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PECULIARITIES OF LEGAL SUPPORT FOR THE FUNCTIONING OF THE CIVIL PROTECTION SYSTEM IN THE EU COUNTRIES

The article analyses the peculiarities of legal support of the European system of civil protection of population and territories. The author emphasizes that over the years, the EU has developed the main instruments through which all of its civilian security policy objectives are achieved.

It is proved that building a modern and powerful civil defence system of the population and territories of Ukraine requires even more close cooperation with the relevant European structures, including within the framework of the European Union Civil Protection Mechanism (EU Civil Protection).

The priorities of the EU's civil protection programs are to enhance cybersecurity and a safer online environment through the development and effective use of the digital capabilities of the European Union and its Member States. Significant attention is paid to supporting data and network protection, which strives for technological sovereignty while respecting privacy and other fundamental human rights. Joint European projects contribute to ensuring the security of services, processes and products, and ensure the formation of reliable digital infrastructures that can withstand and counter cyberattacks and hybrid threats.

The study of the peculiarities of Ukraine's cooperation with the EU in the field of civil protection allows us to state that Ukraine's accession to the EU Civil Protection Mechanism will allow it to fully use all EU instruments and programs to develop the national civil protection system and attract assistance, and to continue future cooperation within the framework of the new strategic program of the EU Civil Protection Mechanism for 2024-2027.

The peculiarities of using the experience of the EU countries to develop a system for ensuring public safety and protection of critical facilities during emergencies in Ukraine will be determined by the transformation of the public administration system in the post-war period.

Key words: *civil protection, emergency situations, EU Civil Protection Mechanism, European legislation.*

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ОСОБЛИВОСТІ ПРАВОВОГО ЗАБЕЗПЕЧЕННЯ ФУНКЦІОНУВАННЯ СИСТЕМИ ЦИВІЛЬНОГО ЗАХИСТУ В КРАЇНАХ ЄС

У статті проаналізовано особливості правового забезпечення європейської системи цивільного захисту населення і територій. Наголошено, що за роки існування ЄС напрацював основні інструменти, за допомогою яких досягаються всі цілі його політики у сфері цивільної безпеки.

Доведено, що побудова сучасної та потужної системи цивільного захисту населення і територій України потребує ще більш тісної співпраці з відповідними європейськими структурами, у тому числі в межах Механізму цивільного захисту Європейського Союзу (EU Civil Protection).

Пріоритетами програм ЄС у сфері цивільного захисту є посилення кібербезпеки та створення більш безпечного онлайн-середовища шляхом розвитку та ефективного використання цифрових можливостей Європейського Союзу та його держав-членів. Значна увага надається підтримці захисту даних і мереж, що прагнуть до технологічного суверенітету при дотриманні права на недоторканність приватного життя та інших основоположних прав людини. Спільні європейські проєкти сприяють забезпеченню безпеки послуг, процесів і продуктів,

формуванню надійних цифрових інфраструктур, здатних протистояти кібератакам і гібридним загрозам.

Дослідження особливостей співпраці України з ЄС у сфері цивільного захисту дозволяє стверджувати, що приєднання України до Механізму цивільного захисту ЄС дозволить їй повною мірою використовувати всі інструменти та програми ЄС для розвитку національної системи цивільного захисту та залучення допомоги, а також продовжити дальшу співпрацю в межах нової стратегічної програми Механізму цивільного захисту ЄС на 2024-2027 роки.

Особливості використання досвіду країн ЄС для розбудови системи забезпечення громадської безпеки та захисту критично важливих об'єктів під час надзвичайних ситуацій в Україні визначатимуться трансформацією системи державного управління у післявоєнний період.

Ключові слова: *цивільний захист, надзвичайні ситуації, механізм цивільного захисту ЄС, європейське законодавство.*

Problem statement. Building a modern and powerful civil protection system for the population and territories of Ukraine requires a great deal of close cooperation with the relevant European structures, including within the framework of the European Union Civil Protection Mechanism of the European Union (EU Civil Protection).

The priority tasks for Ukraine at the present time is to adapt the legal framework in the field of civil protection to the EU requirements, introduction of the experience of implementing EU directives on civil protection in other EU countries, defining the functions, rights and obligations of Ukraine in the field of civil protection, development of an algorithm of actions, assessment of existing risks, and coordination of efforts in wartime.

Analysis of recent research and publications. The issue of Ukraine's accession to the EU IDC and approximation of Ukraine's civil protection system to European standards have been studied by scientists A. Voytenko, O. Podskalna, N. Pugacheva, O. Tverdokhlib, O. Shrol, V. Yakobchuk and others. An analysis of recent publications shows the need for further research into various aspects of Ukraine's integration into the EU legal framework, in particular on the analysis and implementation of legislation in the field of EU civil protection into the legal field of Ukraine.

