

Memorandum on the Issues Paper

ON THE FUTURE INSTRUMENT ADDRESSING PREVENTION OF, PREPAREDNESS FOR AND RESPONSE TO DISASTERS
(VERSION OF 31 JANUARY 2005)
IN THE CONTEXT OF THE CONSULTATION LAUNCHED BY THE EUROPEAN COMMISSION

1. Introduction

- a. EENA participates in this consultation in order to express the point of view of the Citizen. EENA's objective is to help the President of the Commission Mr. Barroso to accomplish his promise to bring the Commission nearer to the Citizen. EENA's objective is also to ensure that more lives will be saved.
- b. EENA considers that the Issues Paper does not address the demand of the European Parliament which «called on the Commission to promote the implementation of an appropriate early warning system for ACP and Mediterranean countries as well as for the EU coastline». Instead the Commission ignores the demand and does not include it in the general contours of the debate (page 1).
- c. EENA considers that the Issues Paper does not address the major preoccupations of European Citizens for a high level protection of their lives, health and the environment. It proposes to reinforce the European action in the field, to achieve maximum complementarity and to extend geographic coverage (pages 3 and 4). However, it does not address the issue of what citizens really expect from the authorities in case of accident or disaster.
- d. Finally, the proposed Constitution (article III-284) dictates that «Union action shall promote swift, effective operational cooperation within the Union between national civil-protection services», an issue which is not properly addressed within the proposed Issues Paper.

2. What citizens really need in case of an accident or a disaster?

In case of a tsunami, a dam-rupture, a chemical accident, a nuclear accident, an imminent storm or flood - what do people really expect?

- a. First to be informed immediately before the disaster. And this covers local people as well as visitors. Consider Danish, Finnish, Swedish or Dutch citizens when go to Italy or Spain by car, passing near Rotterdam, Antwerpen, the North of France in Givet, Saarland, Milano or Toulouse. All these areas contain major Seveso sites or nuclear power plants. In case of a chemical cloud, in case of an evacuation of their hotel in France or Spain tourists – and sometimes even locals – will not be informed in a uniform, clear and efficient way. The Commission should present and implement common standards for emergency telecommunications (an issue which becomes more and more international). And instead of speaking about new instruments the Commission should issue a European Response Plan for big disasters similar to the one recently presented by the Homeland Security Department of the American Government¹.
- b. Second – in case of the much more numerous daily accidents (traffic, drowning, fires, suicides, etc.) – to contact the emergency services and get help as soon as possible. How will they save themselves with a bad 112 service chain? Today Europeans do not know the 112, in several regions they even do not have access to it (no network coverage), their calls

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http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml

to the 112 are not «answered» nor «handled» appropriately, there is no guaranteed minimal response time, there is no quality standards, nor a proper evaluation. Today citizens may easily come to the conclusion that: «Europe and the 112 instead of helping them put their lives in danger».

- c. And of course to be taken care of as soon as possible on the basis of high quality standards of health care and psychological aftercare. The new instrument should propose a series of standards so that Swedes or Germans or Britons can be taken care of as if they were in Germany or Sweden or the UK when caught in the middle of a disaster in Italy or in Greece or in the South of France.

It is evident from the above that the European Commission cannot continue ignoring these issues or pretending that they are the sole responsibility of the Member States. Establishing and implementing common standards for the final output and the quality of the services provided at a European level is certainly the responsibility of the European Commission.

3. Three areas of action

EENA proposes that the new instrument should take serious care of the following:

- a. Ensure implementation of the «ideal» 112 service chain (knowledge of the 112, coverage of 100% of EU territory, multilingualism, quality standards for answering and handling calls, minimal response time at EU level, evaluation of whole service chain) – no additional legislation needed. Just implement correctly and in the interests of the citizens the Universal Service Directive (2002/22/EC).
- b. Establishment of a pan-European system of population alert for all kinds of major disasters (via sirens, GSMs, radio, TV, etc.) including travelling / visiting citizens – EENA has submitted a proposal in this respect (see Annex).
- c. Implement a holistic information and training programme to ensure that all citizens (especially children) know what to do in case of an accident or a disaster.

EENA wishes to underline that the European Commission, by not acting in the Citizen's interest, penalizes Citizens coming from Member States with a high level of Civil Protection. EENA considers that the citizens of these leader-countries are entitled to the fundamental rights of the protection of life, health and the environment as provided for in the new Constitution. Their national representatives must ask the Commission to act in a concrete way in the field of Emergency Telecommunications as proposed above.

