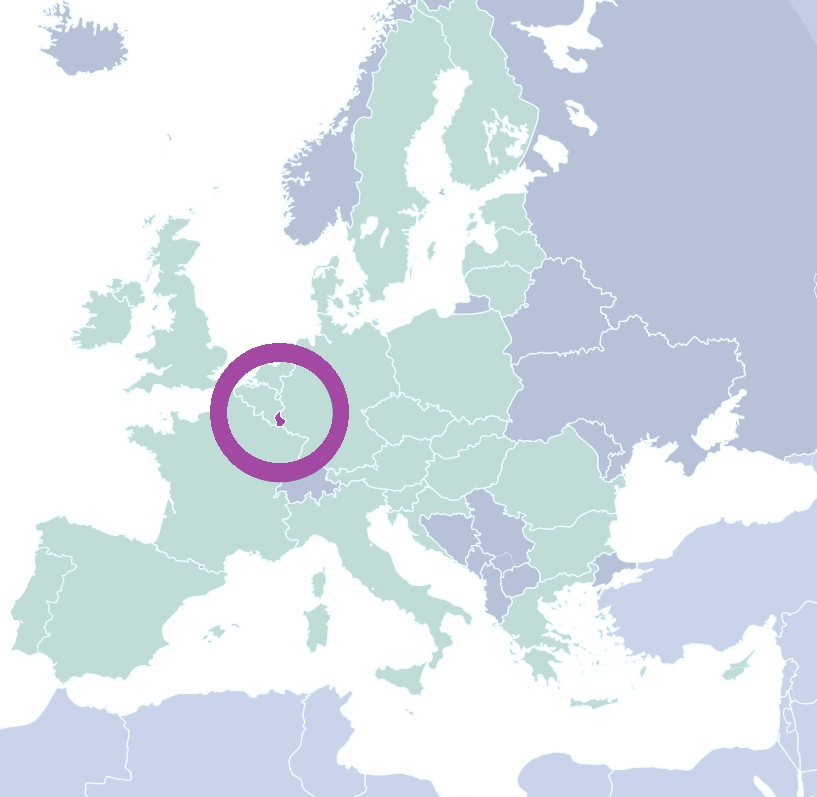


***Driv***ing Innovation in Crisis Management for ***E***uropean ***R***esilience

**LUXEMBOURG**  
Policy, Legislation, Organisation, Procedures & Capabilities (PLOPC) in crisis management and disaster response

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Scope and limitations

This study serves as supporting information for further work within DRIVER.

Only limited time and budget has been available for this first general survey, which needs to be considered in terms of scope and completeness of the respective studies.

The author/s of this study is/are responsible for its content and quality.

This report was revised at the end of 2015, reviewed internally by CSDM and amended according to reviewer's comments and recommendations upon the decision of the author/s.

# Overview

The number of crises and disasters on the territory of Luxembourg is rather limited. Therefore, the main feature of the crisis management policy is that it is case-by-case based. National Protection in Luxembourg originates from protection of the public interests against the military threats and was mainly set up after the Second World War. When the Cold War ended, the national protection mechanism was frozen. After 11 September 2001, it was reactivated again. Currently, the mechanism is placed under the authority of the Prime Minister. Since then, several project laws regarding the restructuring of the crisis management system have been drawn up. In 2012, for example, the Draft Law (n. 6475) concerning national protection was created. It is currently under assessment of parliament. It is envisaged that in the near future the Draft Law will be passed, thus a new crisis management set-up will be created.

Therefore, the main feature of Luxembourg crisis management policy is that it is approached case-by-case. Similarly, the financing of crises takes place on a case-by-case basis. Some organisations are mobilised only once a crisis is identified, so financing them is decided after the onset of a crisis as well.

Despite this ad-hoc approach, the government of Luxembourg has adopted several plans on how to respond to Ebola, pandemic influenza, and cyber attacks. The close location of a nuclear plant in France also required a (nuclear) emergency response plan which was elaborated in October 2014. It is also applicable to nuclear accidents in other nuclear plants. The financing of the organisations involved in the crisis management is also on the case-by-case basis. Some of the organisations are formulated when a crisis is identified therefore financing of them is decided after that as well.

Currently, national protection and crisis management functions are distributed across multiple governmental organisations, largely depending on the nature of the disaster and risk involved. The Ministry of Labour Employment and Immigration, the Inspectorate of Labour and Mines, the Ministry of Interior (Ministère de l'Intérieur), the Rescue Service Agency (Administration des services de secours), the Ministry of Health, Grand Ducal Police, the Army are involved in a natural or man-made crisis management (the list is not exhaustive and can vary depending on the crisis.

The main authority lies with the Prime Minister. He is assisted by the High Commission for National Protection (Haut-Commissariat à la Protection Nationale) which is a civil authority. The Prime Minister is also assisted by the Supreme Council for National Protection (Conseil supérieur de la Protection nationale) which is a consultative body for the overall national protection in Luxembourg. The Council consists of one delegate from each Ministry and directors (or heads) of other administrations and services involved in crisis management. Depending on the nature of a crisis, the Crisis Cell (Cellule de Crise) is composed of the Supreme Council members. In addition, there are National Committees, which are created to address a specific field of national protection assisting the government in those areas. The military in general is not involved actively. However, representatives of the military are present in the national committees and Supreme Council.

As soon as a crisis or a disaster is identified, the Crisis Cell (Cellule de Crise, CC) is activated by the Prime Minister and is chaired by the High Commissioner for National Protection. The CC initiates, coordinates and monitors the execution of all measures destined to counter the consequences of a crisis and to favour recovery.

The operational lead is taken by the Rescue Service Agency (Administration des services de secours) which is subordinated to the Ministry of Interior. In case of major accidents or disasters, this agency leads rescue operations. It is also the organisation that trains the volunteers and divisions of the ASS are equipped with the corps of volunteers.

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## List of Abbreviations

|  |  |
| --- | --- |
| ASS | Rescue Services Agency (Administration des services de secours) |
| Benelux | Belgium, the Netherlands and Luxembourg |
| CC | Crisis Cell (Cellule de Crise) |
| CERT | Computer Emergency Response Team |
| CHL | Centre of Hospitalisation of Luxembourg (Centre Hospitalier de Luxembourg) |
| CIRCL | Computer Incident Response Center Luxembourg |
| CMPN | Ministerial Committee for National Protection (Comité Ministériel de Protection Nationale) |
| CONAT | National Committees (Comités Nationaux) |
| CRED | Centre for Research of Epidemiology of Disasters |
| CSPN | Supreme Council for National Protection (Conseil Supérieur de la Protection |
| EC | European Commission |
| EEA | European Economic Area |
| EERC | European Emergency Response Team |
| ENPC | National School of Civil Protection (l’Ecole Nationale de la Protection Civile) |
| ENSIS | National School of Fire and Rescue Services (l’Ecole Nationale du Service d’Incendie et de Sauvetage) |
| ERP | Emergency Response Plan |
| FNSP | National Federation of Firefighters (la Fédération Nationale des Corps de Sapeurs - Pompiers) |
| HCPN | High Commission for National Protection (Haut-commissariat à la Protection nationale) |
| INES | International Nuclear Events Scale |
| ISO | International Organisation for Standardisation |
| LAR | Luxembourg Air Rescue |
| MEDEVAC | Medical Evacuation: Transport ambulances and repatriation by air |
| NATO | North Atlantic Treaty Organization |
| NGO | Non-Governmental Organisation |
| SECRICOM | Seamless Communication for Crisis Management for EU safety |
| SIP | Information and Press Agency (Service Information et Presse du gouvernement luxembourgeois) |
| SOP | Standing Operating Procedures |
| WHO | World Health Organization |

# Policy

## Risk Assessment

Luxembourg is one of the smallest countries in Europe: it is about 2,586 square kilometres in size, while being 82 kilometres long and 57 kilometres wide. Luxembourg has an oceanic climate with high precipitation, particularly in late summer. There are a number of rivers on the territory of Luxembourg: the Alzette, the Attert, the Clerve, and the Wiltz. The border between Luxembourg and Germany is formed by three other rivers: the Moselle, the Sauer, and the Our.

Natural hazards

The exposure to natural hazards together with response capacity determines the potential impact a natural hazard might have on a region. Luxembourg is exposed to a limited number of natural hazards. According to the Brussels based Centre for Research of the Epidemiology of Disasters (CRED), the most common natural disaster is a storm (see Table 1). It is also one of the most recurring natural disasters. In addition to storms, floods happen in Luxembourg as well. The last flood occurred about a decade ago and it was also one of the most costly natural hazards. Among other natural disasters occurring in Luxembourg, the year 2003 was marked by a heat wave which resulted in the loss of 170 people[[1]](#footnote-1). Between 1980 and 2010 there were 8 storms, 2 floods and 1 heat wave, where only heat wave resulted in mortality.[[2]](#footnote-2)

Table 18 Top 10 Natural Disasters in Luxembourg by economic damages between 1990 and 2014.

| Disaster | Date | Damage (000 US$) |
| --- | --- | --- |
| Storm | 25-1-1990 | 90 000 |
| Storm | 3-2-1990 | 90 000 |
| Storm | 25-2-1990 | 90 000 |
| Storm | 28-2-1990 | 90 000 |
| Storm | 28-2-2010 | 31 000 |
| Flood | 20-12-1993 | 10 000 |
| Storm | 21-1-1995 | 10 000 |
| Storm | 7-2-1990 | 5 000 |
| Storm | 13-2-1990 | 5 000 |

Source: The OFDA/CRED International Disaster Database, www.em-dat.net.

The World Risk Report[[3]](#footnote-3) estimates that Luxembourg has a risk index of 2.52% of natural disasters where risk is understood as an interaction between a natural disaster (earthquakes, floods, cyclones, droughts, sea level rise) and the vulnerability of societies. Luxembourg is located at place 153 out of 171 countries evaluated (meaning that country 171 has the least risk). This implies that even though the population of Luxembourg is vulnerable to natural hazards, the country has the abilities and capabilities to cope with such hazards.

Technological hazards

In terms of technological disasters, the Brussels based Centre for Research of the Epidemiology of Disasters (CRED) reports only one technological disaster in the past hundred years. In 2002 there was an air transport accident which led to 20 people being killed with no economic damages involved. The newspapers also report a railway accident close to Franco-Luxembourg border with 6 people killed and 20 wounded.

Table 19 Top 10 Technological Disasters in Luxembourg between 1990 and 2014.

| Disaster | Date | Number of people killed |
| --- | --- | --- |
| Transport Accident | 6-11-2002 | 20 |
| Transport Accident | 11-10-2006 | 6 |

Source: The OFDA/CRED International Disaster Database, [www.em-dat.net](http://www.em-dat.net); <http://www.lessentiel.lu/fr/news/luxembourg/story/Il-y-a-5-ans--la-collision-de-train-faisait-six-morts-25451005>.

Luxembourg has no nuclear installation on its own territory. There are also no facilities on the territory of Luxembourg generating radioactive substances. As a result Luxembourg does not use nuclear fuel. Thus radioactive wastes are only generated from the industries. However, there are three nuclear plants that are located nearby Luxembourg: Tihange (65 km, located in Belgium), Chooz (70 km, located in France) and Cattenom (8.5 km, located in France as well) as presented on the Figure 1. Since the nuclear plant Cattenom is located in a close range to the country, the government of Luxembourg ‘…attaches great importance to the protection of the population in the event of a severe accident at the nuclear power plant at Cattenom’*[[4]](#footnote-4).* The policy formulated at the national level mainly concerns the population living in the area within a radius of 25 kilometres from the nuclear site Cattenom (this area is extended, if necessary).



Figure 33 Schematic location of three closest nuclear plants to Luxembourg[[5]](#footnote-5).

Therefore in short, the main areas of concern for civil protection in Luxembourg are:

* Floods;
* Nuclear accidents;
* Industrial and transport accidents.

Regarding other potential threats that might occur in Luxembourg, the government has prepared several plans on how to respond (in particular in case of pandemic flu and cyber attacks)[[6]](#footnote-6). Currently the risk assessment procedures are being considered to be included in the Draft Law (n. 6475) on the national protection (Projet de loi (no. 6475) relative à la Protection nationale). Formally the risk assessment will be under the authority of High Commission for National Protection (Haut-commissariat à la Protection nationale, HCPN). Though, since Luxembourg does not suffer from natural hazards very often, the risk assessment procedures take place when the threat of a disaster or a major risk is identified.

## Policy and Governance

Currently, national protection and crisis management functions are distributed across multiple governmental organisations, largely depending on the nature of the disaster and risk involved. The following organisations are involved in natural or man-made crisis management:

* The High Commission for National Protection;
* The Ministry of Labour Employment and Immigration, the Inspectorate of Labour and Mines;
* The Ministry of Interior;
* The Rescue Service Agency;
* The Ministry of Health;
* The Grand Ducal Police;
* The Army.

Besides listed organisations, other institutions might be involved in resolving a disaster or crisis as well depending on its nature. The composition and methods of operation and organizational structure of the national protection system are determined by Grand Ducal Regulation. The approach to crisis management currently is being reconsidered and a new law is expected to be passed in the near future (see more in Chapter 2 with regard to the new law being adopted). Now the crisis mechanisms are placed under the authority of the Prime Minister.

### Strategy scope and focus

There are a limited number of natural risks that Luxembourg is exposed to. Therefore the crisis management system mostly focuses on man-made risks.