The purpose of the article is to find out the peculiarities and trends of legal support for the functioning of the civil protection system in European countries.

Presenting the main material. EU law-making on civil protection cooperation began with the May ministerial meeting in Rome in 1985. That meeting was followed by six resolutions on civil protection over the next nine years, the most significant being the Resolution of 9 July 1991 on improving mutual aid between Member States in the event of technological disasters.⁶ Each of these resolutions formed the framework of what is now the CPM and has evolved into two primary pieces of legislation.

The European Union Civil Protection Mechanism – is the world's largest system for providing international coordinated operational assistance in emergencies. situations. The system includes a variety of resources and forms of assistance from 28 EU member states and 4 candidate countries (32 countries in total).

Discussions in the European Union on the need to create such a system to create such a system began in 2000, after a series of a series of large-scale forest fires and floods in Europe in 1998-1999.

Since then, the CPM has become a comprehensive framework for emergency assistance notification, request and response, and has developed an

elaborate training and exercise programme to improve coordination and enhance experts' skills. Since January 2002, the Mechanism has handled almost 200 events ranging from practice exercises to responses to large-scale disasters, such as the 2004 tsunami in Asia or the 2009 earthquake in the l'Aquila Province in Italy.

The EU Civil Protection Mechanism (EU CPM) was established in 2001 to strengthen the cooperation and coordination between the European Union and the Member States in the field of civil protection.

The mechanism consists of a number of elements and actions, including:

- identification of rapid response and other intervention support teams available in Member States to assist in intervening in emergencies;

- preparation and implementation of a training program for rapid response and other intervention support teams and for experts from assessment and/or coordination teams;

- conferences, workshops and pilot projects on key aspects of the interventions;

- establishing and, if necessary, deploying assessment and/or coordination teams;

- establishment and management of a monitoring and information center;

- establishing and managing a common emergency communication and information system;

- other supporting actions, such as measures to facilitate the transportation of resources for supportive interventions.

The Mechanism also helps coordinate disaster preparedness and prevention activities of national authorities and contributes to the exchange of best practices. This facilitates the continuous development of higher common standards enabling teams to understand different approaches better and work interchangeably when a disaster strikes [3].

Through the UCPM, the European Union finances the organisation of trainings, exercises, exchange of experts and other disaster prevention and preparedness actions, including grants for cross-border projects and the development of new tools, e.g. to improve weather forecasting, early warning systems, risk assessment methodologies and cost-benefit analyses.

It also provides financial support to have in place resources such as urban search and rescue teams, forest fire fighting capacities, emergency medical teams, water purification equipment, high-capacity pumping units, etc., and their deployment during collective European emergency response operations in international contexts [8].

The EU Civil Protection Mechanism encourages cooperation in disaster response among 34 European states (27 EU member states, the United Kingdom, North Macedonia, Iceland, Montenegro, Norway, Serbia and Turkey), with participating states pooling resources that can be made available to countries affected by natural disasters around the world. When activated, the Mechanism coordinates the provision of assistance within and outside the EU. The European Commission manages the Mechanism through the Emergency Response Coordination Center (ERCC).

According to the European Council Decision 2001/792/EC, Member States «shall identify in advance intervention teams that may be available for deployment upon notification, within 12 hours of a request for assistance in the event of a major emergency occurring in another Member State or in third countries». At the time, bilateral agreements allowed Cyprus, Malta and Turkey to participate in the Mechanism, while candidate countries in Central and Eastern Europe also potentially gained access. If civil protection response teams were deployed outside the EU, the presiding member state would be responsible for coordinating them. In an effort to develop an effective response, the Commission established the Monitoring and Information Center (MIC) to

receive requests for assistance and the Common Emergency Communication and Information System (CECIS), which allows member states and the Commission to exchange information in real time [9, p. 138].

The main EU mechanism which deals with disaster relief assistance inside the EU is the CPM, which has traditionally been managed by the Commission's Directorate General for the Environment (DG Environment), but which will apparently be managed in the future from the new Directorate-General for International Cooperation, Humanitarian Aid and Crisis Response.

The EU Civil Protection Mechanism is essentially designed to support, complement and facilitate the coordination of actions of the EU Member States to achieve common specific objectives, namely: to achieve a high level of protection against disasters by preventing or reducing their potential consequences by promoting a culture of prevention and improving cooperation between civil protection institutions and other relevant services; to enhance emergency response preparedness at both Member State and EU level.

