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REPORT FROM THE COMMISSION TO THE COUNCIL

**ON CIVIL PROTECTION, TOURISM AND ENERGY**

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### Introduction

When the Treaty on European Union was being negotiated, a number of Member States wanted the Treaty to contain new chapters on civil protection, tourism and energy. In the end, the Treaty incorporated the following:

- Article 3(t) of the Treaty establishing the European Community lays down that "the activities of the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein ... measures in the spheres of energy, civil protection and tourism";
- Declaration No 1, annexed to the Treaty, states that:  
"The Conference declares that the question of introducing into the Treaty establishing the European Community titles relating to the spheres referred to in Article 3(t) of that Treaty will be examined, in accordance with the procedure laid down in Article N(2) of the Treaty on European Union, on the basis of a report which the Commission will submit to the Council by 1996 at the latest".

This document constitutes the Commission's report.

### 1. Community action taken

#### Civil protection

To enable them to deal with major natural or technological disasters, the Member States of the European Union have developed different public emergency services, organizations and associations which make up the civil protection system.

Community cooperation on civil protection is intended to back up the Member States' own efforts to provide better protection for people, the environment and property in the event of natural or technological disasters.

This is achieved essentially by networking those responsible for civil protection in the Member States and by the exchange of experience between them. Moreover, the Commission's initiatives are deliberately subsidiary, i.e. operations are undertaken only when they would clearly be most effective at Community level.

Community action has helped improve the preparation of those involved in civil protection by developing technical instruments, such as an operational manual and pilot projects. Nevertheless, the Commission's main contribution relates primarily to initiatives to bring together the people involved in civil protection, with a view to enhancing their potential and their ability to take effective action in the event of a disaster.

Over the last five years, for example, almost ECU 5 million has been allocated to Community civil protection schemes. The main initiatives concerned are self-tuition

workshops, exchanges of experts, simulation exercises, pilot projects, support operations and disaster response. (For a description of these schemes, see Annex 1).

Furthermore, administrative arrangements have been made within the Community to make action by the Member States' civil protection services in the international arena more coherent and effective. Practical arrangements have also been made regarding coordination with international organizations.

### Tourism

Tourism accounts for 5.5% of GDP in the European Union as a whole and for nearly double this figure in some Member States. Some 9 million people work in the tourist industry within the Community, and jobs directly related to tourist activities and products account for some 6% of total employment.

Before Article 3(t) was inserted in the Treaty, a number of measures adopted by the Community had an indirect effect on tourism via other Community policies and programmes. The same was true of certain measures in the fields of the environment, culture, research and development, regional policies, transport, vocational training and consumer protection. In particular, major steps to assist tourism were taken under the LEADER Programme and financed from the Structural Funds.

Since Article 3(t) was inserted into the Treaty, Community action of direct benefit to tourism has been carried out via the special instrument known as the "Community action plan to assist tourism", with a total funding of ECU 18 million. The action plan aims, in particular, to stimulate new forms of cooperation between the various operators, both public and private, involved in tourism with a view to seeing whether, in those areas identified as priority areas, new and appropriate ways can be found of dealing with the common problems facing European tourism (for the list of measures see Annex 2).

Finally, since 1990, action has been taken under the two-yearly programme on tourism statistics.

### Energy

As far back as 1954, energy was regarded as one of the motors of European integration since it is at the heart of economic activity and social welfare and because it is a key factor in Community solidarity. Energy is thus an essential field of European Union activity, but EU energy policy now consists of managing a diversity of fuels on the market, each of which is subject to different constraints and thus calls for different rules.

The Commission's energy policy objectives are far from being shared by all the Member States. Where coal and nuclear energy are concerned, these objectives are indeed established within the framework laid down by the corresponding Treaties: but they are not necessarily consistent with the policies on other types of fuel, and the relationship between them is the result of compromises agreed on a case-by-case basis within the framework of the instruments set up by the EC Treaty.

The instruments of Community energy policy chiefly concern the operation of the single market, including rules on competition, economic policy, economic and social cohesion,

the creation of trans-European networks, trade policy, cooperation with third countries, environmental protection, research policy and consumer policy. Each of these instruments influences the balance to be maintained between various fuels on the market under conditions which do not ensure consistency with national policies.

## **II. The legal bases used**

### For civil protection

The foundations of Community cooperation were laid in 1985 at an initial, informal meeting of Ministers responsible for civil protection. Since then, four Council meetings have been held on civil protection and six resolutions adopted.