A number of organisations are involved in shaping the strategy regarding crisis management in Luxembourg. The main feature of the policy is that it is case-by-case based, meaning that the policy is formulated when a crisis occurs.[[7]](#footnote-7) For several cases, like a pandemic flu, nuclear accident and cyber attack, the government has developed several plans on what to do in case such a disaster occurs.[[8]](#footnote-8) Currently, the crisis management system in Luxembourg is in the process of changing (see more in Chapter 2 with regard to the new law being adopted). At this point, the crisis management system is mainly focused on preparedness and response activities which can be seen in the plans as well[[9]](#footnote-9). It is envisaged that the new crisis management policy is going to focus on the prevention and planning activities as well as post-disaster assessment according to the expert interviews.

The Supreme Council for National Protection (Conseil Supérieur de la Protection nationale, CSPN) determines the mainstream policy regarding crisis management defines objectives and ensures strategic control during the policy implementation, while the authority of command and decision is in the hands of the Crisis Cell (Cellule de Crise). Depending on the crisis or disaster happening, the Crisis Cell may be formed from different bodies as opposed to the CSPN which is always composed of the same members. For example, in case of a pandemic disease the Ministry of Health is going to take the lead together with the in the prevention and disaster resolution planning.

The High Commission for National Protection (Haut-commissariat à la Protection nationale, HCPN) develops and coordinates a national strategy in crisis management under the authority of the Prime Minister. The HCPN is responsible for the coordination amongst all the ministries, departments and services involved in civil and military crisis management. Since February 2007, the High Commissioner for National Protection (Haut-Commissaire de la Protection Nationale) is in charge of coordinating the fight against terrorism at the national level as well.[[10]](#footnote-10)

### Monitoring and analytical support to policy making; R&D

The Supreme Council for National Protection (Conseil supérieur de la Protection nationale, CSPN) is a consultative body for the overall national protection in Luxembourg. The main mission of the Council is to assist and advise the government. It can also issue an opinion paper on any project related to national protection. The CSPN initiates, coordinates and monitors the implementation of measures and activities to prevent and anticipate the occurrence of a crisis. The members of the CSPN meet at least two times a year[[11]](#footnote-11).

The Council consists of one delegate from each Ministry and directors (or heads) of other administrations and services involved in crisis management. Depending on the nature of the crisis, the composition of the Crisis Cell might differ consisting of the members of the CSPN that are concerned by the incident. The following parties are involved (the list is not exclusive):

* The High Commission for National Protection;
* Representative of the Ministry of Interior Affairs;
* The Director of Police;
* Chief of the Army;
* The Director of the Customs and Excises;
* The Director of the Intelligence Service;
* The Director of Information and Press;
* The Director of Health;
* The Director of the Rescue Service Agency.

Besides the CSPN, there are specific committees that consult in specific domain and are chaired by the High Commissioner for National Protection[[12]](#footnote-12).

In terms of research projects implemented in the past, the government of Luxembourg has participated in the development of the risk assessment tool Monarc[[13]](#footnote-13) for processing of sensitive and personal information. This tool assesses the risks, determines the level of criticality for the organisation and describes the possible consequences for the organisation. If the organisation uses such a tool, it will obtain a certification of ISO/IEC 27005 standard (Information technology – Security techniques – Information security risk management).

Currently, the University of Luxembourg is also involved in a collaborative research project ‘Seamless Communication for Crisis Management for EU safety’ (SECRICOM) with the aim is to develop a reference security platform for EU crisis management operations[[14]](#footnote-14).

### Policy for Prevention

As it has already been mentioned Luxembourg is mainly exposed to storms and floods in terms of natural disasters. With regard to that, different preventive measures have been taken by the authorities in relation to country planning and regional development: for example, dykes and retention basins have been constructed. There are also frequent automatic checks of the river levels and radiological activity performed and when needed early warning systems towards professionals are used. The following early warning systems are currently in place[[15]](#footnote-15):

* MIC- Monitoring Information Centre, CECIS network of the European Commission
* ECURIE - European Community Urgent Radiological Information Exchange for Nuclear Emergencies (Radiological/Nuclear)
* RAS BICHAT- Rapid Alert System for Biological and Chemical Agent Attacks
* EMERCON - Emergency Convention on the mutual exchange of information (IAEA)
* ENAC – Emergency Notification and Assistance Convention (IAEA)
* SELCA – System of exchange and liaison between Cattenom and authorities (dedicated information system between France, Germany and Luxembourg on events in the French PWR Cattenom)
* UNECE-IAN– Industrial Accident Notification of the United Nations Economic Commission for Europe, Convention on the Transboundary Effects of Industrial Accidents
* Commission of the Rhine (alert and mutual information in case of accidental pollution of the river Rhine): [www.iksr.org](http://www.iksr.org)
* Commission of the Moselle and Saar (alert and mutual information in case of accidental pollution of the rivers Moselle and Saar): [www.iksms-cipms.org](http://www.iksms-cipms.org)
* Commission of the Maas (alert and mutual information in case of accidental pollution of the river Maas): [www.cipm-icbm.be](http://www.cipm-icbm.be)
* Dedicated alert and information system between France, Germany and Belgium on transboundary floods: www.timisflood.net.

At the moment, there is no national agency in charge for the formulation of the policy for prevention. The policy is envisaged to be included in the new legislation regarding the crisis management system. Formally the prevention procedures will be under the authority of High Commission for National Protection. Since the Supreme Council for National Protection is an advising body to the HCPN, it will also play a consultative role when a policy for prevention is being prepared.

### Policy for Preparedness

The government of Luxembourg has prepared several plans on how to respond to an emergency[[16]](#footnote-16). These plans are publicly available on the website (<http://www.infocrise.public.lu/fr/index.html>), which was launched in October 2014. This website provides up to date information in case an emergency or crisis is taking place and offers documents and plans on the procedures. This website serves as a basis for the public being prepared to respond to the crisis. The Information and Press Agency of the government is responsible for provision of the information on inforcrise.lu. The Rescue Service Agency (Administration des services de secours, ASS) also keeps the public informed on the measures to be undertaken in case of floods taking place. The information is provided on the website [www.112.public.lu](http://www.112.public.lu). In addition the ASS operates the nationwide network of electronic sirens warning the population in case an accident or crisis might take place.[[17]](#footnote-17)

### Policy for Response

As soon as a crisis is identified, the Crisis Cell (Cellule de Crise) starts to function under the authority of the Prime Minister. The Prime Minister is also assisted by HCPN which ensures the inter-ministerial communication and coordinates the measures taking place in case of a crisis. Each minister is responsible for reviewing their area of activity. For example, the Ministry of Health is responsible in case of a pandemic arises.

The Rescue Service Agency leads the rescue operations and reports to the Minister of Interior. The Agency is responsible for implementation of all the measures and means necessary for protection and supply of aid and medicines[[18]](#footnote-18). The fire brigades are coordinated at local level by the municipalities. In case of a larger crisis the operational lead is in hands of the Rescue Service Agency. Currently, this set up is under discussion and subject to change. It is envisaged that the Rescue Service Agency and the fire brigades are going to be combined under authority of one governing body according to the expert interviews.

The Rescue Service Agency is also responsible for recruiting and training instructors and volunteers. The recruited volunteers then compose the brigades of ambulance-emergency-rescue workers (brigades des secouristes-ambulanciers et des secouristes-sauveteurs) which are based in the relief centres established around the country to ensure the protection and rescue of people. Figure 2 shows the location of the different relief centres.

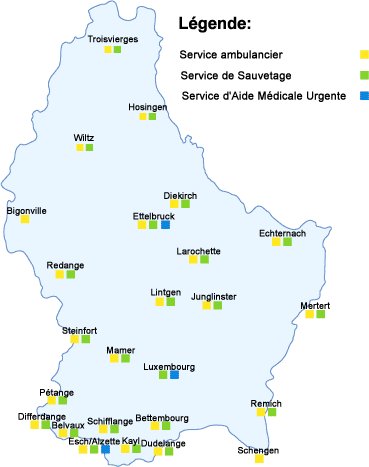


Figure 34 Location of the relief centres in Luxembourg.[[19]](#footnote-19)

At the moment this report was under preparation[[20]](#footnote-20) several plans were adopted on how to tackle different crises: (1) the Influenza pandemic plan, (2) Ebola emergency intervention plan, (3) Cyber Plan and (4) Emergency Response Plan in case of a nuclear accident. All these plans are publicly available on the new website (infocrise.public.lu) which was launched in October 2014. For more details about the plans see Chapter 4.2.

### Policy for Relief and Recovery

As soon as the crisis is materialised, the alarming system (in case of flooding and nuclear accident), information on the website (infocrise.lu) and media informs the population about the crisis. Then begins the post-accident phase dedicated to the treatment of consequences of the accident. Since the number of disasters in Luxembourg is rather limited, at the moment the main focus of the policy is on the response activities. Therefore there is no specific policy for relief and recovery. Such policies are formulated on case-by-case basis.

## Financing

### Investing in preparedness

The Rescue Service Agency (under authority of the Ministry of Interior) and High Commission for National Protection and Computer Emergency Response Team (under authority of the Prime Minister) are funded by the state budget allocating predefined credits on a yearly basis. The Department of Radiological Protection, which is a part of the Ministry of Health, is also financed through the state budget.

The government of Luxembourg may provide additional budgetary resources through some other organisations which can be released in case of an emergency, crisis or disaster. When a crisis occurs the organisations come to live and the amounts budgeted can be enlarged with the necessary amounts (the predefined credits established on a yearly basis are not limited which allow to cover important non-foreseen and thus not predictable costs). When a crisis is identified and the Crisis Cell is activated additional financial resources are allocated. When a crisis has not been foreseen and if the crisis resolution financing can be put under a budget of the next year, it will be financed from the next year and most likely by the Ministry of State. In other cases, the decision on the financial allocation is taken after the consultation with the HCPN[[21]](#footnote-21).

One of the important elements of being prepared for a disaster is the provision of trainings in various fields of protection. The trainings are mainly given by the National School of Civil Protection and the National School for Fire and rescue Services which are both managed by the Rescue Service Agency. Most of the budgeted activities for crisis management have decreased since 2012 with the exception of the Department of Radiological Protection (see Table 1.3).

Table 20 Budgeted activities for the Rescue Service Agency, High Commission for National Protection and Computer Emergency Response Team based on the adopted budgets of 2012 – 2014 (in euros).

| Budget article | 2012 | 2013 | 2014 |
| --- | --- | --- | --- |
| **High Commission for National Protection** | | | |
| Operating costs; Office expenses; Miscellaneous expenses | 46.617 | 50.000 | 45.000 |
| Office of National Protection: operating costs for crisis management. (Credit not limited) | — | 1.000 | 35.000 |
| Acquisition costs for crisis management. (Credit not limited) | — | 1.000 | 1.000 |
| Acquisition costs of special equipment, office and telecommunication | 19.387 | 17.200 | 12.000 |
| **Computer Emergency Response Team** | | | |
| Acquisition and installation of special equipment | 94.747 | 150.000 | 75.000 |
| Implementation and operating costs of management and prevention operations of the fight against cybercrime. (Credit not limited) | 575.351 | 535.000 | 480.000 |
| **Rescue Services Agency** | | | |
| Rescue Services Agency (regular budget expenditures) | 16.147.449 | 16.291.442 | 16.793.967 |
| * Including support costs arising from a disaster in the framework of bilateral agreements. (Credit not limited); and | — | 100 | 100 |
| * Education and training costs for volunteers of Civil Protection | 124.420 | 128.500 | 125.000 |
| Rescue Services Agency (Extraordinary expenses) | 5.086.308 | 4.485.412 | 4.937.573 |
| **Division of Radioprotection of the Ministry of Health** | | | |
| Costs of renting a room for interim storage of not usable radioactive sources. (Credit not limited) | 3.750 | 3.750 | 3.750 |
| Measures to reduce irradiation in Luxembourg | 17.120 | 25.000 | 20.000 |
| Costs of expertise as part of the authorization procedures and within the framework of conventions, treaties and international agreements. (Credit not limited) | — | 100 | 100 |
| Maintenance costs of equipment. (Credit not limited) | 38.240 | 37.000 | 40.000 |
| Radioactivity monitoring costs; miscellaneous expenses. (Credit exercise without distinction) | 137.377 | 115.000 | 117.000 |
| Acquisition, storage and distribution of stable iodine. (Credit not limited) | — | 25.000 | 100 |
| Quality assurance of measuring equipment in the field of radiation protection and radiation physics lab | 39.949 | 45.000 | 45.000 |

Source: Projet No 05/2014-1 5 mars 2014, Texte du projet Projet de loi concernant le budget des recettes et des dépenses de l’Etat pour l’exercice 2014; Budget de l’État: Loi du 29 avril 2014 concernant le budget des recettes et des dépenses de l’Etat pour l’exercice.

### Investing in consequence management

The beneficiaries of the response measures and the respective financial resources are (mainly) national authorities and municipalities. Since the crisis management policy is mostly case-by-case based, the decision on the financial resources for consequence management is also taken on case-by-case basis. The involvement of European Union funding can be involved in consequence management. The decision on this is taken considering the nature of the crisis or disaster at stake.

Funding of the Division of Fire and Rescue Services of the Rescue Service Agency is partially provided through insurance against risk of fire[[22]](#footnote-22). At the individual level the material damages are reimbursed based on the personal insurance policies.

## Policy review, Evaluation & Organisational Learning

### Post-Disaster Assessment

Currently there is no official framework or system in place for assessing the combating of individual emergencies and disasters. At present, the post-disaster assessment is happening at the level of the organisations that were involved in the crisis response after the disaster took place. This way the individual emergencies and disasters are evaluated on case-by-case basis.

