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Text of model law	Remarks
<p><i>Scope of this law and related definitions</i>  This law applies to the forecast [and the prevention] of emergencies, the preparation for the event of emergencies, the management of emergencies, and the evaluation of emergency management, whilst:</p> <ul style="list-style-type: none"> <li>• Forecasting : all measures to identify and analyse risks of emergencies;</li> <li>• Prevention : all measures aimed at limiting the occurrence of an emergency risk or minimising the consequences of its occurrence;</li> <li>• Preparation : all measures to ensure that public entities are ready to deal with an actual emergency;</li> <li>• Management : all measures that are taken when the emergency actually occurs;</li> <li>• Evaluation : assessing the quality of forecasting, prevention, preparation and management and respective policies;</li> <li>• Emergencies : <ul style="list-style-type: none"> <li>◦ Alt. 1: events or circumstances impacting or seriously threatening an unusually high number of persons or animals or important natural resources [or important public or private property].</li> <li>◦ Alt. 2: events or circumstances impacting or seriously threatening a minimum threshold of persons or animals] or important natural resources [or important public or private property]:  (insert numbers below to define the scope of the law)</li> </ul> </li> </ul>	<p>If prevention is included, the scope of the regulation is broad as prevention might influence land use, planning and construction of infrastructure (e.g. flood control). Usually, prevention is not included in regulations dealing with emergencies.</p> <p>More, and partly diverging, definitions can be found in the reference regulation referred to in this text and on the <a href="#">Terminology site of UNDRR</a> (United Nations Office for Disaster Risk Reduction). However, we did not build too much on the UNDRR definitions in particular as the definition of “disaster” on which the entire UNDRR / Sendai Framework is based seems both too broad for some aspects, too restrictive for others, unnecessarily complicated and too imprecise to precisely delimit the scope of a law. For example the definition of disaster is “A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts”. We thus recommend another, more precise approach than UNDRR, further explained in the following.</p> <p>We found that what is instinctively felt to be an emergency varies in terms of number of persons concerned. Ten (10) persons at risk following an abduction is perceived more to be an emergency than 100 persons threatened by a heatwave. Therefore, the model law provides for the possibility to define how many persons (or even animals or any value of material goods) need to be at risk before an emergency is to be assumed or declared. The inserted numbers are just suggestions for a basis of discussion.</p>

	<p>The core question to be answered is, however, not the question “What is an emergency?”, but “How should we define 'emergency' so that the law applies to all the appropriate cases and only the appropriate cases?”. The empowerments and other elements of the law should only apply from a certain level of gravity. Hence, a back-and-forth eye movement between the content of the law and the scope of the law, primarily being defined by the definition of emergency, is recommended. The strength of ordinary (local) administrations might play a role as well. In a jurisdiction with highly performing (local) authorities, the threshold for triggering the application of the emergency law should be higher than in a jurisdiction with weaker or inconsistent performing administrations.</p> <p>Even where a common threshold was to be used (e.g. ten persons or one thousand animals), we recommend listing at least once, the emergency types to be covered, in order to obtain a clearly defined scope.</p> <p>More potentially to be listed events (Hazards can be found in Annex 6 of this <a href="#">UNDRR document</a>. In particular very advanced jurisdictions might try to fine-tune the definition of “emergency” and thus the scope with more granularity.</p>
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This table is only relevant for Alternative 2

<b>Code ET=Event</b>	<b>Emergency type</b>	<b>No. of persons threshold</b>	<b>No. of animals<sup>1</sup> threshold</b>
ET1	Abduction and holding hostages	10	-
ET2	Air quality <sup>2</sup>	100	10.000
ET3	Artificial intelligence risks <sup>3</sup>	10.000	-

1 Please define which animals (only livestock or also wild, only large animals or also smaller ones) shall be taken into account.

2 E.g. dust, smoke, sand, other particles, toxic substances.

3 E.g. uncontrolled spreading of software or items controlled by artificial intelligence and not ultimately controlled by humans.