Community cooperation has hitherto been based on ad hoc resolutions of the Council and the Member States, with no legal basis. The last such Resolution, adopted on 31 October 1994, aims to strengthen this cooperation. Moreover, in May 1995, the Commission followed up this Resolution by putting forward, on the basis of Article 235 of the Treaty, a proposal for a Council Decision establishing a Community action programme in the field of civil protection. This proposal aims to consolidate action on civil protection.

### For tourism

Up to now, virtually all direct Community action to help tourism has been carried out within the framework of the "Community action plan to assist tourism". The multiannual action plan (1993-95) was adopted on the basis of Article 235 of the Treaty (Council Decision 92/421/EEC of 13 July 1992). It was completed last year and a proposal for a new action plan is being drawn up.

Moreover, action to improve tourism statistics has been taken under the two-yearly programme and under Directive 95/57/EC of 23 November 1995 on the collection of statistics on tourism supply and demand, both of which were adopted on the basis of Article 213 of the Treaty.

Indirect action to assist tourism has been taken under the provisions on sectoral policies such as those relating to the environment, culture, research and development, regional policies, transport, vocational training and consumer protection.

## For energy

The instruments of energy policy are based on the three Treaties.

The Treaty establishing the European Coal and Steel Community governs the coal and steel sector. It provides a special framework for restructuring the coal and steel industry and confers specific powers on the Commission. Since this Treaty is due to expire in 2002, the question arises as to what should then be done to follow up the measures it provides for and finances in the social and research fields and to maintain consistency between action taken at Community and national levels in the coal and steel sector. The same question mark hangs over the ECSC Consultative Committee, which should normally cease to exist once the Treaty expires.

The Treaty establishing the European Atomic Energy Community comprises instruments whereby problems relating to nuclear energy can be effectively dealt with in terms both of expenditure and of safety and security measures, and coordinated action can be taken at Community and national levels while leaving Member States free to choose what nuclear technology, if any, they adopt. It has proved its worth in the field of energy, though some of its provisions are no longer as relevant as they once were.

The Treaty establishing the European Community governs all other types of fuel. It lays down no specific legal bases for energy policy, except as regards networks. Nevertheless, it provides a wide range of instruments which enable the Community to take action in the energy sector. The Treaty, however, contains no provisions for ensuring that the measures adopted on the basis of its various provisions are consistent as between the Member States or between the various energy sources; besides which, all the schemes for promoting renewable energy and energy efficiency, other than research, have had to be based on Article 235.

## **III. Evaluation**

### Civil protection

Thanks to the Community action undertaken since 1985, practical arrangements for cooperation between the Member States at Community level have gradually been introduced. Thus the people responsible for civil protection in the Member States can be networked and experience exchanged between them, while technical instruments and initiatives directly intended to help those involved in civil protection can be developed. Such Community action helps improve the preparation of these people and thus reduces the loss of human life and economic damage caused by disasters in the Community.

Community action has therefore achieved positive results and the lack of any legal basis has not hindered the development of efficient cooperation on civil protection: steps to prevent disasters and to prepare civil protection workers for the action they must take are now covered by schemes at Community level.

### Tourism

Hitherto, the Community has found ways of helping tourism indirectly via other policies under the Treaty. It has thus been possible to use different instruments to assist the development of tourism, whether by creating a favourable environment for the mobility of tourists, by improving training in the tourist industry, by protecting the environment or by supporting experimentation with new tourism products.

In the absence of a proper basis for action on tourism, a Community action plan to assist tourism was adopted, on the basis of Article 235, once a certain number of measures had been identified as the focus for joint action by the Member States of the Union.

The Commission has published a Green Paper on the Union's role in the field of tourism, and has followed this up by a public consultation exercise. Responding to the options set out in the Green Paper, some bodies (the European Parliament, the Economic and Social Committee, some Member States, trade associations etc.) have expressed the view that tourism should be included in the Treaty. Others (the Committee of the Regions, some Member States and trade associations) favoured better coordination of EU action affecting tourism, while some Member States expressed the view that the Union is already doing enough to assist tourism.

### Energy

Energy is a field with its own peculiar characteristics and in which, unlike the the fields already discussed, the Community does have a policy (as regards coal and nuclear energy) and specific or general instruments for implementing that policy.

However, these instruments are scattered about among the three treaties: coal (until 2002) and nuclear energy are covered by specific treaties whereas the other sources of energy (oil, natural gas, renewable energies and electricity) are covered by the general provisions of the Treaty establishing the European Community (competition, internal market, environment, trans-European networks, research).