### Departmental Lessons Learned systems

Currently there is a Lessons Learned system at the CSPN level. The organisations that were involved in crisis handling assess the lessons learned from the specific disaster resolution and seek for the ways to improve it. Moreover, there is an exchange of the experience and techniques as a result of, for example, the international exercises. Thus the exchange of information is happening on the operational level[[23]](#footnote-23).

### Centralised (national) Lessons Learned system

HCPN is in charge of the Centralised Lessons Learned system. In practice, there is an exchange of information on the departmental level and inter-departmental level and intra-departmental level (for more details on this please refer to Chapter 1.4.2). The experience gained from personnel deployed in EU and other international exercises is exploited in accordance to the EU guidelines[[24]](#footnote-24).

### International exchange for Lessons Learned

Luxembourg participates in international exercises to increase the cooperation, procedures and services and capabilities of supporting members. During those exercises there is an exchange of experience and techniques happening that are later incorporated in the crisis management system of Luxembourg. For example in 2013 Luxembourg took part in TRIPLEX 2013[[25]](#footnote-25), OPEX[[26]](#footnote-26), SIMEX ‘Count Down’[[27]](#footnote-27), ARF DIREX 2013[[28]](#footnote-28), Exercices nucléaires 3 en 1[[29]](#footnote-29), NATO CMX[[30]](#footnote-30), Cybercoalition[[31]](#footnote-31), ENISA Cyber Europe[[32]](#footnote-32).

### Regular policy reviews

The crisis management system in Luxembourg is mainly working on case-by-case basis. Therefore, when a plan to solve the crisis is developed, it is foreseen to have a policy review by a workgroup chaired by the HCPN. Other reviews are incorporated in the functioning of the organisations and institutions involved in the crisis management. Currently, the HCPN conducts regular policy reviews.

## Resilience

Since Luxembourg is not exposed to many disasters and in general the number of disasters is very limited every year, there is no official concept of resilience. The concept of resilience mainly concerns the critical infrastructure. According to the interviews, such a concept will be included in the new legislation regarding national protection in Luxembourg. Business Continuity Management is organised by organisations depending on their own risk analysis. The organisations choose by themselves whether they apply any ISO standards like ISO 22301 “Business Continuity Management – Requirements”.

## Information sharing and data protection

Regarding the organisations that set the framework of the data protection, the Act of 2 August 2002 on the protection of individuals[[33]](#footnote-33) with regard to the processing of personal data, established an independent authority, the National Commission for Data Protection (Commission nationale pour la protection des données). The Commission is responsible for verifying the legal base of all files and information about identifiable individuals transmissions and must ensure that the fundamental rights and freedoms of individuals, including their privacy, are respected.

There are a number of laws that regulate the processing of personal data. The Directive 95/46/EC on data protection (Data Protection Directive) is implemented through the Law relating to the protection of individuals in relation to the processing of personal data in 2002 (the Act of 2 August 2002). This law aims to protect the freedom and fundamental rights of individuals, and notably their private life, in relation to the processing of their personal data. It was further modified in 2005[[34]](#footnote-34) with regard the specific provisions in the electronic communications sector, as part of the implementation of the EU “telecom package” in Luxembourg.

The Rescue Service Agency, the emergency call centres of the police force and the fire services fall under the specific provisions of the laws when it concerns the data access of sensitive information:

The “112” emergency services centre, the emergency call centres of the Grand Duchy’s police force, and the fire and rescue services of the City of Luxembourg will have [...] automatic access on request and through the Luxembourg Institute of Regulation[[35]](#footnote-35) to the data on the identity of subscribers and users of both electronic communications operators and suppliers and the postal services and the suppliers of these services[[36]](#footnote-36).

The National Commission for Data protection will first check how secure the system is and if it can allow the remote access by electronic communication. The collected data can be transferred within the European Economic Area (EEA). There are special rules that apply to the transfer of data outside the EEA, which can be granted after the National Commission gave permission.

In case of a crisis, relevant authorities might gather personal data after the National Commission has permitted to do so. After the crisis the personal data have to be destroyed. In case of regional disasters, the Rescue Service Agency might collect information from the social media with the help of the police.

Luxembourg provides trainings to a large number of volunteers; therefore they have databases of volunteers with the relevant information stored there. This information is in hands of the organisations that train the volunteers (the Rescue Service Agency) and the relevant databases are created after the National Commission for Data Protection has granted permission.

**Usage of social media**

The usage of social media to gather information in times of a disaster is rather limited in Luxembourg. The crisis management authorities have several platforms to communicate to the public during the crisis; however they are not used to collect data. The Crisis Cell could decide to use social media to collect data from social media. In case of local crises, the police of Luxembourg, for example, uses social media to collect information from the public. Currently, the adopted emergency response policies (the influenza pandemic plan, the Ebola intervention plan, Emergency Response Plan in case of a nuclear accident in Cattenom, and Plan ‘Cyber’) do not plan to use the social media to gather data during the crisis[[37]](#footnote-37).

# Legislation

National Protection in Luxembourg originates from the Grand Ducal Decree of 31 December 1959 concerning the general organization of the National Protection[[38]](#footnote-38), adopted on the basis of the law of 22 August 1936 authorizing the government to take measures to protect public against the dangers arising from air attacks[[39]](#footnote-39).

The Grand-Ducal Regulation of 25 October 1963[[40]](#footnote-40) is currently the statutory basis for the National Protection. 30 years later it seemed that the threat disappeared and the national protection mechanism was put on hold. Following the terrorist attacks of 11 September 2001 in the US, the Permanent Security Committee which was established by Ministerial Decree of 27 January 1975 was reactivated to take protective measures. In the end of 2001 the Office for National Protection has been reactivated. Since 2003 there were several project laws[[41]](#footnote-41) regarding national protection drafted.

It is expected in the near future that a new law regarding national protection is going to be adopted which is currently being assessed by the parliament (Projet de loi (no. 6475) relative à la Protection nationale).

## Crisis (emergency, disaster) management concept

The legal hierarchy in Luxembourg is the following:

Figure 35 Legal hierarchy in Luxembourg[[42]](#footnote-42)

There are several main legal acts establishing provisions on crisis management in Luxembourg:

* TheGrand-ducal regulation of October, 25th 1963 on the general organization of the national protection (Règlement grand-ducal du 25 octobre 1963 concernant l'organisation générale de la protection nationale);
* TheLaw of June, 12th 2004 on the creation of an Administration of the Rescue Services (Loi du 12 juin 2004 portant création d’une Administration des Services de Secours); and
* The *“Projet de loi (no. 6475) relative à la Protection nationale[[43]](#footnote-43)”*(Draft Law (n.6475) concerning the national protection)**.**

The Draft Law concerning the national protection(Projet de loi (no. 6475) relative à la Protection nationale)is going to set up the whole national protection structure in Luxembourg thus can also be considered as one of the main legal acts regarding crisis management. It is not legally binding yet since it has not been passed the parliament.

Following the chronological order, theGrand-ducal regulation of October, 25th 1963 on the general organization of the national protection constitutes the legal basis on which the national protection mechanism is put in place, albeit only in case of military threat. No further typology of crisis is taken into consideration in this act and the regulation itself cannot be considered a detailed conceptual document (it is only built around 12 articles). The main reason for such a narrow scope is that this regulation finds its legal foundation in the Law of 22 August 1936 authorizing the Government to take measures to protect the population against the dangers of an international armed conflict, including hazards due to air attack (Loi du 22 août 1936, autorisant le Gouvernement à prendre les mesures propres à protéger la population contre les dangers résultant d'un conflit armé international et notamment des dangers dus aux attaques aériennes)which back then focused only on military threats.

The second legislative act to be considered is the Law of June, 12th 2004 on the creation of an Administration of the Rescue Services (Loi du 12 juin 2004 portant création d’une Administration des Services de Secours)that abrogates the Amended Law of 18 November 1976 concerning the organisation of civil protection (Loi modifiée du 18 novembre 1976 portant organisation de la protection civile)*.* It is worth noting that this law is based on a draft law submitted to the parliament in 1937 and considering the creation of a Civil Protection Mechanism.

The aim of the law is to organize the Rescue Service Agency (Administration des Services de Secours, ASS) whose role is to implement those acts necessary to protect and aid the people affected (by the event) and protect their goods in case of calamities, catastrophes, major incidents, fires or floods. More than a conceptual document, this law and its implementing regulations are meant to provide an administrative framework of the activities of the ASS (e.g. administrative division, tasks, career paths, roles, etc…). The ASS itself is put in place in order to group under one administrative body the coordination of all the services that would be involved in case of emergency (rescue services, fire brigade and medical support). This law however does not specify the relevant notions of calamities, catastrophes or major incidents.

The only legal document considering and developing the concept of “crisis” is the Draft Law (n. 6475). To date (consultation of LegiLux in the October 2014), the law is under reconsideration by the Commission on Institution and Constitutional Revision (since 12/12/2013) that has received the suggestions from the Council of State in terms of political responsibility of the government’s members in the management of the crisis. This document provides clear definitions of a risk, a crisis, crisis management and critical infrastructure:

*“Risk” the danger to which the population or the country might be exposed at due to a threat towards which they are vulnerable and that might produce a negative impact on the population or the country.*

*“Crisis” all event that by its very nature or effect would:*

* *Threaten the vital interests or the basic need of all or a part of the country and of the population;*
* *Require urgent decisions*
* *Require a national-level coordination of the different ministries, administrations, services and organisms as well as, if needed, international coordination.*

*“Crisis Management” the whole of the measures and activities undertaken by the competent authorities in order for them to ensure the fulfilment of their tasks and missions.*

*“Critical Infrastructure” every point, system or part of system that is fundamental for the safety of the vital interests or the basic need of a part or the whole of the country or the population and which is a source of risk or it may be the object of a particular threat[[44]](#footnote-44).*

Furthermore, in the section “Notes to the articles” it is specified that the activities of crisis management include the achievement of a series of complementary components, including risk analysis, preparation, prevention, monitoring, protection, communication, response, victim support, recovery and feedback. The measures under the crisis management include reduction of threats, vulnerabilities and impacts, increase in the predictability and reduction of the likelihood of a crisis.

## General crisis (emergency, disaster) management law

According to the Draft Law (n. 6475) the present situation in Luxembourg is the following:

Concerning all the risks that go beyond the routine management, a wide array of the instruments necessary to cope with them is at present lacking, especially in terms of formal coordination among the public and private services meant to prevent or to tackle a possible threat. It is worth pointing out that most of these risks have an international nature and that European mechanisms are being progressively put in place to cope with them, whilst Luxembourg does not have yet an organ formally in charge of the coordination with the crisis centres from other states or international organizations[[45]](#footnote-45).

The current legal national protection mechanism is based on the Grand-ducal regulation of October, 25th 1963 on the general organization of the national protection. It establishes that in case of a crisis (only defined here as coming from a military threat), the Government organizes the response by constituting the Ministerial Committee for National Protection (Comité Ministériel de Protection Nationale, CMPN).

This setup was frozen in 1994 when it became clear that the end of the Cold War had implied the end of the major military threat and thus of the usefulness of the CMNP. Nevertheless, after the 9/11 attacks, the Council of Government decided to revert its previous decision. As a result it resumed the national protection mechanism (December 2001[[46]](#footnote-46)) and unveiled a project to create a crisis management structure based on this setup (which is detailed in the Draft Law (n. 6475) regarding national protection). The organization and the functioning of this structure is detailed below.

As soon as a disaster is materialising in Luxembourg, the Crisis Cell starts functioning and its president, the Prime Minister, guides it. The president is assisted in this task by the National Protection Superior Committee (Conseil Supérieur de la Protection Nationale, CSPN). It used to be the case that CSPN was composed of a representative from each of the CMPN members (mostly from each Ministry as well as the Army and other organisation involved in crisis management) which started its functioning as soon as the crisis has been identified. The CSPN also coordinates the work of the National Committees (Comités Nationaux, CONAT) that are in charge of specific functional areas.

The president is also assisted by the High Commissioner for National Protection (Haut-Commissaire de la Protection Nationale). The Commissioner assures the secretarial functions of the CSPN and chairs the High-Commissariat for National Protection (Haut-Commissariat de la Protection Nationale, HCPN). The HCPN advises the Prime Minister on:

* The preparation of the necessary national resources;
* The protection of the authorities and of the population;
* The maintaining of the public order, the provision of psychological and informational support;
* The potential financial problems[[47]](#footnote-47).

This complex structure linking all the actors through their functional/hierarchical relationship is presented in a Figure 4:



Figure 36 Structure of the crisis management in Luxembourg.[[48]](#footnote-48)

Currently, there is no formal institution that brings altogether the high-level participants of the crisis resolution in case of a disaster or major accident or incident. Because of this reason, the setup is criticised in the Draft Law (n. 6475)[[49]](#footnote-49). Therefore the Draft Law envisages the existence of a body (Crisis Cell). This body will have the role of developing, coordinating, implementing and monitoring the implementation of measures with the primary goal to act and respond quickly.

In preparation of the upcoming Law, the CSPN had adopted internal rules regarding its functioning. This document has been approved by the government. It is however only available to the members of the Supreme Council.

Another legally binding document is the Law of June, 12th 2004 on the creation of the Rescue Service Agency. It covers the organizational void mentioned in the draft law (see above) in case of exceptional situations (described as calamities, catastrophes, major incidents, fires or floods) by granting the Ministry of Interior Affairs the role and the power to coordinate all the services and actors meant to organize first aid measures (mesures de secourisme). The Law states that the actors and services performing and leading the operations in case of exceptional situation are the three divisions of the ASS:

* The Division of Civil Protection, acting in case of exceptional events (calamities, catastrophes, major incidents, fires or floods);
* The Division of Fire and Rescue Services; and
* The Administrative, Technical and Medical Division.