ET4	Attacks with arms, drones, robots or vehicles	10	1.000
ET5	Biological risks or damages <sup>4</sup>	10	1.000
ET6	Civil engineering risks or damages <sup>5</sup>	10	1.000
ET7	Chemical risks or damages <sup>6</sup>	10	1.000
ET8	Cold wave	1.000	100.000
ET9	Cyberattack where of public interest <sup>7</sup>	100	10.000
ET10	Drought / water shortage	1.000	100.000
ET11	Earthquake	100	10.000
ET12	Electro-magnetic discharge <sup>8</sup>	1.000	100.000
ET13	Explosion	10	1.000
ET14	Fire	10	1.000
ET15	Food quality risks or damages <sup>9</sup>	10	1.000
ET16	Flooding including tsunamis	10	1.000
ET17	Heatwave	1.000	100.000
ET18	Landslide	100	10.000
ET19	Leaking of gases and liquids	100	10.000
ET20	Mass killing	10	1.000
ET21	Mass panic	100	-
ET22	Meteors falling	100	10.000
ET23	Radioactivity	100	10.000
ET24	Storm	1.000	100.000
ET25	Threats of criminals <sup>10</sup>	100	10.000
ET26	Transportation accident <sup>11</sup>	10	-
ET27	Volcano outbreak	100	10.000
ET28	Water quality <sup>12</sup>	100	10.000
ET28	Other	See most similar type above	

Text of model law	Remarks
An emergency in the meaning of this law is given where any of the events listed in the table above is likely / not unlikely to happen within one [month] OR [three months] OR [six months] OR [one year], or is imminent or ongoing or has occurred, whilst the	This sentence belongs still to the first section on scope and definition under Alternative 2. It is necessary to define the degree of likelihood and the time horizon for the emergency. Of course, one could also differentiate between the

4 E.g. Uncontrolled spreading of bacteria, viruses, fungi, plants or animals, including when causing pandemics for humans, animals and plants.

5 E.g. collapse of a construction work.

6 E.g. emission of toxic gases.

7 E.g. against traffic, public services and infrastructure or of large scale and therefore of public interest.

8 E.g. caused by weapons or natural phenomena.

9 E.g. criminal intoxication. One might exclude or not non-intentional food quality cases.

10 There can be overlaps between this emergency type and many others, and most of the threats will also fall under another emergency type. However, terrorist and other criminal threats can also be non-specified wherefore we recommend including this emergency type.

11 Regardless of the type of vehicle.

12 E.g. criminal intoxication. One might exclude or not non-intentional water quality cases.

<p>consequences are still virulent.</p>	<p>various emergency types or simply the number of estimated victims. A meteor that is likely to hit a densely populated area might trigger the need to act with emergency powers even one year in advance, whilst for most emergency types, a one to three months time horizon should be sufficient.</p> <p>If differentiation in terms of time-horizon is required, it suffices to add another column to the chart above that could e.g. have the title upper time limit<sup>13</sup>.</p> <p>The risk limit could of course also be quantified: &gt;10%, &gt;20%, &gt;30%, &gt;40% or &gt;50% risk.</p>
<p><i>Further definitions</i> ...</p>	<p>Can be added subject to needs. See again for inspiration the <a href="#">Terminology site of UNDRR</a>, but also the few national reference regulations cited at the end of the model law.</p>
<p><i>Cooperation of public entities</i> The following public entities are obliged to cooperate and to contribute [with all their available resources] to tackling the emergency: ...</p>	<p>It is commendable to list rather more than less authorities and public bodies.</p>
<p><i>Communication and command</i> Subject to the type of emergency, the following public entities are in charge of external communication, coordination and may take decisions binding the other public entities, whilst being empowered to delegate both tasks and empowerments to other public entities:</p>	<p>A clear responsibility and command structure is paramount for the handling of emergencies. Implicitly, this attribution shall also assign the appropriate level: nation state, regional, or local level. Evidently, the lower the level, the more coordination issues arise, where knowledge of the local situation is required tasks should be assigned to the local level.</p>

Code	Emergency type <sup>14</sup>	Lead public entity
ET1	Abduction and holding hostages	
ET2	Air quality	
ET3	Artificial intelligence risks	

<sup>13</sup> Time by which the emergency materialises must be expected to materialise to trigger the applicability of this law.

<sup>14</sup> If you have opted for Alternative 1 above, the list appears here for the first time. If so, you might wish to copy in the explanatory footnotes of the first table.