Annex 1 – Some constructive criticism of the existing instruments

If the existing instruments for civil protection actions and the response to maritime disasters were to be analysed from the Citizen's point of view and if they were to be analysed on a cost-effectiveness and coherence basis, they would probably be abolished directly. This is maybe the reason why the Commission does not publish the results of its calls for proposals nor the reports of the projects financed (in direct violation of article 169 of Commission Regulation No 2342/2002 of 23 December 2002 and article 12 of Regulation No 1049/2001 of the European Parliament and of the Council of 30 May 2001).

1. Marine Pollution

The Council asked for an instrument for Marine pollution in 1978 after the Amoco Cadiz accident. Such an instrument was created in 1980 - 25 years ago. At 1 to 1,5 million euros per year this instrument took away some 30 million euros from the pockets of taxpayers. Was it effective? Let us take the *Erika* disaster (December 1999). Which were the most important lessons learnt from *Erika* ?

- First - forbid double-hull vessels. Did the Marine Pollution instrument contribute to this? The answer is NO. The Erika 1 and 2 packages were adopted in the context of the Transport Policy following proposals of Ms. De Palacio, then Commissioner for Transport.
- Second - if a potential polluting ship is in distress, it is a crime to oblige the captain to take the ship to high seas because it will generate a wider pollution. Did the Marine Pollution instrument contribute to pass this lesson (which France learnt very well²) to the other Member States? The answer is NO. Three years later (November 2002) Spanish authorities committed a similar error with the *Prestige*.

It may sound provocative but the main result of the Marine Pollution instrument was what is called «disaster tourism» or «administrative tourism». The reports on the Commission's site support this view.

2. Civil Protection Mechanism

What has been done? The main result is again series of courses, large exercises, more «administrative tourism», some paperwork from the Commission, and more «disaster tourism» by some experts, mainly the same people attending the Management Committee of the Mechanism.

Using published information and the Commission press releases of 5 and 11 January as a basis³, one can estimate the added value regarding the recent Tsunami intervention. The Issues paper mention «the MIC successfully mobilised immediate assistance from 18 different countries» (page 9). In fact the assistance was mobilised by the Member States themselves – the Commission was just informed about the mobilization. The experts mobilized probably the members of the Management Committee. Local newspapers were not happy with all «*these well-meaning people*»⁴ arriving to help but creating more confusion. Finally, the Commission mentions «means» while victims see «results» - which the Commission should evaluate. The Commission also mentions successes when the press and different Ministers of Interior or Health are talking about «lack and limits of the MIC, inefficiency of logistics, difficulties to act in coordination, no interoperability between military and civil means». It is easy to better understand why the Commission wants in a certain way to control the media (point 28 on page 12).

Annex 2 – Establishing common alarm signals in the EU - Current situation and proposed solution

² http://www.le-cedre.fr/fr/publication/act_coll/act_coll_nakhod_p75.pdf

³ <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/05/4&format=HTML&aged=0&language=EN&guiLanguage=en>
<http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/05/6&format=HTML&aged=0&language=EN&guiLanguage=en>

⁴ <http://timesofindia.indiatimes.com/articleshow/983383.cms>

1. CURRENT SITUATION

Warning systems and practices vary in the different countries of the EU⁵. Siren and other audible alarm signals are provided for in several cases (safety in the workplace, nuclear and chemical plants, wartime alerts, dam-breaking alerts, etc.) but they are not standardized / harmonized. Test arrangements for the above systems also vary between Member States. Additionally Member States and local authorities have experimented with various new systems (intelligent sirens, mobile telephones and car radios) but not generalised solution has ever been established.

EU citizens are concerned. Every year approximately 100 million European citizens cross the internal borders of the EU for leisure or work (business travel, trans-border areas) while over a period of five years approximately $\frac{2}{3}$ of the EU population is crossing the internal borders. Additionally a significant percentage of EU citizens (65,2%) feels unsafe when in another EU country⁶ for various reasons (they do not know the risks in the country; do not speak the language; feel that the emergency services less well organized; feel that signals and instructions are different).

Alarm for non residents needed for several types of accidents and disasters. Alarm for non-residents may be needed in cases of cross-border accidents or for non-resident populations in tourist areas. The potential risks include nuclear power plants; chemical factories (Seveso and non-Seveso); highways, ports, railroads, and pipelines (transport of dangerous goods); dams, areas prone to avalanches, landslides, floods and volcano eruptions; and finally hotels and other public places (fire risk, terrorist attack) as well as tourist areas prone to extreme weather conditions.