The measures that are subject to the ASS intervention are generally defined to be as those acts necessary to protect and aid the people affected and protect their goods in case of calamities, catastrophes, major incidents, fires or floods. They are detailed in the Grand Ducal Regulation of 6 May 2010 determining the specific tasks, composition, organization and functioning of the Division of Civil Protection of the Rescue Service Agency (Règlement grand-ducal du 6 mai 2010 déterminant les missions spécifiques, la composition, l'organisation et le fonctionnement de la division de la protection civile de l'Administration des services de secours). Figure 5 presents the organizational structure of the Rescue Service Agency.

This regulation states that the ASS is responsible for the organization of the first aid, rescue and transport of victims needing medical care. It also sets up or contributes to general and individual intervention plans and organizes public training in first aid. Lastly, in case of crisis it has the duty to safeguard the national heritage and property.

Furthermore, the regulation also states that in case of a crisis an Alert group is activated. The mission of the group is to ensure in times of crisis or war the operation of the warning centres that fall under the authority of the Rescue Service Agency[[50]](#footnote-50). The alert group is guided in accordance with the guidelines and instructions laid down by the Rescue Service Agency.

The Rescue Service Agency is also qualified to recruit and train the instructors and volunteers of the assistance units and in the various fields of protection. In addition, it manages the National School of Civil Protection (l’Ecole Nationale de la Protection Civile, ENCP), which instructs volunteers in weekend training courses and the National School for Fire and Rescue Services (l’Ecole Nationale du Service d’Incendie et de Sauvetage, ENSIS) including training with heavy intervention equipment[[51]](#footnote-51).



Figure 37 Organisational structure of the Rescue Service Agency[[52]](#footnote-52).

The Draft Law (n. 6475) regarding the National Protection

The aim of the Draft Law (Projet de loi (no. 6475) relative à la Protection nationale) is to enhance the crisis management mechanism. The draft law further details and extends the structure of the National Protection as it is actually in place. In particular, it establishes a Crisis Cell (Cellule de Crise, CC). The CC will have the responsibility of coordination during a major crisis or a disaster. Besides that, it will prepare the political decisions to be taken by the Government, implement the operational measures and control their execution. From the standpoint of its composition, it will be characterised by a variable geometry, depending on the nature of the attack. Ministries, departments and agencies that provide operational resources will thus be fully involved in the coordination process and execution. To avoid delays and inefficiencies, agencies and administrations will be required to comply with the instructions of the Crisis Cell and will report directly to it. However, they retain the responsibility in the use of their own resources.

The Crisis Cell initiates, coordinates and monitors the implementation of all measures to cope with the crisis and its effects to return to the normal state. Ministries, departments and services involved in the implementation of measures and activities organized as part of the crisis management by the Crisis Unit shall act in accordance with the instructions thereon and report directly to it.

If an operational intervention in the field is required, the mission of the Crisis Cell is also in charge of the coordination and monitoring of implementation. It may as well designate an authority or a service that coordinates the operations on the ground[[53]](#footnote-53).

The Draft also establishes that “operating and organizational procedures for the bodies of the National Protection structure can be detailed by a Grand-ducal Regulation” (Projet de loi (no. 6475) relative à la Protection nationale, Article 9)*.* At the time that this report was under preparation, the Draft Law had not been passed by the parliament.

## Emergency rule

According to the Law of June, 12th 2004 on the creation of the Rescue Service Agency, the Ministry of Interior can resort to special powers in case of exceptional situations (calamities, catastrophes, major incidents, fires or floods). Article 7 states that the Minister of Interior may assign a place of temporary residence for threatened or affected population and even restrain them from traveling or moving in case of an emergency. Recovery of the expences by the State will be executed through the Administration of Registration and Domains (l'administration de l'Enregistrement et des Domaines).

Under the Draft Law (n. 6475) no declaration of Emergency Rule (*Etat d’urgence*) is evocated. The only provisions that are considered are those on the necessary requisitions under the Law of 8 December 1981 on requisitions in armed conflict, serious international crisis or disaster (Loi du 8 décembre 1981 sur les réquisitions en cas de conflit armé, de crise internationale grave ou de catastrophe) by the Title V of the Act of 31 May 1999 establishing a body of grand Ducal police and a general inspection of the police (Titre V de la loi du 31 mai 1999 portant création d’un corps de police grand-ducale et d’une inspection générale de la police)and in Chapter 4 of the Municipality Act amended on 13 December 1988 (Loi communale modifiée du 13 décembre 1988).

The extent to which personal liberties can be limited is detailed in every one of the aforementioned acts in different articles. For instance, Article 8 in the Law of 8 December 1981 on requisitions in armed conflict, serious international crisis or disaster states that any person or entity, whether Luxembourgish or foreigner, residing in the Grand Duchy of Luxembourg, may be required to execute tasks of public interest. The government may as well requisition any business or company active on the territory of the Grand Duchy of Luxembourg.

There are several plans adopted by the government of Luxembourg regarding the emergencies and disasters (for more details please refer to 1.2.5):

* the “Influenza Pandemic” Plan;
* The Ebola emergency intervention plan;
* Emergency Response Plan in case of a nuclear accident;
* Plan ‘Cyber’.

In none of the plans reference is made to the Emergency Rule in the legislation[[54]](#footnote-54). The dispositions concerning potential restrictions on the mobility of the people in the areas concerned are very limited. In case of an accident in a nuclear plant, the authorities may prohibit any outdoor activity. This action is taken as a precaution to protect the population against exposure to or contamination of radioactive releases. The activities of concern are sports and games for children outdoor, hunting, camping, gardening, etc. This also relates to the post-accident phase. Several countermeasures are envisaged in case of a pandemic, but none of them is concretely restrictive for the civil liberties.

## Specific, department/agency-level legal arrangements and regulations on emergency and disaster management

In the present organisational setup, the national protection is assured by the Rescue Service Agency, whose legal base is the Law of 12 June 2004 on the creation of an Administration of the Rescue Services(Loi du 12 juin 2004 portant création d’une Administration des Services de Secours)*.* This document sets up the legal framework enabling the Agency to act in case of exceptional situations (calamities, catastrophes, major incidents, fires or floods).

Also, from the point of view of specificity, the abovementioned Emergency Plans on Nuclear Accidents and Pandemic Flu can be considered under this section (the pandemic flus can be of several sorts, the specific plan was born to counter the H1N1 pandemic but is conceived as an adaptive document).

The legal bases and the plans are respectively[[55]](#footnote-55):

Radiologic emergency:

* Grand-Ducal Regulation of 14 December 2000 on the protection of the public against the dangers arising from ionizing radiation (Règlement grand-ducal du 14 décembre 2000 concernant la protection de la population contre les dangers résultant des rayonnements ionisants).
* Emergency Response Plan (ERP) in case of nuclear accident (Plan d’intervention d’urgence (PIU) en cas d’accident nucléaire).

Pandemic Flu:

* Grand-Ducal Regulation of 11 May 2006 establishing measures against avian influenza (Règlement grand-ducal du 11 mai 2006 établissant des mesures de lutte contre l'influenza aviaire).
* Grand-Ducal Regulation of 22 October 2009 concerning the processing centres and vaccination centres under the management of an influenza pandemic (Règlement grand-ducal du 22 octobre 2009 relatif aux centres de traitement et aux centres de vaccination dans le cadre de la gestion d'une pandémie grippale).
* Government Plan - Influenza Pandemic (Plan gouvernemental - Pandémie grippale).

Ebola plan:

* Emergency Response Plan to Ebola (Plan d’intervention d’urgence Cas probables / confirmés EBOLA au niveau national, Plan EBOLA).

## Specific to the regional and local authorities legal arrangements and regulations on emergency and disaster management

The local authorities are actively involved in the Fire and Rescue Services Division of the Rescue Service Agency. The Coordinated text of the Municipality Act of 13 December 1988 (Texte coordonné de la loi communale du 13 décembre 1988) speaks of local fire and rescue corps (Services communaux d’incendie et de sauvetage) whose management (provision of adequate structures and equipment) is delegated to the local authorities. However, the law establishes that these locally organised bodies must not hamper in any way the national and regional organisation put in place to coordinate them (i.e. it should not overlap with or disturb the work of the ASS). Article 100 of the municipality act states that without prejudice to national and regional structures of civil protection, each municipality is required to create or maintain a fire and rescue department with at least one corps of volunteers and professional firefighters and having the facilities and equipment needed.

Another division of the ASS has operational centres at national, regional and local level. The local centres are under authority of ASS and not under authority of the local municipalities. There are one national, three regional and 25 local support bases of Division of Civil Protection. This structure is established by the Law of 12 June 2004 on the creation of an Administration of the Rescue Services(Loi du 12 juin 2004 portant création d’une Administration des Services de Secours) and detailed under the Grand Ducal Regulation of 6 May 2010 determining the specific tasks, composition, organization and functioning of the Division of Civil Protection of Rescue Service Agency (Règlement grand-ducal du 6 mai 2010 déterminant les missions spécifiques, la composition, l'organisation et le fonctionnement de la division de la protection civile de l'Administration des services de secours):

The Division of Civil Protection is responsible for the implementation at national level of those measures necessary to protect and rescue the population and safeguard its properties during calamitous events as well as of the application of all those means related to this task. In order to fulfil these tasks, the Division of Civil Protection has a national base, regional bases and rescue centres, whose organization and technical functioning are determined by Grand-Ducal Regulation[[56]](#footnote-56).

Therefore, the local authorities are not entitled with any power in what the management of an emergency situation is concerned. Figure 6 presents the organisational structure specifying the involvement of local authorities.



Local authorities (communes) are in charge

Local authorities

are not in charge

Figure 38 Organisational structure of the Rescue Service Agency with the distinction of authority levels[[57]](#footnote-57).

Nevertheless, the Law of 8 December 1981 on requisitions in armed conflict, serious international crisis or disaster (Loi du 8 décembre 1981 sur les réquisitions en cas de conflit armé, de crise internationale grave ou de catastrophe, Article 8) establishes that, in case of an emergency, local authorities may have some back-up functions. In the event of a disaster, the mayor (Bourgmestre) of any municipality affected or threatened is entitled to exercise provisionally, in case of emergency, the right to requisition, until the persons like government advisers, delegates of district commissioners, members of the government and delegated persons by the Council of Government (conseillers de Gouvernement et aux commissaires de district délégués par le membre du Gouvernement compétent ainsi qu’aux personnes déléguées par le Gouvernement en conseil) can intervene. In any case, the application of the requisition orders made by the government are always put into effect by the mayor (Bourgmestre).

## Legal regulations on the involvement of volunteers and specialised NGOs

The Luxembourgish administration has an official portal providing information on volunteers and NGOs[[58]](#footnote-58). It lists all the organisations through which it is possible to volunteer as well as classifying the volunteering actions by typology. Under the typology “Secours” (rescue), it is possible to find all the opportunities related to rescuing services. Most of them fall under the authority of the ASS.

For what concerns the engagement of volunteers in different divisions of the ASS, the Law of 12 June 2004 on the creation of an Administration of the Rescue Servicesestablishes that the personnel of the ASS may be backed by volunteers.The Grand Ducal Regulation of 6 May 2010 determining the specific tasks, composition, organization and functioning of the Division of Civil Protection of Rescue Service Agency (Règlement grand-ducal du 6 mai 2010 déterminant les missions spécifiques, la composition, l'organisation et le fonctionnement de la division de la protection civile de l'Administration des services de secours) details the rights and the requirements necessary for the volunteers. These requirements among other things include age limit, the proof of a good physical condition, a certificate of good conduct, a certificate of adhesion to the group and a certificate of having succeeded in the preparatory course. Also, the attendance to all the other courses and seminaries is compulsory. Other specific requirements may be asked depending on the division and groups. Besides that, volunteers in the performance of their duties are entitled to the insurance against accidents and occupational (Article 63, Règlement grand-ducal du 6 mai 2010 déterminant les missions spécifiques, la composition, l'organisation et le fonctionnement de la division de la protection civile de l'Administration des services de secours.

The Prime Minister is authorized to subscribe an additional insurance to eventually complement the voluntary workers compensation in case of accidents. In case the volunteers are going outside of the territory of Luxembourg (international crises), the law prescribes that their employers will be reimbursed for the absence.

## Legal regulations for international engagements of first responders and crisis managers

Of all the organisations Luxembourg is member of, the following are relevant for this section:

* The European Union;
* The NATO;
* Benelux.

All these organisations are active in Crisis Management and Civil Protection Mechanisms. Luxembourg is represented in these organisations by the High Commission for National Protection (Haut-Commissariat à la Protection Nationale, HCPN).

There are two main legislative acts connecting Luxembourg to these organisations:

* COUNCIL DIRECTIVE 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection transposed into the national legislation through theRèglement grand-ducal du 12 mars 2012 portant application de la directive 2008/114/CE du Conseil du 8 décembre 2008 concernant le recensement et la désignation des infrastructures critiques européennes ainsi que l'évaluation de la nécessité d'améliorer leur protection.
* The Act of 16 December 2011 approving the Memorandum of Understanding on cooperation in the field of management of crises that may have trans boundary effects between the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg, signed in Luxembourg on 1 June 2006 (Loi du 16 décembre 2011 portant approbation du Mémorandum d’accord concernant la coopération dans le domaine de la gestion des crises pouvant avoir des conséquences transfrontalières entre le Royaume de Belgique, le Royaume des Pays-Bas et le Grand-Duché de Luxembourg, signé à Luxembourg, le 1er juin 2006).