ET4	Attacks with arms, drones, robots or vehicles	
ET5	Biological risks or damages	
ET6	Civil engineering risks or damages	
ET7	Chemical risks or damages	
ET8	Cold wave	
ET9	Cyberattack where of public interest	
ET10	Drought / water shortage	
ET11	Earthquake	
ET12	Electro-magnetic discharge	
ET13	Explosion	
ET14	Fire	
ET15	Food quality risks or damages	
ET16	Flooding including tsunamis	
ET17	Heatwave	
ET18	Landslide	
ET19	Leaking of gases and liquids	
ET20	Mass killing	
ET21	Mass panic	
ET22	Meteors falling	
ET23	Radioactivity	
ET24	Storm	
ET25	Threats of criminals	
ET26	Transportation accident	
ET27	Volcano outbreak	
ET28	Water quality	
ET28	Other	See most similar type above

Text of model law	Remarks
<p><b>Supervision</b>  The lead public entity is / is not under supervision of its usual supervisory authority / the geographically responsible police.  The lead public entity may / shall, where time is available, seek confirmation of their far-reaching or questionable decisions from their supervisory authority [and the geographically responsible police].</p>	<p>It might also be useful to clarify whether the responsible public entity is subject or not to the usual supervision by the supervisory authority. On one hand, this supervision seems logic in terms of political responsibility. On the other hand, meddling by a not necessarily more competent supervisory authority may complicate and delay coordinated action. An intermediate solution could involve giving the lead public entity the possibility to obtain confirmation for far-reaching or questionable decisions or to oblige the lead public entity to go for such confirmation. Alternatively, the geographically responsible police could take over the supervisory role.</p>
<p><b>Classes of empowerments</b>  Subject to the severity of emergencies,</p>	

different classes of empowerments are attributed to the lead agency and to other entities in the event of an emergency. The classes of empowerments are defined as follows:

#### **Class I**

- Requesting information which is not confidential,
- Ordering other public entities to contribute,
- Creating incentives for blood or tissue donations,
- Communicating acute warnings and recommendations to the population.

#### **Class II**

- Requesting confidential information,
- Use of artificial intelligence, also with regard to confidential information,
- Calling for volunteers to help,
- Banning the use of objects,
- Steering public traffic,
- Ordering media and internet service providers to communicate warnings and recommendations,
- Use of public stocks,
- Obliging public entities to shelter persons,
- Requesting support from international organisations or other states via the Ministry of Foreign Affairs.

#### **Class III**

- Targeted dissemination of confidential information,
- Drawing qualified professionals,
- Requesting the military to intervene,
- Imposing mandatory vaccination,
- Requesting the population to stay at home,
- Ordering the population to leave certain places,
- Confiscation and use of vehicles, objects, funds and property,
- Obliging service providers to provide services,
- Obliging manufacturers to produce certain items,
- Obliging private persons to shelter other persons,
- Controlling the production of goods and

The attribution of empowerments to the lead agencies and other public entities is easier when using empowerment classes. However, it is also conceivable to attribute all the empowerments in an undifferentiated way or, on the contrary, to attribute empowerments individually in a big matrix crossing the empowerments and types of emergencies.

The classes defined on the left side should be regarded as mere inspiration. Classes can also be merged or individual empowerments can be shifted to another class.

For jurisdictions wishing to set up more detailed empowerments, we recommend reading Sections 6 to 10 of the [Jersey Emergency Powers and Planning law 1990](#).

services or taking over the management of the production,

- Limiting, banning or putting under price or other conditions the selling and the consumption of [food, water, fuel, gas, electricity and other goods of daily necessity] goods and services,
- Limiting, banning or putting under price or other conditions the import and export of goods and of services,
- Limiting, banning or putting under price or other conditions the transport of goods,
- Limiting, banning or putting under price or other conditions any form of travel of persons.

#### Class IV

- Publication of confidential information,
- Drawing of all civilians,
- Forcible evacuation,
- Assigning places where to be to civilians,
- Destroying of objects and property,
- Deciding on the processing of corpses,
- Temporarily extending the scope or issuing of professional licenses<sup>15</sup>,
- Sanctioning of persons hindering the emergency operations other than by detention,
- Sanctioning persons refusing to contribute to the emergency operations,
- Ordering media and internet service providers not to report and not to forward information where this might trigger panic or other behaviours putting lives at risk.