Proposals for action already discussed. The issue of warning and alerting populations during major accidents or disasters have been extensively discussed in the context of the Major Project «Information to the Public⁷» (Workshop organized by the Finnish Ministry of Interior¹), as well as the Major Project «From Emergency to Crisis⁸».

With millions of tourists from the EU visiting every year high risk areas all over the world (see the recent tsunami disaster), this issue does not only concern the EU Member states but all countries accepting large numbers of EU tourists.

2. OBJECTIVES

Two signals linked to expected behavior. The workshop organized by the Finnish Ministry of Interior¹ and the major project on the information to the public conducted in the context of the Civil Protection Action Programme concluded alarm signals should not be linked with the type of the emergency (nuclear, chemical, natural etc.) but with the behavior expected by the population. More specifically one signal should induce citizens to **Go Indoors** and stay there while another should incite them to **Evacuate** closed spaces.

Use of telecommunications networks. In addition to the audible alarm signals mentioned above, modern telecommunications networks (mobile telephones, pagers, etc.) could be used for the alarm of populations (especially people with disabilities). Supplementary information

⁵ See the conclusions of the self tuition workshop on the **Technological aspects of modern warning and alarm systems** organised by the Finnish Ministry of the Interior (September/October 2000) in the context of the Civil Protection Action Programme (see final report on the Civil Protection site at <http://europa.eu.int/comm/environment/civil/prote/cpactiv/cpact04j.htm>).

⁶ Eurobarometer 51.1 «Europeans & the environment» 1999, http://europa.eu.int/comm/public_opinion/

⁷ See <http://europa.eu.int/comm/environment/civil/prote/cpactiv/cpmaj04-01.htm>

⁸ See <http://europa.eu.int/comm/environment/civil/prote/cpactiv/cpmaj02.htm>

to the population will then be conveyed through classic communication channels (radio, television) or modern networks (mobile telephones, internet, etc.).

3. LEGAL BASIS

The following Community legal acts constitute a solid legal basis for a Community initiative in this field:

Directive 92/58/EEC on the minimum requirements for the provision of safety and/or health signs at work⁹. This Directive which applies to safety in the workplace provides for a **continuous acoustic signal for evacuation**¹⁰ (Annex VII). It also provides for regular check of the signalling devices (Annex I). (Responsible Service EMPL).

Directive 96/82/EC on the control of major-accident hazards involving dangerous substances¹¹. This Directive which applies to «Seveso II» chemical plants provides for the inclusion of the organisation of **alert** and intervention in the safety reports (Annex II). It also provides for the inclusion in the emergency plans of arrangements for **early warning** of incidents, and **alert** and call-out procedures, as well as of Arrangements for providing the public with specific information relating to the accident and the behaviour which it should adopt (Annex IV). (Responsible Service ENV).

Council Directive 89/618/Euratom on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency¹². This Directive which applies to all types of nuclear installation and transport provides for information about emergency measures envisaged to alert, protect and assist the general public in the event of a radiological emergency (Annex I). (Responsible Service TREN).

Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)¹³. This Directive which applies to all types of communications networks, provides as part of the Conditions which may be attached to a general authorisation the establishment of the terms of use during major disasters to ensure communications between emergency services and authorities and broadcasts to the general public (Annex). (Responsible Service INFISO).

4. PROPOSAL FOR ACTION

On the basis of the above it is proposed to issue a Recommendation to the Member States or even a new Directive with will include the following elements:

- Legal basis: the four acts mentioned above.
- Additional recitals: the terrorist threat, the natural hazards threat (deaths from floods, storms, avalanches, etc.), the 100 million EU citizens moving around feeling unsafe, the need for approximation, the results of the Action Programme, the existence of the 112, (to be completed).
- Operative part: two audible signals (one for evacuation one for confinement); proposal for a common day for testing warning systems all over the EU (example the 11th of February - connection with the single European emergency call number 112); arrangements for use

⁹ OJ L 245 , 26/08/1992 P. 23 - 42

¹⁰ This however is in contradiction with the ISO 8201 standard (Acoustics - Audible Emergency evacuation signal) which provides for a **three pulse** temporal pattern followed by an **off** phase.

¹¹ OJ L 10 , 14/01/1997 P. 13 - 33

¹² OJ L 357 , 07/12/1989 P. 31 - 34

¹³ OJ L 108 , 24/04/2002 P. 21 - 32

of communication networks for alert of people with disabilities and the follow-up information of populations concerned; specific measures for tourists and other non-residents; collaboration with broadcasters and NGOs (environmental, search and rescue, medical) have a key role in warning and informing the public; follow-up in the context of the Action Programme.

- Evaluation after two years in view of taking further actions at Community level.