The energy challenge which is examined in the Commission's White Paper on Energy Policy, adopted on 13 December 1995, is essentially the question of how to:

- maintain security of supply while ensuring a maximum diversification of energy sources;
- improve environmental protection;
- promote technological progress;
- complete the internal energy market.

Although the individual measures can be legally based on the specific provisions of the different treaties, Article 235 must be used to ensure coherence between the various Community measures and the national policies, whereas the Treaty establishing the European Coal and Steel Community provides for the establishment of general objectives and the Treaty establishing the European Atomic Energy Community provides for the establishment of a nuclear investment programme.

The main question regarding energy is therefore how to rationalize and bring into line the various components of energy policy so as to ensure their overall coherence and to find a better way of exercising existing powers while, at the same time, updating certain aspects in view of present conditions. There could be two ways of doing this.

One way would be to tie in this exercise with the consolidation of the treaties to be undertaken by the Intergovernmental Conference. An in-depth consolidation of the three treaties would enable the scattered legal bases to be brought together in a single chapter and would give coherence to Community energy policy.

Failing this, an alternative approach would be to insert a chapter on energy into the Treaty, spelling out the objectives of energy policy and providing for relevant instruments and procedures. A specific title on energy, covering all fuels, would help complete the internal market, protect the environment, and ensure security of supply in a sector in which the Community is heavily dependent on imports.

## **Conclusion**

At present there are no specific legal bases for Community action in the three fields under discussion.

While it is true that this lack of specific legal bases has not prevented the Community from undertaking and implementing a number of measures in these fields, the measures in question have had to be based either on the general provisions of the Treaty and/or those relating to its sectoral policies or on Article 235 of the Treaty. Such action could be stepped up within the existing framework of the Treaty.

It must be borne in mind, however, that action based on Article 235 of the Treaty is likely to become much more difficult, if not impossible, in an enlarged Community in which unanimity would still be required for taking decisions.

Furthermore, the continuity and coherence of Community action in the fields concerned could be facilitated by inserting into the Treaty provisions which would make such action more efficient and more visible.

In any case, the legal bases for the energy sector, which are currently scattered among the three treaties, need to be rationalized and made coherent. Likewise, a framework for coherent action must be defined for exercising all the powers laid down in the treaties.

The Commission nevertheless wishes to point out that it is not asking for new powers. It will therefore be for the Conference to announce its position on this question.

## ANNEX I

The following are the main initiatives undertaken over the past five years.

**A. Self-tuition workshops (approximately 25% of expenditure)**

There is a growing interest in self-tuition workshops: both the number of workshops and the areas they cover are steadily increasing, as is the number of Member States organizing such workshops.

**B. Exchange of experts (approximately 20% of expenditure)**

The exchange system, set up in January 1995, has been remarkably successful. In a single year 215 applications were made and 148 exchanges organized.

**C. Simulation exercises (approximately 15% of expenditure)**

During these exercises, participants from all the Member States have the opportunity to observe an operation involving all the players in a particular Member State's civil protection chain. Furthermore, workshops relating to the exercises enable common lessons to be drawn from them.

**D. Pilot projects (approximately 20% of expenditure)**

These are designed to improve response methods and techniques in the event of a disaster.

**E. Support operations (approximately 20% of expenditure)**

The support operations are generally designed to support civil protection initiatives (e.g. exhibitions, public awareness projects, information brochures) of more direct concern to citizens.

**F. Disaster response (less than 1% of expenditure)**

A round-the-clock operational unit has been set up in the Commission to back up the Member States' response efforts. This is a small unit whose essential aim is to collate and relay information and to mobilize expertise from the national administrations.