#### Class V

- Detaining persons hindering the emergency operations as sanction and as a means to prevent repetition,
- Exerting pressure to trigger blood or tissue donations,
- Ordering or executing triage decisions<sup>16</sup>,

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<sup>15</sup> So that, e.g.: persons with a normal driving license are authorised to drive trucks; nurses, advanced medical students or medical trainees are authorised to work as doctors.

<sup>16</sup> These are decisions on who gets life-saving medical treatment where capacity limits are reached. Where this empowerment is not given or not used, the medical professionals on the spot will decide. This is not necessarily worse an approach.

<ul style="list-style-type: none"> <li>• Other decisions that lead to the death of persons (e.g. on attribution of life-saving resources to one place or the other where persons at both places are in urgent need),</li> <li>• Interrupting or fully controlling telephone, media and internet services to avoid panic or other behaviour that puts persons at risk.</li> </ul>	
<p><b>Attribution of empowerments</b>  The following table lists the empowerments given by law to the lead public entity or other entities for each of the different types of emergencies, whilst the lead public entity might in addition delegate empowerments to other entities as part of emergency coordination efforts:</p>	<p>The table below is filled in to illustrate how the classes can be used, not to prescribe how to attribute the classes.</p> <p>Each attribution can of course be subject to conditions or limitations. To that end, you might add two additional columns, one to the right of the lead public entity column, and one on the right of the other entities column.</p> <p>Where, as in the example below, all entities obtain at least the first two or three classes of empowerments, the first two or three classes can be merged to simplify the presentation.</p>

Code	Emergency type	Lead entity	Other entities
ET1	Abduction and holding hostages	I to IV	I to III
ET2	Air quality	I to V	I to IV
ET3	Artificial intelligence risks	I to V	I to IV
ET4	Attacks with arms, drones, robots or vehicles	I to IV	I to III
ET5	Biological risks or damages	I to V	I to IV
ET6	Civil engineering risks or damages	I to III	I to II
ET7	Chemical risks or damages	I to V	I to IV
ET8	Cold wave	I to IV	I to III
ET9	Cyberattack where of public interest	I to IV	I to III
ET10	Drought / water shortage	I to V	I to IV
ET11	Earthquake	I to V	I to IV
ET12	Electro-magnetic discharge	I to III	I to II
ET13	Explosion	I to V	I to IV
ET14	Fire	I to IV	I to III
ET15	Food quality risks or damages	I to V	I to IV
ET16	Flooding including tsunamis	I to V	I to IV
ET17	Heatwave	I to IV	I to III
ET18	Landslide	I to IV	I to III
ET19	Leaking of gases and liquids	I to IV	I to III
ET20	Mass killing	I to IV	I to III
ET21	Mass panic	I to IV	I to III

ET22	Meteors falling	I to V	I to IV
ET23	Radioactivity	I to V	I to IV
ET24	Storm	I to V	I to IV
ET25	Threats of criminals	I to IV	I to III
ET26	Transportation accident	I to IV	I to II
ET27	Volcano outbreak	I to V	I to IV
ET28	Water quality	I to V	I to IV
ET28	Other	See most similar type above	

Text of model law	Remarks
<p><i>Involvement of military</i> Where the military is involved in emergency operations, it is under the command of the lead public entity.</p>	<p>It might be useful to state the same for (special) police forces.</p>
<p><i>Triage and other decisions implying the loss of lives</i> Triage or other decisions implying the loss of lives shall be taken in view of the following principles:</p> <ul style="list-style-type: none"> <li>• Highest priority is the saving of lives OR life years;</li> <li>• Second highest priority is the prolongation of lives<sup>17</sup> OR the reduction of suffering.</li> <li>• Third highest priority is the prolongation of lives OR the reduction of suffering (choose the one you have not chosen under the second indent).</li> </ul> <p>Deviations from this priority list are [in particular] justified where a life saved would be a life in a vegetative state / without consciousness whilst several other persons could obtain a prolonged life or have their suffering reduced if the resources needed for the lifesaving were available. Extreme economic consequences shall not / may influence decision making.</p>	<p>Triage decisions and a few other situations can present difficult ethical choices. The legislator can either refrain from regulating, leaving the difficult ethical questions to the front-line practitioners, or set up basic principles to provide leeway or discretion. Medical personal is often trained to make triage decisions; leaving decisions entirely to them is therefore defensible. But for other situations presenting similar difficult ethical choices, decision-makers might be less prepared.</p> <p>Here an example for such difficult decisions: imagine that a decision-maker has enough staff either to evacuate a home with 40 elderly (65 years or above) or 300 ordinary inhabitants (average age: 30) in an area that is threatened by flooding. The decision-maker is sure that none of the elderly would survive without evacuation assistance, whilst, according to his estimation, 9/10 of the ordinary inhabitants (thus 270) would survive without evacuation assistance. When deciding in view of the number of lives that can be saved, he has to evacuate the elderly. When deciding in view of the</p>

