



## ORIGINAL PAPER

### **Sustainable Policies and Resilience during the COVID-19 Pandemic: Advances in Humanitarian Aid, Civil Protection and Human Health within the Regulation (EU) 2021/836**

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**Abstract:**

This paper reviews the European Union (EU) legal framework of Regulation 2021/836 concerning the relationship between humanitarian aid, civil protection and human health. Using a legislative data set consisting of three documents, namely: Regulation (EU) 2021/836 (2021), Decision No 1313/2013/EU (2013) and Decision (EU) 2019/420 (2019), we find that the need for development and coordination is associated with innovation and resilience measures. Thus, the study aims to better observe the complex preparedness measures and actions of the European Commission (EC) and to understand the legislative changes in the field of civil protection (CP), humanitarian aid (HA) and human health (HH) in the context of the COVID-19 pandemic under the Regulation (EU) 2021/836, namely: (i) the coordination of actions including the protection of the population and the establishment of logistical support and resources for the Member States (MS) [Recital (19) Regulation (EU) 2021/836]; (ii) the crisis management system (CMS) at EU level and (iii) the approaches to HH and “medical countermeasures” [Recital (3) Regulation (EU) 2021/836]. The research thus points to the legal and institutional analysis of the: (i) the “Union Civil Protection Mechanism” (UCPM) within Decision No 1313/2013/EU and Decision (EU) 2019/420; (ii) the “European Civil Protection Pool” (ECP) within the Decision (EU) 2019/420; (iii) the approaches to the “Union Civil Protection Knowledge Network” (UCPKN) within the Regulation (EU) 2021/836. The research concludes by focusing on the logistical measures and resources, as well as the role of operational capabilities and information.

**Keywords:** *EU; civil protection; humanitarian aid; human health; population.*

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### Introduction

The research area of humanitarian aid (HA), civil protection (CP) and human health (HH) have concerned experts and policymakers during the last decade. Moreover, in the last five years, there has been an active debate concerning the “humanitarian assistance” (Abdelmagid, Checchi, Garry, 2019), “humanitarian principles” (Broussard, Rubenstein, Robinson, C. *et al.*, 2019), “informal disaster protection” (Duda, Kelman, Glick, 2020), “civil protection”, “solidarity”, “humanitarianism and resilience humanitarianism” (Hilhorst, 2018) and networking analysis for “humanitarian protection” (Cachia, Holgado Ramos, 2020). To research this policy, our paper also proposes an integrated approach to the ethical governance of the human settlements and the European Union (EU) HH legislation to focus the most common held perspective of the social research area and principles for human capital, population, inclusion and citizen safety, public space (Olimid, Olimid, 2018: 48-61; Broussard, Rubenstein, Robinson, C. *et al.*, 2019, Olimid, Olimid, Chen, 2018: 1305-1310; Olimid, Olimid, 2020: 277-281; Georgescu, Olimid, Olimid, Georgescu, Gherghe, 2017).

While most of the recent studies have focused on examining the pandemic response (Zwitter, Gstrein, 2020), research on the changing “humanitarian sector” is limited to “humanitarian practice”, “humanitarian action” and “humanitarian contexts”. Furthermore, there is thus a need to create more knowledge about how humanitarian principles and guidelines are developing other potential areas of concern, research (Wilson, Jumbert, 2018) and innovation (Sandvik, 2017). Moreover, existing research has examined how EU policies and governance are initiated by: (i) identifying the coordination of the civil protection systems in the EU (Konstadinides, 2013; Morsut, 2014; MBackman, Rhinard, 2018; Parker, Persson, Widmalm, 2019) and (ii) highlighting the constitutive patterns of the nexus between the humanitarian principles and assistance, sustainable policies, “development assistance” and “good governance” (Lie, 2020; Sivakumaran, 2015; Jacob, 2018; Opdyke, Goldwyn, Javernick-Will, 2021). Furthermore, this evidence was developed by the study conducted in 2020 by Zwitter and Gstrein regarding the contribution made to the “humanitarian experience” and data protection, sustainable policies, and initiatives (Zwitter, Gstrein, 2020). In this context, this study underlines the link between privacy protection and the guidelines for international organizations and humanitarian actors during the COVID-19 pandemic (Zwitter, Gstrein, 2020). In detail, according to the conclusions of the study, the “humanitarian practice”, the data protection and data responsibility legislation represent a set of tools and indicators characterized by a high degree of interdependency.