The CPM consists of two primary pieces of legislation covering disaster prevention, preparedness and response: Council Decision 2007/779/EC, Euratom establishing a Community Civil Protection Mechanism (recast) and Council Decision 2007/162/EC, Euratom establishing a Civil Protection Financial Instrument. These will be discussed in more detail below. The CPM is applicable to «major emergencies», which is defined as «any situation which has or may have an adverse impact on people, the environment or property and which may result in a call for assistance under the Mechanism». In the past, earthquakes, floods, forest fires, storms, tsunamis, biological, chemical, environmental, radiological & technological disasters, marine pollution, and terrorist attacks have been categorised as falling within this definition.

Previously, the legal basis for the CPM was somewhat indirect. Although it was managed by DG Environment, the legal basis and origin of competence of

the CPM does not fall under the Community's environmental policy, which is an area of shared competence. Article 3 of the TEC, which lists the objectives of the Community, specifically cites in subsection (1) (u) measures relating to civil protection. Civil protection was therefore part of the competence of the European Community (EC) under the first pillar, but it was not exclusive, it was complementary to the Member States' competence [6].

The EU civil protection mechanism coordinates the response to natural and man-made disasters at EU level. It aims to:

- foster cooperation among national civil protection authorities;
- increase public awareness of and preparedness for disasters;
- enable quick, effective, coordinated assistance to affected populations.

In addition to the 27 EU countries, certain non-EU countries participate in the mechanism: Albania, Bosnia and Herzegovina, Iceland, Montenegro, North Macedonia, Norway, Serbia, Türkiye and Ukraine.

In September 2023, the Council gave its green light for the participation of Moldova to the EU civil protection mechanism. Earlier in the year in April, Ukraine also joined the mechanism, as a participating state.

The emergency response coordination centre (ERCC) is the operational heart of the EU civil protection mechanism. It monitors events around the globe 24/7 and coordinates the EU's disaster response efforts.

Satellite maps produced by the Copernicus emergency management service also support civil protection operations. The timely and precise geospatial information provided by Copernicus is useful for delineating affected areas and plan disaster relief operations.

The mechanism includes a European civil protection pool. This is a voluntary pool of assets pre-committed by member states for immediate deployment inside or outside the EU.

In 2019 the EU established the rescEU reserve, which includes:

a fleet of firefighting planes and helicopters;
medical evacuation planes;
emergency medical teams and field hospitals;
a stockpile of medical equipment and mobile laboratory capacities;
detection, decontamination and stockpiling capacities to respond to
chemical, biological, radiological and nuclear incidents;
temporary shelters;
transport and logistics.

The EU civil protection mechanism also helps coordinate national authorities' disaster preparedness and prevention activities and contributes to the exchange of best practices.

To ensure a better response to future challenges, in May 2021 the Council adopted a new regulation to strengthen the mechanism.

The new rules give the EU additional capacities to respond to new risks in the EU and beyond and boost the rescEU reserve [7].

Non-EU countries may be partially involved in the Civil Protection Mechanism involved in the Civil Protection Mechanism and receive the status of «partner». This form of cooperation does not include participation in the administration of the program (e.g., secondment of experts to the European experts to the European Commission) and financial contributions to the program.

Partner countries may be involved in the implementation of certain activities under the programs.

Cooperation between Ukraine and the European Union in the field of civil protection was first established by the its legal framework on December 8, 2008, when the Administrative village, when the Administrative Agreement between the Ministry of Emergencies of Ukraine and the Directorate-General for the Environment of the European Commission the on cooperation between the

Monitoring and Information Center of the Civil Protection and Information Center of the Community Civil Protection Mechanism and the Emergency Service of the Ministry of Emergencies of Ukraine.

The effectiveness of the EU Civil Protection Mechanism of the EU has been repeatedly confirmed during the elimination of the consequences of large-scale emergencies and natural disasters, including disasters, including in Ukraine. In particular, during the elimination of the consequences of the oil spill in the Kerch Strait (2007); overcoming the consequences of catastrophic floods in the western regions of Ukraine (2008); overcoming the consequences of the pandemic situation with influenza in Ukraine (2009); assessment of the environmental situation in Kalush, Ivano-Frankivsk region (2010); providing assistance to citizens of Ukraine who are moving from the areas of the anti-terrorist operation and the temporarily occupied territory (2014-2015) [2].

On June 28, 2022, Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine Olha Stefanishyna took part in the 7th European Civil Protection Forum. The official thanked European partners for humanitarian assistance to mitigate the consequences of Russia's full-scale armed aggression and outlined Ukraine's further needs.

