity under rescEU should be the decontamination from chemical, biological, radiological and nuclear agents of infrastructure, buildings, vehicles, equipment and critical evidence, the capacity may also encompass the appropriate decontamination of affected persons, including fatalities.
- (7) Pursuant to Article 12(4) of Decision No 1313/2013/EU, quality requirements for the response capacities forming part of rescEU are to be laid down after consultation with Member States.
- (8) Capacities for CBRN decontamination should be established to respond to low probability risks with a high impact, in accordance with the eligible cost categories referred to in Article 3e of Implementing Decision (EU) 2019/570 and after consultation with the Member States.

⁽¹⁾ OJ L 347, 20.12.2013, p. 924.

⁽²⁾ Commission Implementing Decision (EU) 2019/570 of 8 April 2019 laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council as regards rescEU capacities and amending Commission Implementing Decision 2014/762/EU (OJ L 99, 10.4.2019, p. 41).

- (9) In order to provide Union financial assistance for developing such CBRN decontamination capacities, in accordance with Article 21(3) of Decision No 1313/2013/EU, their total estimated costs should be established. Total estimated costs should be calculated taking into account the categories of eligible costs laid down in Annex IA to that Decision.
- (10) Implementing Decision (EU) 2019/570 should therefore be amended accordingly.
- (11) The measures provided for in this Decision are in accordance with the opinion of the committee referred to in Article 33(1) of Decision No 1313/2013/EU,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2019/570 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the fourth indent is replaced by the following:

‘— medical stockpiling capacities;’

(ii) the following fifth indent is added:

‘— capacities in the area of chemical, biological, radiological and nuclear incidents.’;

(b) paragraph 2 is amended as follows:

(i) point (f) is replaced by the following:

‘(f) stockpiling of medical countermeasures or personal protective equipment aimed at combatting serious cross-border threats to health, as referred to in Decision No 1082/2013/EU of the European Parliament and of the Council (*);’

(*) Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).;

(ii) the following point (g) is added:

‘(g) chemical, biological, radiological, and nuclear (CBRN) decontamination capacities.’;

(2) in Article 3e, paragraphs 3 and 4 are replaced by the following:

‘3. rescEU capacities referred to in points (c) to (g) of Article 2(2) shall be established with the objective of managing low probability risks with a high impact. Union financial assistance shall cover all costs necessary to ensure their availability and deployability, in accordance with Article 21(4) of Decision No 1313/2013/EU.

4. Where rescEU capacities referred to in points (c) to (g) of Article 2(2) are deployed under the Union Mechanism, Union financial assistance shall cover 100 % of the operational costs, pursuant to Article 23(4b) of Decision No 1313/2013/EU.’;

(3) the following Article 3f is inserted:

‘Article 3f

Total estimated costs of rescEU CBRN decontamination capacities

1. All cost categories referred to in Annex IA to Decision No 1313/2013/EU shall be taken into account when calculating the total estimated cost of CBRN decontamination capacities.

2. The category referred to in point 1 of Annex IA to Decision No 1313/2013/EU of the total estimated cost for CBRN decontamination capacities shall be calculated on the basis of market prices at the time when the capacities are acquired, rented or leased in accordance with Article 12(3) of Decision No 1313/2013/EU. Where Member States acquire, rent or lease rescEU capacities, they shall provide the Commission with documentary evidence of the actual market prices or, where there are no market prices for certain components of those capacities, they shall provide equivalent evidence.

3. The categories referred to in points 2 to 8 of Annex IA to Decision No 1313/2013/EU of the total estimated cost for CBRN decontamination capacities shall be calculated at least once during the period of each multiannual financial framework, taking into account information available to the Commission, including inflation. That cost shall be used by the Commission for the purpose of providing annual financial assistance.

4. The total estimated cost referred to in paragraph 2 and paragraph 3 shall be calculated where at least one Member State expresses interest to acquire, rent or lease such a rescEU capacity;

(4) the Annex is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 January 2021.

For the Commission
Janez LENARČIČ
Member of the Commission

ANNEX

In the Annex, the following Section 7 is added:

7. Chemical, biological, radiological and nuclear decontamination

Tasks	<ul style="list-style-type: none"> — Decontaminate from chemical, biological, radiological and nuclear agents of infrastructure, buildings, vehicles, equipment, critical evidence or affected persons, including fatalities.
Capacities	<ul style="list-style-type: none"> — Adequate decontamination capability for infrastructure, buildings, vehicles, equipment and critical evidence; — If the capacity covers the decontamination of persons, adequate decontamination capability for at least 200 ambulant persons per hour and 20 non-ambulant persons per hour as well as fatalities; — Ability to decontaminate from common toxic industrial chemicals, recognised warfare agents, biological infectious agents (pathogens) and toxins, and radionuclides; — Ability to erect temporary decontamination facilities within a safe radius, to monitor the decontamination area in order to keep the work environment safe and to evaluate the decontamination effectiveness.
Main components	<ul style="list-style-type: none"> — Appropriate equipment, technology and solutions to decontaminate from common toxic industrial chemicals, recognised warfare agents, biological infectious agents (pathogens) and toxins and, radionuclides; — Appropriate equipment to monitor progress of decontamination operations; — Appropriate equipment and personnel to perform decontamination of infrastructure, buildings, vehicles, equipment, critical evidence and capabilities; — If the capacity covers the decontamination of persons, appropriate equipment and personnel to perform decontamination of ambulant and non-ambulant persons; — Appropriate capability and procedures to monitor the decontamination area to keep the work environment safe and to verify the decontamination effectiveness; — Appropriate personal protective equipment to operate safely in a contaminated environment for the complete period of deployment; — Adequate pumping system and containers to take-up water locally; — Secure and safe waste management system and procedures during and after decontamination, including containment solutions to temporarily and safely store contaminated waste, pumps, waste combustion remains, contaminated water and wastewater treatment equipment. The management of hazardous waste, including contaminated water and other by-products, will be carried out in accordance with relevant Union or international regulations, or the legislation of the host nation, whichever is more stringent and with support from the host nation.
Self-sufficiency	<ul style="list-style-type: none"> — Article 12(1) and (2) of Implementing Decision 2014/762/EU applies; — Ability to decontaminate the capacity's own personnel.
Deployment	<ul style="list-style-type: none"> — Availability for departure maximum 12 hours after the acceptance of the offer; — Ability to maintain operations for at least 14 continuous days.