Other studies have also noted the health protection for the population and the “environmental protection” during the COVID-19 pandemic (Forman, Mossialos, 2021), “transcultural crisis management” (Bajaj, Khandelwal, Budhwar, 2021) and “emergency management” (Wendling, 2010). Although recent studies have examined the relationship between humanitarian aid, health protection and humanitarian policies and responses (Lawson-McDowall, McCormack, Tholstrup, 2021), a recent review of the literature demonstrated that only a few studies had examined the interlinkages between civil protection and the urban economy (Kalogiannidis, Toska, Chatzitheodoridis, 2022). Furthermore, many types of research have highlighted the implementation tools, the mechanisms during the COVID-19 pandemic and the institutional structures of the EU Civil Protection Mechanism (EUCPM) (De Pooter, 2020). Moreover, as evidenced in 2020, the “population-based management approach” represents the basic topic within the EU policy responses (Goniewicz, Khorram-Manesh, Hertelendy, Goniewicz, Naylor, Burkle, 2020). Thus, the evaluation of the interlinkages between crisis coordination and civil protection represents a dominant and emerging research dimension for the management information and decisions (Alexander, 2018; Goniewicz, Khorram-Manesh, Hertelendy, Goniewicz, Naylor, Burkle, 2020; Boin, Rhinard, Ekengren, 2014).

### **Methodology**

The main aim of the research methodology is to assess the current legal provisions on HA and CP within the EU legislation by focusing on two approaches: (i) the legal basis of how the EU legal documents have been regulated over the past 9 years (2013-2021) the main thematic topics ("humanitarian aid", "civil protection" and "human health") by focusing the legal documents in the field and (ii) to provide a comprehensive framework of the adopted EU regulations and decisions in the area of HA and CP. Therefore, we researched the EUR-Lex database and manually selected three main legal documents using the refine search of the year of publication. Additionally, we selected two different categories according to the EU thematic topic namely: (i) the "reserve of capacities" [Recital (2) Regulation (EU) 2021/836] and "operation of capacities" [Recital (2) Regulation (EU) 2021/836] and (ii) the "societal functions" [Recital (12) Regulation (EU) 2021/836] and the "social consequences". Moreover, for further separation of the EU policies between the two categories, we considered the decision-making mechanisms and the institutional analysis. The research designed an in-depth analysis to boost the understanding of the cooperation and coordination policies and mechanisms at EU and MS levels by formulating six research questions (RQ) namely: (RQ1). What is the EU legal framework on HA, CP and HH? (RQ2). What is the relationship between "situational awareness", "early warning systems" and "scientific information" (RQ3)? What is the added value of the CP system at the EU level? (RQ4). How can we analyze the relationship between HA, CP and HH? (RQ5). What represents "collective response" and what role have the Emergency Response Coordination Centre (ERCC) and the Union Civil Protection Knowledge Network (UCPKN)? (RQ6). How can we use the results of the HA, CP and HH analysis in the context of the COVID-19 pandemic?

Thus, the current study reviews the EU legislation in the area of HA, CP and HH using comparative-legal research by explaining the patterns and characteristics that focus the following units of analysis: (i) the EU sustainable policies and HA; (ii) CP and HH. We begin by examining the legal framework of HA, CP and HH within Regulation (EU) 2021/836 (2021) considering previous legal documents namely: Decision No 1313/2013/EU (2013) and Decision (EU) 2019/420 (2019). Therefore, our analysis contributes to the debate on determinants of the HA and the relationship between "situational awareness", "early warning systems" and "scientific information" [Article 8(1) Regulation (EU) 2021/836 (2021)]. To do this, we need to reassess the principles adopted by Decision No 1313/2013/EU (2013) and Decision (EU) 2019/420 (2019), namely: solidarity, humanitarian values, predictability, subsidiarity and quality requirements and responses.

