



EUROPEAN
COMMISSION

Brussels, 28.7.2026
COM(2026) 401 final

ANNEX

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to the

Recommendation for a Council Decision

**authorising the European Commission to participate, on behalf of the European Union,
in the negotiations within the United Nations Organisation for an international
agreement on the protection of persons in the event of disasters**

ADDENDUM

DIRECTIVES FOR THE NEGOTIATION OF AN INTERNATIONAL AGREEMENT ON THE PROTECTION OF PERSONS IN THE EVENT OF DISASTERS

Regarding the process of the negotiations, the EU should aim to achieve that the negotiation process is open, inclusive and transparent, and based on cooperation in good faith.

Regarding the general objectives for the negotiations, the EU should aim to achieve that:

(1) Whilst promoting human rights, international law and the rules and principles enshrined in the United Nations Charter, the Convention lays down the principles for effective international cooperation in disaster management, in particular when a disaster manifestly exceeds a State's capacities.

(2) The Convention is in line with the principles of the Sendai Framework for Disaster Risk Reduction 2015–2030¹ and the main findings of the Mid-term Review of the Sendai Framework² are taken into full consideration.

(3) The provisions of the Convention are compatible with the EU's legal framework in the field of humanitarian aid, namely Council Regulation (EC) No 1257/962 adopted on the basis of Article 214 of the Treaty on the Functioning of the European Union (TFEU), and with the legal framework governing the EU's support to Member States' action in the field of civil protection pursuant to Article 196 TFEU as well as the secondary legislation adopted on that basis, Decision 1313/2013/EU on a Union Civil Protection Mechanism. The provisions are also compatible with the principles of the Joint Communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 27 May 2026³~~2025~~.

(4) The provisions of the Convention are compatible with the EU's and its Member States' international obligations.

(5) The provisions of the Convention strike an appropriate balance between protecting the affected people by respecting their rights and addressing their essential needs on the one side and fully respecting the principle of territorial sovereignty of States on the other side, which entails the primary responsibility of affected States to provide disaster relief.

(6) The Convention upholds the humanitarian principles of neutrality, impartiality, humanity and independence, which must be promoted and fully respected also in the context of disaster relief, as enshrined in the European Consensus on Humanitarian Aid⁴.

(7) The text of the Convention specifies that in cases of armed conflict, rules on the same issues, should, to the extent possible, be interpreted so as to give rise to a single set of compatible obligations. Where there are irreconcilable contradictions, international humanitarian law takes precedence as *lex specialis* and nothing in the Convention can be read or interpreted as affecting international humanitarian law. At the same time, the application of

¹ Resolution 69/283 adopted by the General Assembly of the United Nations on 3 June 2015.

² Sendai Framework Mid-Term review main findings.

³ [Joint Communication to the European Parliament and the Council](#), Defending values, driving reform, delivering impact: the EU's humanitarian action in a shifting global order, JOIN(2026)25 Final, 27 May 2025.

⁴ Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission (2008/C 25/01).

the Convention is not excluded *a priori*, notably taking into account cases of complex emergencies where a disaster occurs in an area where there is an armed conflict.

Regarding the substance of the negotiations, the EU should aim to achieve that:

(8) The scope of the Convention covers all phases of disaster management, which includes prevention, preparedness and response, and promotes international cooperation on disaster management, in particular with regard to disasters that have major transboundary effects or exceed the national response capacities of a State.

(9) The provisions of the Convention fully acknowledge the importance of addressing the affected people's essential needs while respecting their fundamental rights, striking a balance between these two complementary approaches.

(10) The Convention provides for definitions of disasters allowing to address the adverse consequences of an event on the affected persons, regardless of the origin of the disaster. The definition avoids any unclear or exceedingly high threshold for the application of the Convention's provisions and includes damage to cultural property amongst the potential adverse consequences of a disaster.