Also Luxembourg has signed, in 2013, two Memoranda of Understanding as a NATO member, namely the:

* Memorandum of Understanding on cyber defence reached between the HCPN and NATO Cyber Defence Management Board (Mémorandum d’entente en matière de cyberdéfense” conclu entre le HCPN et le NATO Cyber Defence Management Board)
* Memorandum of Understanding on the Facilitation of Cross Border Transport of vital importance (Mémorandum d’entente sur la facilitation des transports civils transfrontières d’importance vitale).

In terms of the first responders and civil protection some other legal arrangements have been concluded: the mutual assistance agreements made between Luxembourg and respectively Belgium, Germany and France; Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism. Luxembourg also takes part in the Civil Protection Working Group of the Council (PROCIV), where the ASS is the representative of Luxembourg.

For more information about international cooperation please refer to Chapter 3.2.

# Organisation

## Organisational chart

The organisations involved and their roles in the crisis management system are outlined in the legislation of Luxembourg (see Chapter 2). Currently, the system is under discussion and most likely will change as new regulations are envisaged[[59]](#footnote-59).

The main responsibilities and the main organisations involved in the crisis management are outlined in the respective legislation (For more details please refer to Chapter 2). In this Chapter we briefly describe the lines of command and the organisations responsible for certain field of crisis resolution.

The current structure of the crisis management system has been created after the Second World War. The main authority is the Prime Minister. Other players involved are the High Commission for National Protection, the Ministerial Council for National Protection, the Senior Council for National Protection (CSPN), the Crisis Cell and the National Committees, which are created to address a specific field of national protection. The military in general is not involved actively; however their representatives are present in the national committees and CSPN. The military might help with evacuation, for example, after the decision has been made by CSPN.

Once the crisis starts, the Crisis Cell starts functioning and its chairman (which is the Prime Minister) guides it and is assisted in this task by a National Protection Superior Committee (Conseil Supérieur de la Protection Nationale, CSPN), composed by a member delegated from each of the CSPN members. The CSPN also coordinates the work of the ‘thematic’ national committees, National Committee for Telecommunication (le Comité national des Télécommunications, CONATEL) and National Committee for Civil Aviation Safety (le Comité national de Sûreté de l’Aviation civile, CONATSAC), that are in charge of different functional areas. The composition of the National Committees is presented in Figure 7.

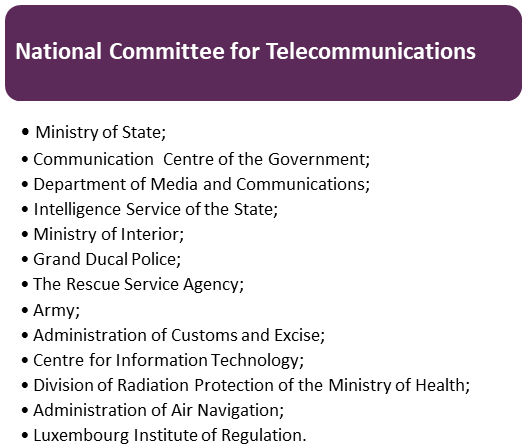


Figure 39 Composition of the National Committees of Luxembourg[[60]](#footnote-60).

The president (Prime Minister) is also assisted by a High Commissioner for National Protection (Haut-Commissaire de la Protection Nationale) assuring the secretarial functions of CSPN and chairing the High-Commissariat for National Protection (Haut-Commissariat de la Protection Nationale, HCPN), a secretarial body. HCPN also ensures the inter-agency communication (both internal and external). The key players involved in the line of command and presidency are presented on the Figure 8.



Figure 40 Diagram of national protection structure of Luxembourg[[61]](#footnote-61).

The Draft Law (Projet de loi (no. 6475) relative à la Protection nationale) is currently still under discussion. It provides further details and extends the structure of the National Protection as it is actually in place. In particular, it establishes a Crisis Cell. In the event of a large disaster potentially affecting the territory of Luxembourg the Prime Minister activates the crisis cell. Members of the cell are alerted through the HCPN. Under the authority of the Government, the crisis cell initiates, coordinates and monitors the implementation of all measures to cope with the crisis and its effects, respectively, promotes the return to normal. It also prepares the necessary decisions and submits them to the Government for approval. The crisis cell is composed of 12 permanent members and 9 topic related members[[62]](#footnote-62). It is envisaged that the Crisis Cell will be enlarged in the future.

The Crisis Cell composition is presented in Figure 9.



Figure 41 Composition of the Crisis Cell of Luxembourg[[63]](#footnote-63).

**The department of Radiological Protection**

In case of a nuclear emergency, the Department of Radiological Protection of the Ministry of Health (this ministry has the executive competence in the field of radiological safety and radiation protection) is also involved in the crisis management. The Department of Radiological Protection exists since its’ establishment by the law of 21 November 1980 concerning the organization of the Directorate of Health. The organizational structure is presented in Figure 10.



Figure 42 Organisational structure of the Department of Radiological Protection[[64]](#footnote-64).

**The Rescue Service Agency**

The Rescue Service Agency (ASS) takes the operational lead and reports to the Minister of Interior. The agency operates the national emergency phone number (112). Currently, the fire brigades are in hands of the municipalities. In case of a large crisis or disaster the ASS is taking over the operational leadership of them. It is envisaged that the new crisis management legislation will incorporate both local fire brigades and the ASS under one governing body. At the moment the organizational structure of the ASS is presented in Figure 5.

The ASS also recruits and trains instructors and volunteers in various fields of protection (for more details please refer to Chapter 5.3). There is an agency that has the mission to promote initiatives in the field of volunteerism, including the establishment and management of the agency in charge of the volunteers (the Agency for Voluntary Services). NGOs and agencies are partners of this agency like Luxembourg Red Cross and National Federation of Firefighters.

## Organisational cooperation

In terms of the legal provision, the cooperation with other Member States of the European Union is regulated by several treaties and agreements. Cross-border assistance to and from Belgium and the Netherlands is facilitated by the means of bilateral agreements. These agreements are based on the Madrid Convention of 1980 offering the regional and local authorities a basis to cooperate with regard to the disaster response. Cross-border cooperation in the Benelux has a legal base in the Benelux Convention on cross-border and inter-territorial cooperation of 1991. The Senningen Memorandum concerning cooperation in the fields of police, justice and immigration was signed June 4th, 1996 in Luxembourg (Senningen) and was re-launched in 2004 with a wider scope extending it to security, antidrug policies and trans-border cooperation regarding catastrophes and accidents.

Another treaty was concluded between Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria in 2005 regarding intensifying cross border collaboration, in particular to fight terrorism, cross border criminality and illegal migration. There is also an international agreement, Memorandum of Understanding on cooperation in the field of crisis management that may have transboundary effects between Belgium, the Netherlands and Luxembourg, signed in Luxembourg on 1 June 2006[[65]](#footnote-65).

The High Commission for National Protection (HCPN) acts as a national representative of Luxembourg in the international fora (European Union, NATO and other international organisations that deal with crisis management) in terms of coordination. The HCPN is also responsible for establishment and maintenance of the contact with the similar organisations in other countries.

HCPN participates in various working groups as it is also a national contact point in the field of the protection of critical infrastructure. This includes among other things being a contact point for European Programme for Critical Infrastructure Protection driven the European Commission[[66]](#footnote-66). Thus HCPN contributes to the implementation and formulation of strategies.

The Rescue Service Agency has an intervention group for humanitarian missions that are conducted outside the territory of Luxembourg. This group might be involved in resolution of large crises and disasters at a request of the country or countries concerned or as part of the international assistance. Interventions outside the territory of Luxembourg are decided by the Minister of Interior.

In case of an international crisis, it is possible that firstly the national contact points are informed about the crisis. It could be a contact point that the Rescue Service Agency is in charge of. The national contact point informs the organisation in charge which in turn informs the Prime Minister. The Prime Minister then decides to formulate the Crisis Cell. Then the mechanism described in previous chapters starts functioning.

In case of a simultaneous occurrence of disasters and emergencies, the Crisis Cell will decide on the priorities and main responsibilities to handle crises. There are no prescribed instructions in case of such events thus the decision is taken case-by-case.

# Procedures

## Standing Operating Procedures (SOPs) and Guidelines

Currently there are no formal standing operation procedures for civil protection. At present the legislative set up of the crisis management system is under revision and new laws are envisaged to come into force, therefore it is possible that the SOPs and guidelines will be established as well.

Currently there exist rules on the internal functioning of the CSPN which are only available to the members of the CSPN. Departments and agencies responsible for certain area of disasters also participate in national and international exercises, that later on might be applied in the field. With regard to the nuclear safety for example Luxembourg has established mechanisms with the neighbouring countries that allow the exchange of information on a regular routine basis. Also the adopted plans (for more details please refer to Chapter 1.2.5 and Chapter 2) and the respective legislation have detailed instructions for the organisations involved in crisis management.

## Operations planning

The policy of Luxembourg with regard to crisis management is mainly case-by-case based; therefore the plans are being formulated when a disaster is identified. Nevertheless, there are several plans already adopted by the Government of Luxembourg. At the moment this report was under preparation, there were four plans elaborated and communicated to the population: the “Influenza Pandemic” Plan, the Ebola emergency intervention plan, Emergency Response Plan in case of a nuclear accident in Cattenom, Plan ‘Cyber’. Below briefly we present the description of those plans.

The “Influenza Pandemic” Plan*[[67]](#footnote-67)*

This plan was adopted by the Governing Council of 21 July 2006[[68]](#footnote-68), which serves as a basis for the preparation and management conduct of an influenza pandemic. The government plan describes more specifically the government's response to the risk of pandemic influenza, including avian influenza in animals and humans.

The plan contains a catalogue of 187 measures applicable before, during and after an influenza pandemic. These measures reflect the six phases set by the World Health Organization (WHO) as part of the evolution of a pandemic. They cover the whole of the organization and functioning of the company in the socio-economic health plan, social, transport, security, international relations, etc.

The Ebola emergency intervention plan

Published by the Government of Luxembourg in October 2014[[69]](#footnote-69), this plan aims to set up the structure for the response to an eventual Ebola epidemic in Luxembourg. It has been elaborated by the HCPN and determines the bodies in charge of managing the crisis, the different possible scenarios, the emergency measures to be taken and the procedures to be followed.

In case the plan is started, the Crisis Cell (Cellule de Crise) is activated by the Prime Minister and starts monitoring the different actions in response to the crisis. The CC is composed by members from the ministries of health, of foreign affairs, of home affairs and of infrastructures backed by representatives from the Army, the Police, the ASS and the Administration of Duties and Excises.

The plan identifies four main scenarios entailing a likely/confirmed case of Ebola:

* 1. landing in Luxembourg,
  2. detected in Luxembourg (elsewhere than the airport),
  3. who is a Luxembourgish national/resident that must be brought back to Luxembourg,
  4. detected on a Luxembourgish ship.

In all of the abovementioned situations, the structure in charge of the hospitalisation is the CHL (Centre Hospitalier de Luxembourg) or, in the hospitals of Dusseldorf, Strasburg and Nancy.

The published plan does not detail all the measures and the schedules prepared for the abovementioned scenarios.

Emergency Response Plan in case of a nuclear accident in Cattenom[[70]](#footnote-70)

The new Emergency Response Plan (ERP) in case of nuclear accident or incident has been adopted and made enforceable by the Governing Council in October 2014.

The ERP includes four key measures of prevention and protection of the population: the sheltering, the absorption of potassium iodide tablets, evacuation and food restrictions. It also distinguishes different phases of the accident, the emergency phase and the post-accident phase which are based on International Nuclear Events Scale (INES). To facilitate the implementation of the plan the country is divided into two areas. The first area is within a radius of 15 km from Cattenom – people living in this area are going to be evacuated in case of an accident in Cattenom. Most of the measures concern this area and if necessary it is extended further to 25 km. In case the accident is rather severe, the rest of the country is also alerted and measures are taking place for the whole country. In case of an incident, a Crisis Cell (Cellule de Crise) will be activated at the national level by the Prime Minister or his delegate. A Cell of radiological assessment (Cellule d’évaluation radiologique) can be activated as well and it will be composed of experts from the Radiation Protection Division of the Department of Health and members of the Rescue Services Agency (ASS).

Plan ‘Cyber’[[71]](#footnote-71)

In case of an information attack the ‘Cyber’ plan is adopted since March 2014. This plan has been updated as part of the implementation of the national strategy on cyber security. It defines the action of the government in the event of large-scale attack against information systems in the public and / or private sector, which may cause a major malfunction or unavailability of these systems, which threatens the interests vital or essential needs of all or part of the country or the population of Luxembourg. Routine incidents are managed by the CERT (Computer Emergency Response Team).

## Logistics support in crises

During the crisis the Rescue Service Agency provides the transportation (mainly ambulances and fire brigades if the crisis is rather large). Usually military and private logistics providers are not involved in crisis resolution. The decision of their involvement is made by the Supreme Council for National Protection. Article 8 in the Law of 8 December 1981 on requisitions in armed conflict, serious international crisis or disaster states that any person or entity, whether Luxembourgish or foreigner, residing in the Grand Duchy of Luxembourg, may be required to execute tasks of public interest. Therefore it is possible that the private logistics providers will have to be involved in crisis resolution.