### **EU legal framework on humanitarian aid, civil protection and human health**

The EU legal framework on HA, CP and HH identify three main tasks of the reform package of the EU: (i) the preparedness and prevention actions and measures within the EU; (ii) the "risk management" (RM) and "the risk assessments" (RA); (iii) the capabilities and response capabilities establishing a cross-sectoral framework for the coordination of MS. Therefore, our case focuses on the legal provisions of Regulation (EU) 2021/836 (2021), Decision No 1313/2013/EU (2013) and Decision (EU) 2019/420 (2019) pointing to key explanatory issues of the theoretical and legal framework on HA, CP and HH. Moreover, the study also investigates the latest legal changes adopted

within the Regulation (EU) 2021/836 (2021) setting a new analytical schema based on cooperation and coordination at the EU level. Moreover, according to previous legal changes, the EU policies emphasize, in particular, structural and operational changes in the area of response resources and facilities and response capacities within the Union Civil Protection Mechanism (UCPM) and functional conditions for the sector of CP.

After discussing the theoretical framework and recent contributions of the literature, the paper aims to outline the EU reform package, the role of CP for HH and the functional perspectives of the EU policy responses. In this context, a key explanatory framework is designed to evaluate seven mechanisms and policy responses, namely: (a) protection and preparedness; (b) EU policy responses and cooperation; (c) the “culture of prevention” [Recital 8 Decision No 1313/2013/EU]; (d) risk management and monitoring; (e) risk assessment (RA) and cross-sectoral outcomes; (f) “response capacity” and assistance; (g) logistical capacity and operational goals.

**“European Civil Protection Pool” (ECPP) within the Decision (EU) 2019/420: “adaptation of capacities” and “operational costs”**

The Decision (EU) 2019/420 adopted in March 2019 on UCPM constructs a legal and institutional roadmap to “adaptation and repair of capacities” [Recital (12) Decision (EU) 2019/420] by identifying the systemic challenges and listing how key mechanisms [e.g. Common Emergency Communication and Information System (CECIS)] are used and updated to ensure “exchange of information” [Recital (29) Decision (EU) 2019/420]. In other settings, all the aims and conditions of the Decision (EU) 2019/420 are prioritized by providing an overview of the system parts and processes [Recital (32) Decision (EU) 2019/420], namely: (i) main responses for the ECPP; (ii) requirements for “capacities rescEU”; (iii) the implementation of the UCPKN; (iv) impact of criteria and processes approaching CP. Moreover, it is important to mention the following information required to fill out the framework of the ECPP [Article 11(b)(1)(2) Decision (EU) 2019/420]: (i) “a pool of voluntarily” capacities; (ii) responsibility and engagement of the MS; (iii) capacities required by the MS; (iv) cooperation and monitoring of the “capacity goals”. Using the analytical perspective, we highlight the types of *input actions* to ensure the understanding of the ECPP: (i) “disaster prevention” [Article 11(b)(1a) Decision (EU) 2019/420]; (ii) “existing capacities” [Article 11(b)(1a) Decision (EU) 2019/420]; (iii) “necessary capacities” [Article 11(b)(2) Decision (EU) 2019/420]. Furthermore, the analysis will highlight an institutional networking approaching: ECPP [Article 11 Decision (EU) 2019/420]; rescEU [Article 12 Decision (EU) 2019/420] and UCPKN [Article 13 Decision (EU) 2019/420].