SELF-TUITION WORKSHOPS

YEAR	AREA	SUBJECT	COUNTRY
1991	Forest fires	Identification of major common problems	Belgium
1992	Forest fires	Very large-scale fire-fighting	France
1993	Chemical accidents Crisis management  Earthquakes Communication in times of crisis	Determining guidelines for setting up certain operations in this field Identifying and analysing crisis situations with a view to determining avenues for Community action  Evaluation with a view to returning to homes following an earthquake Civil protection professionals' communication problems in crisis situations	Belgium UK  Greece Belgium
1994	Forest fires Voluntary activity	Use of aerial means in forest fires Problems relating to voluntary activity in the field of civil protection	France Portugal
1995	Forest fires Chemical accidents  Crisis management Communication in times of crisis  Public awareness Disaster prevention  Environmental emergencies	Use of fire retardants Information systems on dangerous chemical products, gaseous dispersion models, evaluation of the toxicological effects of contamination by chemical products The best learning methods for those in charge of crisis management Need to promote a European culture and reflex with a view to coordinating multi-Member State responses  Increasing the degree of self-protection of the population Exchange of experience to identify avenues for future operations and the integration of civil protection into other areas of Community activity The respective roles of those responsible for civil protection and the environment in the event of accidents with an environmental impact	Greece Germany  France UK  Ireland Italy  Finland
1996	International cooperation Flooding Disaster medicine Forest fires Crisis management Public awareness Public awareness Disaster prevention Flooding Voluntary activity	Cooperation between the CEEC and the European Union on civil protection Torrential hydrogeological hazards Analysis of European systems with a view to formulating a medical action plan Training of those involved in tackling forest fires Civil protection in the urban environment Impact of information and awareness-raising campaigns Methods of informing vulnerable groups Feedback Analysis of plains flooding Identification and development of the avenues identified in the first workshop	Austria Italy Sweden Italy - UK France UK Belgium -

EXERCISES

YEAR	NAME	SUBJECT	COUNTRY
1992	Europe 92	Rescue organization during a large-scale disaster: air disaster causing a chemical accident and the destruction of inhabited buildings	Netherlands
	Kalter-Fritz	Joint exercise by several European Red Cross organizations simulating a prolonged cold spell	Germany
1993	Europe 93 Cross-border exercise	Simulation of a disaster in the Channel Tunnel Exercise on information for young people regarding natural and technological hazards and the prevention and management of emergencies between two English Channel regions: Dorset (UK) and the Department of La Manche (F)	UK UK
	White Helmet	Joint exercise by several European Red Cross organizations (D, A, B, UK, F and NL) to test how effective the various aspects of the cross-border cooperation system are in the area of natural disaster management	Belgium
1994	Europe 94	Simulation of the external impact, on people and the environment, of an accident in a nuclear power plant	Germany
1996	Europe 96/II	Seismic hazards which could affect 700 000 people if Vesuvius were to erupt	Italy
	Europe 96/I	Simulation of a maritime collision and of an emergency situation in a sparsely populated region	Sweden
	Cross-border exercise D/NL	Exercise within the EUREGIO framework (Rhine-Meuse) on fire protection and medical assistance	Germany

## PILOT PROJECTS

YEAR	AREA	SUBJECT	COUNTRY
1993	Forest fires Nuclear accidents Earthquakes Computer systems	Cross-border cooperation on forest fire-fighting Dispersion model for nuclear accidents (IKE) Practical manual on returning to homes after an earthquake Geographical Information decision support system (GIDS)	France+ Italy Germany Greece Belgium
1994	Crisis management  Crisis management Flooding	Cross-border cooperation for crisis management in the Belgian and Dutch provinces of Brabant Cooperation below central government level Comparative analysis of flooding in northern Europe in 1993 and 1994	Netherlands  U.K. Netherlands
1995	Forest fires Chemical accidents Earthquakes Earthquakes Flooding Flooding Natural disasters Computer systems Self-protection	Analysis of the organization of fire prevention in the European Community Post-accident phase in the event of an accident involving dangerous materials Urban planning in seismic regions Locating persons trapped under rubble Comparative analysis of flooding in northern Europe in 1993-94-95 (cont) Development of a response vessel Chain of alert in predicting natural disasters Integrated emergency management software based on GIS Safe units for public establishments	France France Greece Greece Netherlands Italy France Ireland France

SUPPORT ACTIONS

YEAR	AREA	TYPE OF ACTION	
1992	Exhibition Awareness raising Forest fires  Forest fires Information	BRAND 92 exhibition Firemen's relay race on the occasion of the Olympic Games Stepping-up of forest fire arrangements (aerial resources) in Catalonia during the Olympic Games Ministerial seminar on forest fires Civil protection information material	Netherlands F/ES/GR F/ES  Portugal Belgium
1993	Exhibition Information Information Conference Conference Training	TAU EXPO 93 exhibition Multilingual civil protection lexicon Video "Transportation of dangerous chemical products" Belgirate conference "Natural risks and civil protection" INTERSCHUTZ symposium 1st summer course for fire services in Europe	Italy Belgium UK JRC Germany Netherlands
1994	Awareness raising Information Information Training	Public awareness-raising project in the Azores Video "International aspects of disasters" Information display panels on Community cooperation on civil protection 2nd summer course for fire services in Europe	Portugal U.K. Belgium Netherlands
1995	Exhibition Information Major hazards	TAU EXPO 95 exhibition Brochure on the organization of civil protection in the Member States Summer school on major hazards and environmental protection	Italy France France