## Crisis communication to general public; Alert system; Public Information and Warnings

As soon as a crisis is identified and the relevant organisation comes in force, the information is also transferred to the public. Depending on the disaster and crisis, the information is delivered by the competent ministry or agency involved in the response to the crisis. For example, if the crisis concerns the health policy, the Ministry of Health will take the lead in informing the public. Generally, the Information and Press Agency (Service Information et Presse du gouvernement luxembourgeois, SIP) of the Ministry of State (Présidence du Gouvernement, Ministère d'État) is coordinating the information contents and the information flow.[[72]](#footnote-72)

While the external communication is lies with the Information and Press Agency, the inter-agency and inter-ministry communication is ensured by the High Commissioner for National Protection. For all the parties that are involved in crisis management in Luxembourg, the exchange of the information occurs via so-called ‘Log files’ which are transferred to the Crisis Cell. This way it is ensured that the flow of information is continuous keeping the involved parties updated with all the decisions made as well as the bodies that made it.

The information to the public is transferred through the official government website dedicated to crisis communication, [www.infocrise.lu](http://www.infocrise.lu), which came to live in October 2014. The main rationale to [](http://www.infocrise.public.lu/fr/index.html)create such a website was to increase the awareness of the action and conduct to adopt as well as of the protective measures taken by the authorities thus making the crisis easier to manage. This website provides the most up-to-date information on the status of the crisis as well as the brochures that inform and prepare the population for a certain disaster. All government emergency plans, the information related to national authorities with emergency situations[[73]](#footnote-73) are also available on this site.

# Capabilities

## Human resources

The Department of Radiological Protection which is under authority of the Ministry of Health is composed of 14 people. Following the nuclear accident in Fukushima, the department has increased the number of staff. HCPN is comprised of 11 employees[[74]](#footnote-74).

The Rescue Service Agency consists of 94 permanent employees. The Agency is also responsible for training volunteers. In 2013 the pool of volunteers consisted of 8.184 active people from civil protection and fire brigades. The number of volunteers differs per division/department of the ASS.

According to information provided by the National Federation of Firefighters (la Fédération Nationale des Corps de Sapeurs-Pompiers, FNSP), the fire department was comprised of 8.123 volunteers (including young firefighters and non active members) spread across 148 municipal bodies in 2013[[75]](#footnote-75).

With regard to other organisations, there is no permanent disaster management staff available. Since some organisations are formed when a crisis occurs, people that also get involved in those organisations do have other tasks as well, which they carry out in time of no crisis or disaster. For some of the actors involved the tasks they carry out during a crisis are similar to their regular work like firefighters.

## Materiel (non-financial) resources

Since most of the organisations that are involved in crisis management have also other responsibilities or are involved in responding to local crises, their equipment is not only used in case of large disasters, but also during the daily execution of their tasks. Thus the fire brigade has in its possession the fire trucks and ambulance services have ambulance cars, stretchers and medicines. The Rescue Service Agency also has medicines necessary to be protected from nuclear release. According to the expert interviews, it is expected that there is going to be a national crisis centre build which will be specifically dedicated to the crisis management.

In general, the military is not involved in the crisis response (due to the fact that the number of disasters and crises in Luxembourg is rather limited), however they might be involved. The CSPN decides upon the contribution. Therefore it is possible that military assets might be involved in crisis resolution.

## Training

In Luxembourg trainings are organised for volunteers, for trainers and for the staff involved in the crisis management. Besides this nationally available exercises, Luxembourg largely participates in the international exercises as well.

Trainings

There are two schools in Luxembourg that provide trainings for volunteers which are managed by the Rescue Service Agency: the National School of Civil Protection (l’Ecole Nationale de la Protection Civile, ENPC) and the National School for Fire and Rescue Services (l’Ecole Nationale du Service d’Incendie et de Sauvetage, ENSIS). The latter provides trainings for firefighters which is located in Niederfeulen. These training are given by foreign specialists as well. The National School of Civil Protection (l’Ecole Nationale de la Protection Civile, ENPC) exists since 1962 and provides courses in various centres across the country. There are courses that focus on basis skills essential for effective emergency services and courses with heavy equipment). The courses cover all the areas of civil protection (first aid, rescue services, nuclear, biological and chemical incidents and accidents). Trainings of paramedics are also held at ENPC.

The ASS also trains the trainers that themselves are able to give trainings to businesses and volunteers also at ENPC and ENSIS. The trainings are also offered to the workers of the relief centres.

Exercises: national and international

Given the fact that Luxembourg is not exposed to many risks and the number of disaster in the past years was rather limited, Luxembourg focuses its efforts on participating in international exercises. ‘Such simulations of emergency situations have the advantage to face a higher degree of complexity and are thus more realistic’[[76]](#footnote-76). The international exercises are also used in practice afterwards and allow a mutual learning effect at all levels of participation.

With regard to nuclear incidents and accidents, the Rescue Service Agency together with the Department of Radiological Protection regularly organises national exercises or they participate in international exercises. For the past twenty years, they have organised twice per year small-scale national exercises in order to train the specialized intervention teams[[77]](#footnote-77). Focused on a nuclear emergency at the Cattenom nuclear plant, the exercises are organized every three years between Germany (two German federal States: Sarreland and Rhineland-Palatinate), Luxembourg and France.

Luxembourg has participated in INEX exercises[[78]](#footnote-78), organized by the NEA of the OECD, CONVEX exercises[[79]](#footnote-79) launched by the AIEA, as well as in INEX[[80]](#footnote-80).

The staff of the Rescue Service Agency regularly participates in international exercises. For example, in 2013 they partook in TRIPLEX 2013, OPEX Bravo, SIMEX “Count Down”, ARF DIREX 2013, Cold Conditions Exercise, BelModex (Modex1)[[81]](#footnote-81), Exercise OSOCC/RDC[[82]](#footnote-82).

## Procurement

### Procurement regulation

European regulations

The procurement of public contracts needs to be in line with the principles of European treaties and especially with the free movement of goods services, capital and people. Furthermore the procurement needs to comply with the principles of equality, proportionality etc. For some types of procurement additional regulations are codified in directives. Within the European legislation, three different procurement directives apply. These directives are mutually exclusive meaning only one of the directives apply to the public procurement. Directive 2014/25/EU (on procurement of utilities) and Directive 2009/81/EC (on procurement in the defence and security industry) are topic specific. If these specific directives do not apply, Public Sector Directive 2014/24/EU is applicable, which is the replacement of Directive 2004/18/EC. The aim of the new Directive is to simply the rules on public procurement; improve the participation of SMEs and stimulate cross border joint procurement.

Stimulation of cross border joint procurement is helpful in case of a major internal crisis or a cross border crisis. The Directive states in the preamble that contracting authorities should be able to choose to jointly provide their public services in cooperation with other authorities, without being obliged to use any legal form. These services don’t have to be identical. The cooperation does not require all participating authorities to fulfil the obligations of the contract, as long as there is a commitment to contribute to the cooperative performance. The preamble points out that there are difficulties in cross border joint procurement. Therefore new rules have to be made. In these rules, the conditions for cross border procurement have to be clarified, as well as the applicable regulations. In addition, contracting authorities should be able to set up joint entities established under national or EU law. The new rules are specified in article 39 of the regulations.

If the procurement is executed by a centralised purchasing body located in another MS, the procurement shall be conducted in accordance with the national regulations of the MS where the purchasing body is located. In addition, several contracting authorities from different MS may jointly award a public contract, conclude a framework agreement or operate a dynamic purchasing system. Participating contracting authorities will then conclude an agreement that determines all responsibilities of the parties and the internal organisation of the procedure. As said before, the contracting authorities can set up a joint entity. The parties shall decide on the applicable rules on procurement. They can choose the rules of the MS where the entity has its registered office or where the entity carries out its activities.

This project evolves around the procurement related to crisis management, for example the procurement of ambulances, emergency packs or trainings. The Utilities Directive applies to gas and heat, electricity, water, transport services, ports and airports and postal services (article 8-13). The Directive on defence and security applies to supply of military equipment and sensitive supplies. The majority of procurement in crisis management will be procured by normal NCCs and local authorities like the fire department or police and will not be secret. So in most cases the Public Sector Directive (2014/24/EU) is applicable. This chapter will therefore focus on this directive. Other directives can also be applicable, for example if the army is used to solve a major crisis. The directive is addressed to Member States and has no direct effect on the national regulations. The directive needs to be implemented first.

Scope of the Public Sector Directive

The Public sector directive applies to procurement by contracting authorities with respect to public contracts as well as design contests whose value is estimated to be not less than (article 4):

* € 5.186.000 for public works contracts;
* € 134.000 for public supply and service contracts and design contests, awarded by central government;
* € 207.000 for public supply and service contracts or design contests awarded by sub-central contracting authorities.
* € 750.000 for public service contracts for social and other specific services listed in Annex XIV.

This directive should not apply to certain emergency services where they are performed by non-profit organisations or associations, since the particular nature of those organisations would be difficult to preserve if the service providers had to be chosen in accordance with the procedures of the directive. Furthermore the directive does not apply to public contracts with the purpose of providing public communication networks or electronic communication services; public contracts organised pursuant to international rules; several types of service contracts, e.g. rental, legal services and employment contracts and service contracts based on exclusive rights; and last, public contracts between entities within the public sector (articles 8-12).

Award procedures

On a European level, procurement is executed by the European Commission. The public sector directive contains several award procedures:

* open procedure,
* restricted procedure,
* competitive procedure with negotiation,
* competitive dialogue,
* negotiated procedure without prior publication.

The *open procedure* applies when no other procedure is chosen. In the open procedure, the contracting authority submits a call for tenders. Interested companies may submit a tender. The best offer is chosen, based on the selected award criteria (article 27).

The *restricted procedure* consist of two phases. In the first phase a call for expression of interests is set out. Interest candidates may submit an invitation to tender. The contracting authority will then invite the most suitable candidates to submit a tender. The contracting authority will award the contract to the best tender, based on the selected award criteria (article 28).

In the *competitive procedure* with negotiation any interested candidate may submit a request to participate in the negotiations, in response to a call for competition. In this call for competition, the contracting authority has provided a description of their needs and the characteristics of the works or services to be procured. Only the interested candidates that are invited may submit an initial tender, which will be the basis of the negotiations (article 29). In several cases the negotiation procedure can be used without prior publication, for example when the public contract contains a creative achievement; when there is no competition; when intellectual property rights need to be protected, or when there are reasons for extreme urgency (article 32).

In the *competitive dialogue* any interested candidate can submit a request to participate in response to a contract notice given by the contracting authority. The contract notice provides the information on and the needs and requirements of the contracting authority, as well as the chosen award criteria. The selected interested candidates will join the competitive dialogue, in which the means best suited for satisfying the contract will be defined (article 30).

A new procedure within this directive is the *innovation partnership*. In this procedure, any economic operator may submit a request to participate in response to a contract notice, by providing information for qualitative selection that is requested by the contracting authority. The innovation partnership can be set up with one partner or several partners. Only the economic operators invited by the contracting authority participate in the procedure. After each phase, the contracting authority may decide after each phase to terminate the partnership or reduce the number of partners within the partnership, based on the targets.

According to article 26, the open procedure and restricted procedure are the standard procedures to apply in case of procurement. The other procedures can be used in a limited number of situations, for example when the service is innovative, or when the technical specifications can’t be determined (art. 26, sub 4.).

Contracting authorities can use framework agreements, provided that they apply the procedures in this directive. The agreement can not exceed four years. Contracts within the agreement will be awarded according to the rules in article 33.

In most procedures the candidates are chosen with the use of selection criteria. The selection criteria may relate to suitability to pursue the professional activity; economic and financial standing and technical and professional ability. All criteria need to be related and proportionate to the matter of the contract (article 58).

National regulations

Luxembourg still has to implement the public sector directive 2014/24/EU abrogating directive 2004/18/CE. In the Report on the transposition of European Directives and Application of EU Law 16 May 2014 (Rapport sur la Transposition des Directives Europeennes et L’application du Droit de l’Union), the Ministry of Sustainable Development and Infrastructure (Ministère du Développement durable et des Infrastructures (Travaux publics)warns that the transposition of this directive in the national law will engender deep changes in the present legislative framework due to extensive modification in or abrogation of the present law on Public Procurement, the Act of 25 June 2009 on public procurement (Loi du 25 juin 2009 sur les marchés publics). The Ministry also states that the process of transposition will need to take into account all the considerations made by the entities concerned (other ministries as well as the professional organisations (Chambres Professionnelles)).

#### Scope

Therefore, for the time being, the regulatory framework for the procurement procedures in the public sector is the Act of 25 June 2009 on public procurement. This law is structured in three parts (Livres), the last two of which are the transposition in the national law of the previous European directives on procurement (2004/18/CE and 2004/17/CE respectively).

The first part (Livre I) addresses the national specificities in terms of procurement. It starts by stating that “without prejudice to specific provisions of sections II and III , the provisions of this section apply to all contracts awarded by public contracting authorities”, so that at present the provisions do not fully comply with the present European legal framework.

The scope of the national legislation is defined as all those contracts awarded by public contracting authorities that are not reaching the thresholds for the amounts to be contracted that are specified by the European directives[[83]](#footnote-83).

The law is applied under the specifications of the Grand Ducal Regulation of 3 August 2009 implementing the Law of 25 June 2009 on public procurement and amending the threshold provided for in Article 106 point 10 of the amended municipal law of 13 December 1988 (Règlement grand-ducal du 3 août 2009 portant exécution de la loi du 25 juin 2009 sur les marchés publics et portant modification du seuil prévu à l'article 106 point 10° de la loi communale modifiée du 13 décembre 1988).