**The legal analysis of the Regulation (EU) 2021/836: “reserve of capacities” (RC), “operation of capacities” (OC) and “social consequences”**

The Regulation (EU) 2021/836, adopted in May 2021 the field of CP aims to encourage cooperation between MS and to facilitate a collective response “to natural and man-made disasters” [Recital (1) Regulation (EU) 2021/836]. Since its introduction in 2021, the context of the Regulation revealed three-dimension dynamics: (1) institutional; (2) organizational and (3) functional. Moreover, the legal analysis of the Regulation (EU) 2021/836 will provide key themes in the area of: (i) focusing on the “reserve of capacities”; (ii) understanding the importance of the “collective response”; (iii) merging RM diagnosis with RA, RC and OC. Thus the content of the Regulation focuses on the existence of complex interlinkages between RC of the MS, “distribution of reserves” and OC at the EU level [Recital (2), Recital (23) Regulation (EU) 2021/836]. Concerning the

main scope of the Regulation, it should be observed that the main objective is the protection of the population, “environment and property” [Article (1) Regulation (EU) 2021/836] considering the social context.

In this sense, the introduction of the Regulation [from Recitals (1) to Recital (10)] is driven by the need to introduce an up-to-date analysis in the context of “the unprecedented experience of the COVID-19”. Moreover, other six important developments are focused: (i) cooperation and coordination at EU and MS levels [Recital (1) Regulation (EU) 2021/836]; (ii) responsibility and “collective response” [Recital (2) Regulation (EU) 2021/836]; (iii) the medical emergencies and measures taken in accordance with MS [Recital (2) and Recital (7) Regulation (EU) 2021/836]; (iv) the quality requirements for the health system, services and facilities [Recital (7) Regulation (EU) 2021/836]; (v) solidarity and response to “global health challenges” [Recital (7) Regulation (EU) 2021/836]; (vi) the institutional approach to the ECPP and the operationalisation of the rescEU capacities [Recital (2) Regulation (EU) 2021/836].

In this context, different key topics should be considered: the context of the “health emergencies” [Article (1), paragraphs 2 and 3 Regulation (EU) 2021/836], the degree of coordination [Article (1), paragraphs 2 and 3 Regulation (EU) 2021/836], and the nature of measures needed to be taken [Article (3) Regulation (EU) 2021/836]. In particular, the research found the relationships between “societal functions” and CP with specific reference to “resilience goals” [Recital (12) Regulation (EU) 2021/836]. Thus, supporting the need for preventive action and response measures, the analysis requires in-depth monitoring of the scenarios at MS and subnational levels [Recital (13) Regulation (EU) 2021/836] related to the risk assessments (RA), but also the support and assistance of vulnerable population [Recital (14) Regulation (EU) 2021/836]. Moreover, regarding the national level, the Regulation presents a new scheme of analysis needed to assess: the “coordination mechanisms” [Recital (12) Regulation (EU) 2021/836]; the national functions and structures [Recital (15) Regulation (EU) 2021/836]; “the national structures” [Recital (8) Regulation (EU) 2021/836] and “the national purposes” [Recital (21) Regulation (EU) 2021/836]. Moreover, according to Recital (12), it should be added “the immediate social consequences of disasters”, as the specific approach to societal patterns describes the interoperability and cross-border support and assistance. Particularly, more details are advanced concerning the transport and the logistical support for MS defined as “rescEU capacities” [Recital (19), Recital (20), Recital (21) Regulation (EU) 2021/836]. On an operational analysis, we also focus other central topics of the Regulation (EU) 2021/836, namely: (i) *health*: “human health”, “quality health”, “global health”, “health emergencies” [Recital (3) and Recital (7) Regulation (EU) 2021/836]; (ii) *climate change* and “response to disaster” [Recital (3) and Recital (7) Regulation (EU) 2021/836]; (iii) *humanitarian*: “humanitarian principles” [Recital (22), Recital (7) Regulation (EU) 2021/836], “humanitarian response” [Article 13 Regulation (EU) 2021/836]; (iv) *development* and *assistance* [Recital (11), Recital (19), Recital (25) Regulation (EU) 2021/836].