(11) The provisions of the Convention are fully in line with the Oslo Guidelines on The Use of Foreign Military and Civil Defence Assets In Disaster Relief⁵, acknowledging that these assets may be used only where there is no comparable civilian alternative and only the use of military assets can meet a critical humanitarian need.

(12) The definition of assisting actors includes a reference to regional integration organisations, thereby acknowledging the role of organisations like the EU in providing support to disaster management.

(13) The definition of external assistance is broad and includes expertise.

(14) The Convention explicitly mentions that the four humanitarian principles of neutrality, impartiality, humanity and independence must be respected in disaster response. The instrument's overarching objective is the protection of the affected people whose rights must be respected, and essential needs must be addressed, taking into account the specific situation of people disproportionately affected by a disaster, including those experiencing multiple and intersecting forms of discrimination, and paying particular attention to the rights and needs of women, children, older people and persons with disabilities.

(15) The Convention establishes a duty for States to cooperate among themselves, and with relevant international governmental and non-governmental organisations in all phases of disaster management, including disaster risk reduction, in order to adequately respond to the increasing number, complexity and intensity of disasters. Affected States have a duty to seek external assistance when a disaster manifestly exceeds their capacities. The Convention also mentions a broad and non-exhaustive list of forms of cooperation.

(16) The Convention enshrines a duty of States to reduce the risks of disasters by appropriate means.

(17) The provisions of the Convention clearly mention the obligation of the affected State to protect the affected persons and provide assistance, which entail the duty to ensure that the provision of assistance is timely and effective, and to enable access of external assistance to the people in need. While the affected State has the right to place conditions on the provision

⁵ Oslo Guidelines of the Office for the Coordination of Humanitarian Affairs of November 2007.

of external assistance, taking into account the rights and needs of the affected people, the provisions clearly specify that the affected State shall not arbitrarily withhold its consent to offers of external assistance. The provisions also specify that the affected State has to facilitate the provision of assistance and to protect relief personnel, equipment and goods for disaster relief.

(18) The Convention contains minimum procedural rules for effective international cooperation ensuring a smooth phasing out of external assistance.

Regarding the functioning of the Convention, the EU should aim to achieve that:

(19) The Convention preserves existing global and regional instruments and ongoing international cooperation in disaster relief. In particular, the EU Member States, in their mutual relations, are able to continue applying the rules of the EU.

(20) The Convention provides for a light and appropriate mechanism to ensure its implementation and provide for final provisions, including signature, ratification, acceptance, approval and accession, entry into force, amendment, suspension, denunciation and depositary and languages.

(21) The Convention ensures effective participation and cooperation amongst all relevant stakeholders, including non-governmental organisations and other civil society organisations, in order to support its implementation.

(22) The Convention allows for the EU to become a party to it and to participate in the dispute settlement mechanism.

Overall, the procedure for negotiation shall be as follows:

(23) The Commission should endeavour to ensure that the Convention is consistent with relevant EU legislation and policies, as well as the EU's commitments under other relevant multilateral agreements.

(24) The Commission should conduct negotiations on behalf of the EU, for matters falling within its competence, in accordance with the Treaties.

(25) The negotiations, including each negotiation round, must be prepared in advance. To this end, the Commission shall inform the Council of the schedule anticipated and the issues to be negotiated and shall share the relevant information as early as possible.

(26) In accordance with the principle of sincere cooperation, the Commission and the Member States should cooperate closely during the negotiation process, including through regular contacts with the Member States' experts and representatives in New York.

(27) To the extent possible, the negotiating sessions shall be preceded by a meeting of the Working Party on Public International Law in order to identify the key issues, formulate opinions and provide guidance, including formulating declarations and reservations, as appropriate.

(28) The Commission shall report to the Working Party on Public International Law on the outcome of the negotiations after each negotiating session, including in writing.

(29) The Commission shall inform the Council and consult the Working Party on Public International Law on any important issue that may arise during the negotiations.