### Procurement procedures

The law

Before describing the typologies of procurement procedure, art. 4 states that the contracting authorities (*pouvoirs adjudicateurs*) shall apply the principles of equality, non discrimination and transparency. Also, they shall take into consideration the environmental and sustainability issues that may arise, in line with what is stated in each contract specification (cahier des charges). Finally, in case of electronic procedure, further and specific modalities are explained in the a regulation.

As for the possible procedures, the law lists three typologies, the “open procedure”, the “restricted procedure” (with or without a tender notice) and the “negotiated procedure”, the first one being the norm and the others the exception.

The exceptions are determined by thresholds concerning the contracted amounts, the nature of the works or services to be contracted and of the contracted authority, as under art. 7-8.

For what Crisis Management is concerned, albeit there is no direct mention of it, under art.8 the negotiated procedure is made possible when the contracting authority is the Army, the Police, the Customs and Excise Administration or the Rescue Services (the terms used are the vague “services de secours”), in case of requirements for the standardization of the equipment and intervention material or of personal belongings necessary for the safety and protection of the members of the intervention unit.

The regulation

The regulation applies to all the Public Procurement Procedures and the contracting authorities listed in Section I of the Act of 25 June 2009 on public procurement. This regulation abides by the principles stated in the European directives 2004/18/EC and 2004/17/EC, thus it will have to be modified or abrogated according to the transposition and implementation procedure

#### Selection criteria

The law

Art. 11 of the Act of 25 June 2009 on public procurement lists the selection criteria to be used in case of Public Procurement Procedure. Those can be either the principle of the most economically advantageous regular offer or the regular offer at the lesser price, where a regular offer is every offer that after evaluation is deemed formally and technically compliant and that fulfils all of the qualitative selection criteria that may be listed in the terms of reference (cahiers spéciaux des charges – see below).

The article also lists the requirements that are to be used to evaluate if a proposal is or not economically advantageous. The contracting authority may decide to use one or more of the listed criteria.

Art. 18 lists the only exception to the aforementioned selection criteria in case of Public Procurement carried out by municipalities or analogous authorities. In detail, “notwithstanding the provisions of Article 11, the Board of Mayor and Aldermen or the body entitled to engage for the public institution placed under the supervision of the municipality may, where the total amount excluding the VAT does not exceed 20.000 euros (…) award the contract to a competitor residing in the municipality, provided that the price offered by the local competitor does not exceed by more than five percent the one of the economically most advantageous regular offer or that of regular offer at the lesser price”.

The regulation

As for the specifications, these are stemming from the regulation Grand Ducal Regulation of 24 March 2014 on the establishment of special sections of standardized charges for public procurement and the amendment of Article 103 of the Grand Ducal Regulation of 3 August 2009 implementing the Law of 25 June 2009 on the public markets (Règlement grand-ducal du 24 mars 2014 portant institution de cahiers spéciaux des charges standardisés en matière de marchés publics et portant modification de l’article 103 du règlement grand-ducal du 3 août 2009 portant exécution de la loi du 25 juin 2009 sur les marchés publics)that details the requirements to insert in all the terms of reference for the different possible procurement objects.

## Niche capabilities

The niche capabilities are those in which a Member States or an associated country specialises and it is ready to provide them to other countries in case of a crisis or a disaster, while other countries recognise their quality and are or may be willing to use them. With regard to that, in the beginning of 2014 the revised legislation on the Civil Protection Mechanism of the European Union has come into force[[84]](#footnote-84). As a result a European Emergency Response Capacity (EERC) has been set up, moving from the previous ad hoc arrangement to a more predictable and reliable system that allows for better planning and coordination. It takes the form of a voluntary pool of pre-committed response assets from the Member States. Therefore the European Union is aware of the niche capabilities of the Member States and can make use of those capacities as well as experts that are available for immediate deployment. This capacity will be covered with regard to “costs of obligatory training courses, exercises and workshops necessary for the certification of Member States' response capacities for the purposes of the EERC ("certification costs"). The certification costs may consist of unit costs or lump sums determined per type of capacity, covering up to 100 % of the eligible costs”[[85]](#footnote-85). Among the niche capabilities, the government of Luxembourg has mentioned in the voluntary pool Technical Assistance Support Team (together with International Humanitarian Partnership), Search and Rescue team's, water purification unit and wild water rescue unit and MEDEVAC (transport ambulances and repatriation by air).

The MEDEVAC unit of Luxembourg has been incorporated into the European Civil Protection Mechanism since 2012. The MEDEVAC unit ensures the repatriation of patients and stakeholders involved in aid missions in countries affected by Ebola. Before MEDEVAC can be deployed, the Luxembourg Air Rescue (LAR) will perform a risk analysis.

The MEDEVAC module will be available as long as the Grand Duchy of Luxembourg may reserve the right to refuse to accept an assignment to deploy the module in specific cases and after consultation with the European Commission:

* If a national emergency when the Luxembourg should repatriate a person, resident or border infected by Ebola, a collaborator of NGOs under contract with the Department of Cooperation and Humanitarian Action;
* in cases of force majeure such as technical problems of the plane, unstable weather conditions, etc.;
* in case of any serious situation, especially when the risk analysis on a case by case basis by the LAR would prove detrimental to an evacuation[[86]](#footnote-86).

On 27 November 2014 Luxembourg also held a large-scale exercise for all the stakeholders that will intervene in case of an Ebola alert. The exercise was held by the High Commission for National Protection, the Rescue Service Agency, the Health Directorate, the Government Information and Press Service, the Ville de Luxembourg Fire and Ambulance Service, the Luxembourg Hospital Centre, as well as Luxair and Lux-Airport.



Figure 43 Ebola Emergency Simulation Exercise[[87]](#footnote-87)

Among other capabilities, it is worth mentioning the integrated platform, emergency.lu. It includes applications, end devices and communication technologies and consists of satellite infrastructure and capacity; communication and coordination services; satellite ground terminals for long term as well as rapid deployment; and transportation of equipment to the disaster area within the first 12 to 20 hours. The main supporters of the platform are the World Food Programme, the Emergency Telecommunication Cluster and the Rescue Service Administration.

# Resources

## Legislative acts

* Directive 2014/24/EU of the European Parliament and of the council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.
* Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC.
* Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism.
* Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC.
* Directive 2008/114/CE du Conseil du 8 décembre 2008 concernant le recensement et la désignation des infrastructures critiques européennes ainsi que l’évaluation de la nécessité d’améliorer leur protection.
* Loi du 12 juin 2004 portant création d'une Administration des services de secours.
* Projet de loi (no. 6475) relative à la Protection nationale.
* Loi du 16 décembre 2011 portant approbation du Mémorandum d’accord concernant la coopération dans le domaine de la gestion de crises pouvant avoir des conséquences transfrontalières entre le Royaume de Belgique, le Royaume des Pays-Bas et le Grand-Duché de Luxembourg, signé à Luxembourg, le 1er juin 2006.
* Loi modifiée du 30 mai 2005 relative aux dispositions spécifiques de protection de la personne à l’égard du traitement des données à caractère personnel dans le secteur des communications électroniques et; portant modification des articles 88-2 et 88-4 du Code d’instruction criminelle.
* Loi du 2 août 2002 relative à la protection des personnes à l’égard du traitement des données à caractère personnel.
* Loi du 8 décembre 1981 sur les réquisitions en cas de conflit armé, de crise internationale grave ou de catastrophe
* Titre V de la loi du 31 mai 1999 portant création d’un corps de police grand-ducale et d’une inspection générale de la police
* Loi communale modifiée du 13 décembre 1988
* Texte coordonné de la loi communale du 13 décembre 1988 (art.100-102).
* Loi du 27 février 1986 concernant l’aide médicale urgente.
* Loi du 1er mars 2013 portant modification
  + de la loi modifiée du 31 juillet 2006 portant introduction d'un Code du Travail;
  + de la loi modifiée du 12 juin 2004 portant création d'une Administration des services de secours.
* Loi modifiée du 18 novembre 1976 portant organisation de la protection civile.
* Règlement grand-ducal du 25 octobre 1963 concernant l’organisation générale de la protection nationale.
* Arrêté grand-ducal du 31 décembre 1959 concernant l’organisation générale de la protection nationale.
* Loi du 22 août 1936, autorisant le Gouvernement à prendre les mesures propres à protéger la population contre les dangers résultant d'un conflit armé international et notamment des dangers dus aux attaques aériennes.

## Other normative acts

* Règlement grand-ducal du 12 mars 2012 portant application de la directive 2008/114/CE du Conseil du 8 décembre 2008 concernant le recensement et la désignation des infrastructures critiques européennes ainsi que l’évaluation de la nécessité d’améliorer leur protection.
* Règlement grand-ducal du 21 mars 2012 déterminant les modalités de permanence et de garde et d'indemnisation des volontaires des unités de secours de la division de la protection civile de l'Administartion des services de secours.
* Règlement grand-ducal du 1er juillet 2011 modifiant
* l'arrêté grand-ducal modifié du 23 novembre 1955 portant règlement de la circulation sur toutes les voies publiques.
* l'arrêté grand-ducal du 6 mai 2010 portant organisation
  + de la division d'incendie et de sauvetage de l'Administration des services de secours,
  + des services d'incendie et de sauvetage des communes.
* Règlement grand-ducal du 6 mai 2010 déterminant les missions spécifiques, la composition, l'organisation et le fonctionnement de la division de la protection civile de l'Administration des services de secours.
* Règlement grand-ducal du 6 mai 2010 portant organisation
  + de la division d'incendie et de sauvetage de l'Administration des services de secours,
  + des services d'incendie et de sauvetage des communes.
* Règlement grand-ducal du 6 mai 2010 fixant
  + l'organisation de la formation des agents des services de secours et de la population,
  + la composition, l'organisation et les missions de la Commission à la formation de l'Administration des services de secours.
* Règlement grand-ducal du 6 mai 2010 fixant les modalités du congé spécial des volontaires des services de secours.
* Règlement grand-ducal du 6 mai 2010 portant organisation du contrôle médical des agents des services de secours.
* Règlement grand-ducal du 6 mai 2010 fixant
  + l'organisation, le fonctionnement et les modalités de nomination et d'indemnisation des membres du Conseil supérieur des services de secours,
  + les indemnités revenant aux conseillers techniques de l'Administration des services de secours.
* Règlement grand-ducal du 14 décembre 2000 concernant la protection de la population contre les dangers résultant des rayonnements ionisants.
* Règlement grand-ducal du 11 août 1996 concernant l'information de la population sur les mesures de protection sanitaire applicables et sur le comportement à adopter en cas d'urgence radiologique.
* Arrêté grand-ducal du 4 décembre 1987 portant institution de la médaille de Mérite de la Protection Civile.
* Règlement grand-ducal du 13 octobre 1983 portant extension de l'assurance obligatoire contre les accidents aux activités de secours et de sauvetage.
* Règlement grand-ducal du 19 mars 1979 instituant près du lac de barrage d’Esch-sur-Sûre un poste de premiers secours qui fonctionne pendant la saison touristique allant du 15 mai au 15 septembre.
* Arrêté grand-ducal du 23 juillet 1945 concernant le recouvrement des impôts "Versicherungssteuer" "Feuerschutzsteuer" et "Beförderungssteuer" (6 Ko).
* Arrêté Grand-Ducal du 31 janvier 1907 concernant l'exécution de la loi du 22 avril 1905 sur l'établissement d'un impôt spécial dans l'intérêt du service d'incendie (50 Ko).
* Règlement grand-ducal du 24 mars 2014 portant institution de cahiers spéciaux des charges standardisés en matière de marchés publics et portant modification de l’article 103 du règlement grand-ducal du 3 août 2009 portant exécution de la loi du 25 juin 2009 sur les marchés publics.

## Official documents (white papers, strategies, etc.)

* Rapport sur la Transposition des Directives Europeennes et L’application du Droit de l’Union

## Online resources (e.g. websites of key CM organizations)

* <http://ec.europa.eu/echo/files/civil_protection/vademecum/lu/2-lu.html>
* [www.hcpn.public.lu](http://www.hcpn.public.lu)
* [www.chd.lu](http://www.chd.lu)
* [www.governement.lu](http://www.governement.lu)
* [www.112.public.lu](http://www.112.public.lu)
* [www.infocrise.public.lu](http://www.infocrise.public.lu)
* <http://www.ms.public.lu/fr/index.html>
* [www.emergency.lu](http://www.emergency.lu)
* [www.legilux.public.lu](http://www.legilux.public.lu)
* [www.marches.lu](http://www.marches.lu)
* [www.etat.lu](http://www.etat.lu)

## Publications

* Alliance Developments Work (2014), ‘World risk report 2014’

Ministère de l'Intérieur (2013), Rapport d'activité 2013.