### **Emergency Response Coordination Centre (ERCC): CP coordination and “communication capabilities”**

On a more strategic analysis, different levels are presenting the fundamental questions of CP such as information, cross-sectoral resilience and “general preparedness actions” (GPA). Given the broad scope of the Regulation (EU) 2021/836, the legal analysis of the Emergency Response Coordination Centre (ERCC) is critical to

developing the overall context of the CP and HA. Moreover, the framework of the ERCC involves the establishment of a “24/7 operational capacity” and mechanisms of coordination and monitoring to provide “real-time response” [Article 7 Regulation (EU) 2021/836]. The ERCC provides a good fundament for analysing the CP coordination system at the EU level and also at the national authorities level. These provisions provide also the functional perspectives for two different types of capacities and capabilities: (i) “operational capacity” [Article 7(1) Regulation (EU) 2021/836] and (ii) “communication capabilities” [Article 7(2) Regulation (EU) 2021/836]. Another task of the ERCC is to focus on the development of a “cross-sectoral approach to disaster management” that reflects the collective response at the EU level, both directly and indirectly [Article 7(2) Regulation (EU) 2021/836]. Moreover, our findings also indicate the need for “preparedness actions” provided by the European Commission (EC) in which communication and management of information play a dynamic role in supporting the relationship between the ERCC and the national authorities by developing “situational awareness” and facilitating “analysis capability” [Article 8(1) Regulation (EU) 2021/836]. In particular, it is also important to distinguish the mobilisation and efforts of MS under the Union Civil Protection Knowledge Network (UCPKN) by facilitating the coordination of actions of the MS and establishing “assistance with expertise” [Article 8(1)(d) Regulation (EU) 2021/836]. These requirements ensure the assessment of needs and establishment of a logistical network able to support the GPA [Article 8(1)(e)(f)(g) Regulation (EU) 2021/836]. Moreover, three principles should be involved in GPA, namely: “interoperability”, “competence” and “consultation” [Article 8(1)(h)(i)(k) Regulation (EU) 2021/836].

### **Union Civil Protection Knowledge Network (UCPKN): CP monitoring and evaluation**

One of the consequences of the approach presented above is the establishment of the UCPKN focused on the “multi-hazard approach” [Article 13 Regulation (EU) 2021/836]. In this context, the legal provisions of the Regulation (EU) 2021/836 are used to describe the status of planning, decisions and processes under the UCPM. Moreover, the same article takes into account a comprehensive and legal approach to the status of UCPKN. In this respect, Article 13 sets a reform package with specific goals that emphasize: “training and exercised programme” in the field of CP, “disaster management personnel” and “exchanges of professionals” [Article 13(1)(a) Regulation (EU) 2021/836]. Additionally, the implications of Article 13 add elements and aspects that address and strengthen the monitoring and evaluation of CP mechanisms and actions [Article 13(1)(b)(i) Regulation (EU) 2021/836] taking into account a flexible assessment of capacities and programmes. Furthermore, the analysis underlines the exchange of information and the need for the establishment of an “online platform” to support the UCPKN. Importantly, Article 14(1) provides broad indicators concerning the “event of a disaster”, determining two approaches to the: (i) “multi-country transboundary effects” and (ii) consequences for the MS [Article 14(1) Regulation (EU) 2021/836]. Concerning the legal provisions of the validation of information concerning a particular situation, a fourth contribution to the legal framework lies in examining Article 15 and Article 17 of the Regulation (EU) 2021/836 and the relationship to MS “collective response”. The provisions of Article 17 provide valuable details and inputs for the institutional analysis and the particular design of the EU legislations determining also the approaches to “operational effectiveness”, cooperation

between MS and “involvement of additional experts” [Article 17 Regulation (EU) 2021/836].

### Conclusions

In conclusion, the study presented new approaches to EU legislation on HA, CP and HH in the context of the COVID-19 pandemic. The research helps to understand and develop new resilience guidelines that integrate strategies and programmes addressing the coordination and cooperation of the MS. Moreover different aspects of the analysis namely “collective response” and “involvement” show that the evaluation framework of CP shares the EU common vision including “communication” and “information”.

### Authors' Contributions:

The authors contributed equally to this work.

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