«The Ukrainian people are extremely grateful to the European Union and all the states that are members of the EU Civil Protection Mechanism for helping Ukraine and Ukrainian citizens. The immediate activation of the Mechanism with the start of Russia's full-scale war allowed us to meet the basic needs of the victims and strengthen the ability of public authorities to respond to crisis situations», said Olga Stefanishyna.

In total, Ukraine has already received over 40 thousand tons of aid, including medical equipment, food, fire trucks, power generators, mobile hospitals and other equipment.

The Vice Prime Minister emphasized that the work on addressing Ukraine's humanitarian needs is associated with unprecedented challenges, particularly in logistics. More than 13,000 civilian infrastructure facilities, including roads and bridges, educational and medical institutions, water and electricity networks, have been destroyed or damaged.

Among the priorities where Ukraine needs EU assistance, the Vice Prime Minister named demining, which is a prerequisite for recovery and reconstruction: «The demining process requires significant international support. It is necessary to survey about 300 thousand square kilometers».

The second priority is to rebuild and repair buildings as citizens gradually return to their homes.

The third priority is to strengthen the capacity of Ukrainian government agencies and services to respond to crises and help the civilian population [1].

April 20, 2023, an Agreement on Ukraine's accession to the EU Civil Protection Mechanism was signed in Kyiv. This is the world's largest system for providing internationally coordinated operational assistance in emergencies.

The Agreement was signed on behalf of the EU by Janez Lenarčič, European Commissioner for Crisis Management, who is on a working visit to Ukraine, and on behalf of Ukraine by Ihor Klymenko, Minister of Internal Affairs.

«Ukraine's full participation in the Civil Protection Mechanism will help strengthen our country's capacity to prevent and respond to natural, technogenic and military-related disasters at the national and international levels with the involvement of national forces of EU member states», commented Olha Stefanishyna, Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine.

The Deputy Prime Minister also noted that Ukraine's accession to the Mechanism in the midst of a full-scale war was another convincing evidence of

the resilience and effectiveness of Ukrainian institutions and the strength of the Ukrainian state.

During a bilateral meeting with European Commissioner Janez Lenarčič, Olha Stefanishyna thanked for his personal contribution and for mobilising the necessary assistance to meet Ukraine's priority needs. Thus, about 88,000 tonnes of humanitarian aid have been sent to Ukraine through the EU Civil Protection Mechanism [10].

European civilian security balances national responsibility and European solidarity in the protection of life, property and territories, and is able to provide timely and effective assistance to other countries as an important expression of European civilian security. Cooperation allows pooling resources, minimizing costs and maximizing the results of collective efforts.

The joint assistance to Ukraine during the period of military aggression by the Russian Federation by the European community is a good example of transnational cooperation, where national responsibility for direct work to eliminate the consequences of hazards remains undoubtedly the main task of protecting democratic freedoms, life and health of citizens [5].

On November 8, 2023, the Verkhovna Rada of Ukraine officially ratified the Agreement on Ukraine's participation in the EU Civil Protection Mechanism by adopting the relevant law (draft law № 0226).

With the ratification of this Agreement, Ukraine has become a full-fledged member of the EU Civil Protection Mechanism and now has the same rights and obligations as other EU countries. Within the framework of the Agreement, Ukraine can cooperate with the EU in the field of civil protection and disaster risk management, which allows for better coordination and response during emergencies. The Agreement is expected to facilitate the mobilization of assistance to Ukraine under the EU Civil Protection Mechanism.

As a full participating country, Ukraine can now also offer assistance through the Mechanism to affected populations in various crises and receive EU co-financing for transportation and operational costs. Ukraine can also benefit from other instruments through more structured cooperation in disaster prevention and preparedness, such as through education and training under the EU Civil Protection Mechanism [4].

Conclusions. The laws governing relations in the civil protection system require constant review and update as the global environment changes. Technological innovations and new global conflicts create situations that traditional European law cannot fully address and therefore new legal instruments need to be sought.

Ukraine's full participation in the EU Civil Protection Mechanism will help to strengthen Ukraine's capacity to prevent and respond to disasters at the national and international levels. However, this is also a mutually beneficial process, as by joining the EU Civil Protection Mechanism, Ukraine will be able to fully share its professional experience gained during the war, which will allow it to be used in the future to effectively respond to various it to effectively respond to various challenges, including demining, and to strengthen the EU civil protection system.

Ukraine's accession to the EU Civil Protection Mechanism in the context of a full-scale war is another convincing evidence of the resilience and effectiveness of Ukrainian institutions and the strength of the Ukrainian state. Now, as a full member, Ukraine will also be able to direct assistance through the EU Civil Protection Mechanism when another state is in crisis.

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