* Information and Press Service of the Luxembourg Government (2014), ‘What to do in the event of a nuclear alert?’. Available at: www.infocrise.public.lu/fr/publications/urgence-nucleaire/brochure-cattenom/201410-brochure-cattenom-eng.pdf

## Expert interviews

* the Rescue Service Agency (Administration des services de secours, ASS),
  + Interview held: October 2014
* the High Commission for National Protection (Haut-Commissariat à la Protection Nationale)
  + Interview held: November 2014

1. The data are retrieved from The OFDA/CRED International Disaster Database, www.em-dat.net. [↑](#footnote-ref-1)
2. The data are retrieved from the website of PreventionWeb, serving the information needs of the disaster reduction community (http://www.preventionweb.net/english/countries/statistics/?cid=102). [↑](#footnote-ref-2)
3. Alliance Developments Work (2014), ‘World risk report 2014’. [↑](#footnote-ref-3)
4. Information and Press Service of the Luxembourg Government (2014), ‘What to do in the event of a nuclear alert?’. [↑](#footnote-ref-4)
5. Schematic location of the location of the nuclear plants is prepared by the authors of this report. More about the nuclear plants in France and Belgium can be found here <https://www.edf.fr/groupe-edf/producteur-industriel/carte-des-implantations#!field_poi_type_1=367&id=rzr-poi-behavior-filter-form>, <http://www.chooz.com/En/entreprendre/centrale.cfm>, https://www.electrabel.com/en/corporate/nuclear-power-plant-belgium/doel-tihange. [↑](#footnote-ref-5)
6. For more details please refer to Chapter 1.2.5. [↑](#footnote-ref-6)
7. See more details in rest of this Chapter and Chapter 2. [↑](#footnote-ref-7)
8. See more details in Chapter 1.2.5. [↑](#footnote-ref-8)
9. See more details Chapter 1.2.5. [↑](#footnote-ref-9)
10. The information is adapted from http://www.hcpn.public.lu/HCPN/Historique/index.html. [↑](#footnote-ref-10)
11. The information is adapted from http://www.hcpn.public.lu/Protection-nationale/Concept\_-organisation-et-fonctionnement/Conseil-superieur-a-la-Protection-Nationale/index.html. [↑](#footnote-ref-11)
12. For more information about the High Commission for National Protection see Chapter 3. [↑](#footnote-ref-12)
13. The information has been obtained through the website of CASES ([www.cases.lu](http://www.cases.lu)), that is operated by the SMILE (Security made in Lëtzebuerg GIE; this organization operates the Computer Incident Response Center Luxembourg, CIRCL). [↑](#footnote-ref-13)
14. For more information about this project please refer to the website [www.secricom.eu](http://www.secricom.eu). [↑](#footnote-ref-14)
15. http://ec.europa.eu/echo/files/civil\_protection/vademecum/lu/2-lu.html. [↑](#footnote-ref-15)
16. The following plans are adopted at the moment: (1) the Influenza pandemic plan, (2) Ebola emergency intervention plan, (3) Cyber Plan and (4) Emergency Response Plan in case of a nuclear accident. See more details about the adopted plans in Chapter 1.2.5 and in Chapter 4.2. [↑](#footnote-ref-16)
17. For more information see Chapter 1.6. [↑](#footnote-ref-17)
18. For more details please refer to Chapter 3. [↑](#footnote-ref-18)
19. Rescue Services Agency, www.112.public.lu. [↑](#footnote-ref-19)
20. The report was prepared in August – December 2014. [↑](#footnote-ref-20)
21. This information is obtained via the expert interviews. [↑](#footnote-ref-21)
22. Ministère de l'Intérieur (2013), Rapport d'activité 2013. [↑](#footnote-ref-22)
23. This information is obtained via the expert interviews. [↑](#footnote-ref-23)
24. This information is obtained via the expert interviews. [↑](#footnote-ref-24)
25. http://www.ihp.nu/news/60-triplex-2013-major-cyclone-hits-german-danish-border-area.html. [↑](#footnote-ref-25)
26. http://www.thw.de/SharedDocs/Meldungen/EN/Uebungen/national/2013/03/meldung\_001\_opex\_bravo.html?nn=927442&categoryId=2&categoryIdValue=944006. [↑](#footnote-ref-26)
27. http://www.insarag.org/en/component/content/article/197-earthquake-response-exercise-qcount-downq.html. [↑](#footnote-ref-27)
28. http://www.arfdirex2013.org/. [↑](#footnote-ref-28)
29. http://www.gouvernement.lu/2816438/28-exercice-cattenom. [↑](#footnote-ref-29)
30. http://www.nato.int/cps/en/natohq/news\_117862.htm?selectedLocale=en&mode=pressrelease. [↑](#footnote-ref-30)
31. http://www.nato.int/cps/en/natolive/news\_105205.htm?selectedLocale=en. [↑](#footnote-ref-31)
32. Ministère de l'Intérieur (2013), Rapport d'activité 2013. [↑](#footnote-ref-32)
33. Loi du 2 août 2002 relative à la protection des personnes à l’égard du traitement des données à caractère personnel. [↑](#footnote-ref-33)
34. Loi modifiée du 30 mai 2005 relative aux dispositions spécifiques de protection de la personne à l’égard du traitement des données à caractère personnel dans le secteur des communications électroniques et; portant modification des articles 88-2 et 88-4 du Code d’instruction criminelle. [↑](#footnote-ref-34)
35. Institut Luxembourgeois de Régulation. [↑](#footnote-ref-35)
36. Loi du 2 août 2002 relative à la protection des personnes à l’égard du traitement des données à caractère personnel. [↑](#footnote-ref-36)
37. This information is obtained via the expert interviews. [↑](#footnote-ref-37)
38. Arrêté grand-ducal du 31 décembre 1959 concernant l’organisation générale de la protection nationale. [↑](#footnote-ref-38)
39. Loi du 22 août 1936, autorisant le Gouvernement à prendre les mesures propres à protéger la population contre les dangers résultant d'un conflit armé international et notamment des dangers dus aux attaques aériennes. [↑](#footnote-ref-39)
40. Règlement grand-ducal du 25 octobre 1963 concernant l'organisation générale de la protection nationale. [↑](#footnote-ref-40)
41. For example, Projet de loi (no. 6475) which is further described in this Chapter. [↑](#footnote-ref-41)
42. Prepared by authors of this country report. [↑](#footnote-ref-42)
43. Available at: <http://www.chd.lu/wps/PA_RoleEtendu/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/148/123/114272.pdf> [↑](#footnote-ref-43)
44. Projet de loi (no. 6475) relative à la Protection nationale, Chapter 2, Article 2, Notes to the articles. [↑](#footnote-ref-44)
45. Projet de loi (no. 6475) relative à la Protection nationale. [↑](#footnote-ref-45)
46. Mentioned in <http://www.hcpn.public.lu/HCPN/Base-legale/index.html> [↑](#footnote-ref-46)
47. Projet de loi (no. 6475) relative à la Protection nationale. [↑](#footnote-ref-47)
48. This is a structure according to the current regulation where draft law is Projet de loi (no. 6475). [↑](#footnote-ref-48)
49. Article 4 of Projet de loi (no. 6475) states that “les ministères, administrations et services publics susceptibles d’intervenir en cas d’incident ou de catastrophe disposent individuellement d’une panoplie de moyens propres. Ces moyens seront désormais, en cas de déclenchement des mécanismes de gestion de crise prévus par la loi, à la disposition de la Protection nationale. Face à une crise imminente ou pendant une crise, il est nécessaire de disposer d’un organe regroupant des délégués de haut niveau et par conséquent mandatés pour développer, coordonner, mettre en oeuvre et veiller à l’exécution des mesures destinées à agir et à réagir rapidement. A l’heure actuelle, un tel organe fait défaut. La Cellule de Crise assumera cette responsabilité” (p.4). [↑](#footnote-ref-49)
50. Loi du 12 juin 2004 portant création d’une Administration des Services de Secours, Article 11, 14. [↑](#footnote-ref-50)
51. Adapted from the website of the Rescue Service Agency ([www.112.public.lu](http://www.112.public.lu)). [↑](#footnote-ref-51)
52. Adapted from the website of the Rescue Service Agency ([www.112.public.lu](http://www.112.public.lu)). [↑](#footnote-ref-52)
53. Projet de loi (no. 6475) relative à la Protection nationale, Article 7. [↑](#footnote-ref-53)
54. The legal base is constituted by Règlement grand-ducal du 14 décembre 2000 concernant la protection de la population contre les dangers résultant des rayonnements ionisants and Plan d’intervention d’urgence (PIU) en cas d’accident nucléaire; Règlement grand-ducal du 11 mai 2006 établissant des mesures de lutte contre l'influenza aviaire, Plan gouvernemental - Pandémie grippale; Plan d’intervention d’urgence Cas probables/confirmés EBOLA au niveau national. [↑](#footnote-ref-54)
55. The information on the Cyber Plan (Plan d’intervention d’urgence en cas d’attaque contre les systèmes d’information ou de faille technique des systèmes d’information, Plan ‘Cyber’) is presented on the website of HCPN (http://www.hcpn.public.lu/plans\_nationaux/Plan-\_Cyber\_/index.html). [↑](#footnote-ref-55)
56. Règlement grand-ducal du 6 mai 2010 déterminant les missions spécifiques, la composition, l'organisation et le fonctionnement de la division de la protection civile de l'Administration des services de secours, Article 4. [↑](#footnote-ref-56)
57. Adapted from the website of the Rescue Service Agency ([www.112.public.lu](http://www.112.public.lu)). [↑](#footnote-ref-57)
58. http://www.benevolat.public.lu/fr/index.html. [↑](#footnote-ref-58)
59. The organisational chart presented in this report was prepared in October 2014. [↑](#footnote-ref-59)
60. Adapted from the website of the High Commission for National Protection (http://www.hcpn.public.lu/Protection-nationale/Concept\_-organisation-et-fonctionnement/Cellule-de-crise/index.html). [↑](#footnote-ref-60)
61. Adapted from the website of the Rescue Service Agency ([www.112.public.lu](http://www.112.public.lu)). [↑](#footnote-ref-61)
62. For the list of members, see Chapter 1.2.1=2. [↑](#footnote-ref-62)
63. Adapted from the website of the High Commission for National Protection (http://www.hcpn.public.lu/Protection-nationale/Concept\_-organisation-et-fonctionnement/Cellule-de-crise/index.html). [↑](#footnote-ref-63)
64. Adapted from Department of Radiation Protection (2014), National Report on the measures taken by Luxembourg to fulfill the obligations laid down in the "CONVENTION ON NUCLEAR SAFETY” to the Sixth review meeting of the contracting parties in 2014, on behalf of the Government of Luxembourg. [↑](#footnote-ref-64)
65. Loi du 16 décembre 2011 portant approbation du Mémorandum d’accord concernant la coopération dans le domaine de la gestion des crises pouvant avoir des consequences transfrontalières entre le Royaume de Belgique, le Royaume des Pays-Bas et le Grand-Duché de Luxembourg, signé à Luxembourg, le 1er juin 2006. Available at [www.legilux.public.lu/leg/a/archives/2011/0263/a263.pdf](http://www.legilux.public.lu/leg/a/archives/2011/0263/a263.pdf). [↑](#footnote-ref-65)
66. Directive 2008/114 / EC of 8 December 2008 on the identification and designation of European Critical Infrastructure and the assessment of the need to improve their protection. [↑](#footnote-ref-66)
67. Adapted from <http://www.infocrise.public.lu/fr/grippe-pandemie/index.html> [↑](#footnote-ref-67)
68. Legislation is available here http://www.gouvernement.lu/708654/21conseil. [↑](#footnote-ref-68)
69. Adapted from: “Plan d’intervention d’urgence - Cas probables / confirmés EBOLA au niveau national (“Plan EBOLA”)”. [↑](#footnote-ref-69)
70. ‘Plan d’intervention d’urgence (PIU) en cas d’accident nucléaire’. [↑](#footnote-ref-70)
71. The information was assessed from: http://www.hcpn.public.lu/plans\_nationaux/Plan-\_Cyber\_/index.html. [↑](#footnote-ref-71)
72. This information is obtained via the expert interviews. [↑](#footnote-ref-72)
73. At the moment this report was under prepared there were emergency response in case of a nuclear accident or incident, pandemics and Ebola presented on the website (see Chapter 4.2). [↑](#footnote-ref-73)
74. This information is obtained via the expert interviews. According to them, the staff of the HCPN will be enlarged in the near future. [↑](#footnote-ref-74)
75. Ministère de l'Intérieur (2013), Rapport d'activité 2013. [↑](#footnote-ref-75)
76. Department of Radiation Protection (2014), National Report on the measures taken by Luxembourg to fulfill the obligations laid down in the "CONVENTION ON NUCLEAR SAFETY” to the Sixth review meeting of the contracting parties in 2014, on behalf of the Government of Luxembourg. [↑](#footnote-ref-76)
77. Department of Radiation Protection (2014), National Report on the measures taken by Luxembourg to fulfill the obligations laid down in the "CONVENTION ON NUCLEAR SAFETY” to the Sixth review meeting of the contracting parties in 2014, on behalf of the Government of Luxembourg. [↑](#footnote-ref-77)
78. https://www.oecd-nea.org/rp/inex/. [↑](#footnote-ref-78)
79. http://www-ns.iaea.org/downloads/iec/convex-3.pdf. [↑](#footnote-ref-79)
80. https://www.oecd-nea.org/rp/inex/. [↑](#footnote-ref-80)
81. http://www.securitecivile.be/en/content/european-civil-protection-modules-exercises. [↑](#footnote-ref-81)
82. http://www.insarag.org/en/global-structures/news-archive-global/211-osocc-course-in-uae-was-conducted.html. [↑](#footnote-ref-82)
83. Retrieved from the Portail des marchés publics du Luxembourg (<http://www.marches.public.lu/fr/principes-generaux/structuration/index.html>). [↑](#footnote-ref-83)
84. The decision has been taken in the end of 2013 regarding the new Civil Protection Mechanism in the EU (Decision of the European Parliament and of the Council, 9 December 2013, PE-CONS 97/13). [↑](#footnote-ref-84)
85. Decision of the European Parliament and of the Council, 9 December 2013, PE-CONS 97/13, p.54. [↑](#footnote-ref-85)
86. Information is adopted from the website (<http://www.infocrise.public.lu/fr/actualites/ebola/2014/11/20141106-ebola-cp/index.html>). [↑](#footnote-ref-86)
87. Source: SIP, Government of Luxembourg [↑](#footnote-ref-87)