NA

## MAJOR RESPONSES BY THE TASK FORCE

YEAR	AREA	TYPE OF RESPONSE	COUNTRY
1992	Environmental emergency	Community mission (Italian experts) to assess the risk posed by the degradation of the Mojcovac dam on the river Tara, a tributary of the Danube	Montenegro
	Environmental emergency	Community mission following proliferation of algae	Spain
	Marine pollution	Community mission following the <i>Aegean Sea</i> accident off Coruña	Spain
1993	Marine pollution	Community task force alerted following the <i>Braer</i> accident off the Shetlands (information relay and ground mission)	U.K.
	Marine pollution	Community task force alerted following the <i>British Trent</i> tanker accident off Ostend (information collation and relay)	Belgian coast
	Earthquakes	Community task force alerted following an earthquake in Patras (information collation and relay)	Greece
1994	Environmental emergency	Community mission (French and Dutch experts) sent to assess the scale of the problem following the rupture of a pipeline in the Republic of Komi (joint mission with the UNEP/DHA environment unit)	Russia
	Medical emergency	Community task force alerted following an epidemic caused by contamination of beaches (information collation and relay)	Sao Tome
	Marine pollution	Community task force alerted following the collision between the Cypriot oil tanker <i>Nassia</i> and the freighter <i>Ship Broker</i> in the Bosphorus (information collation and relay)	Turkey
	Earthquakes	Community task force alerted following strong seismic tremors in the regions of Adra, Berja and Almeria (information collation and relay)	Spain
	Natural disasters	Community task force alerted following particularly bad weather in the south of Europe (Piedmont) (observation mission and information collation and relay)	Italy
1995	Earthquakes	Community task force alerted following an earthquake in Kozani in the north of the country (information collation and relay)	Greece
	Earthquakes	Community task force alerted following an earthquake in the northern Peloponnese/Gulf of Corinth (information collation and relay)	Greece
	Environmental emergency	Community mission (Swedish expert) to assess the environmental impact and determine the disposal of waste following a chemical accident	Rwanda
	Fire	Community mission (French and Belgian experts) with a view to suggesting emergency and medium-term measures for the local authorities to step up their fire and rescue services.	Madagascar
	Fire	Community task force alerted following a fire involving dangerous substances (information relay and provision of Austrian experts)	Slovenia

## ANNEX 2

Priority areas identified by Council Decision 92/421/EEC of 13 July 1992	Specific action 1993-1995
<i>1. More detailed information on tourism and better coordination of action</i>	<u>Development of statistics on tourism in the Community; studies</u> (in particular on cultural tourism, social tourism, business and conference tourism, the impact of new technologies); <u>practical guides</u> (in particular on Community instruments to assist tourism); <u>consultation meetings with representatives of the tourist industry; seminars and European forum.</u>
<i>2. Staggered holidays</i>	<u>Exchange of information</u> with representatives of the Member States and the tourist industry to promote tourism outside of the main holiday periods.
<i>3. Transnational action</i>	Support for <u>pilot projects</u> to encourage cooperation between regions and Member States, particularly with regard to new technologies, exchange of know-how with Cyprus and Malta, the Central and Eastern European countries and the Maghreb.
<i>4. Tourists as consumers</i>	<u>Electronic guide</u> for providing better information to tourists in Europe.
<i>5. Cultural tourism</i>	Support for the development of <u>cultural tours</u> of a transnational nature; <u>European seminars</u> in cooperation with other international organizations.
<i>6. Tourism and the environment</i>	<u>European prize</u> in cooperation with the Member States, support for <u>pilot projects</u> for tackling environmental problems associated with tourism; <u>pan-European networks</u> for the exchange of information and codes of practice.
<i>7. Rural tourism</i>	Setting up a <u>working group</u> , made up of representatives of the organizations concerned, to examine the problems associated with classifying the services offered.
<i>8. Social tourism</i>	<u>Research</u> into the mobility of elderly people; <u>guide</u> to make tourism more accessible to handicapped people.
<i>9. Youth tourism</i>	<u>Research</u> into youth tourism.

<i>10. Training</i>	Support for <u>pilot projects</u> to improve transnational cooperation on tourist training and information.
<i>11. Promotion</i>	Support for <u>pilot projects</u> for promoting Europe as a tourist destination.

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