<sup>17</sup> Where the goal of life years has been preferred under the first indent, this choice should not be given here anymore.

	<p>number of life years saved, he would need to go for the ordinary inhabitants.</p>
<p><b>Parliamentary control of empowerments</b>  Empowerments provided in this law can be revoked, suspended or limited by decision of a 2/3 majority of the parliament.</p>	<p>Emergencies have been abused by governments to restrict rights of citizens. Clear rules on the parliamentary control can protect them.</p> <p>It might be useful to establish a higher than usual hurdle (quorum) for the parliament to withdraw empowerments. However, it needs to be verified whether it is compatible with the constitution to establish such a higher hurdle. In a number of jurisdictions, only the constitution itself can establish or modify the quorum.</p>
<p><b>Government decrees</b>  The government may issue decrees setting out details on the execution of the empowerments and on the management of emergencies. [Where there is no urgency, it shall give the parliament one-month notice prior to adoption and shall take account of the reaction of the parliament.]</p> <p>The decrees may / may not further restrain data protection law and the protection of confidential information.</p> <p>The decrees may / may not further limit other rights of legal and natural persons.</p>	<p>Decrees, sub-ordinate legislation or similar regulatory tools of the government can complement the law appropriately. However, given the very sensitive character of the matter, it might also be deemed appropriate to give the parliament the possibility to informally react to a decree project. This is also helpful where, as suggested below, the parliament can formally revoke a decree. The informal reaction at an earlier stage can help to avoid a later conflict which would let the parliament revoke the decree.</p>
<p><b>Parliamentary control of government decrees</b>  The parliament may revoke, suspend or modify the decrees adopted by the government by ordinary majority decision.</p>	<p>As stated above, the rights-sensitive character of the matter might be regarded as justifying a tight control of the government by the parliament.</p>
<p><b>Cost coverage, damage compensation and income losses</b>  All persons involved in the handling of a declared emergency, including / with the exemption of volunteers who have not been registered, shall obtain coverage of their costs caused by accidents from ... (either state insurance or state administration). They shall obtain coverage of other costs or compensation for damages from ... (responsible state administration). Volunteers who have been [registered following a call for volunteering or] drawn shall</p>	<p>Hardly any emergency is manageable without causing damages by the emergency operations themselves. In states where there are no generic provisions on cost coverage, damage compensation and income loss of volunteers, we would recommend developing at least basic provisions.</p>

<p>in addition obtain compensation of their income loss. Where their employer has continued to pay them during their volunteering, the right is transferred to the employer.</p>	
<p><i>Other compensations</i>  Natural or legal persons whose goods were confiscated, who had to manufacture goods or who had to provide services or who have suffered a damage or loss in connection with the emergency operations shall have a right to compensation, to be addressed by the lead agency responsible for the emergency operation [in the following cases: ...].  Where their claim has been rejected, they may apply for compensation to the national emergency compensation fund which shall deal with their claims as a priority.</p>	<p>We have suggested a broad range of empowerments in view of enabling the entities to take all appropriate measures, even where they do not dispose themselves of the necessary means. However, it is not fair to use private resources for emergencies without compensation. The existence of a compensation mechanism might also increase the readiness of private rights holders to cooperate in the emergency. Therefore, generous rules on compensation are in the interest of all sides.</p>
<p><i>Liability</i>  Ordinary provisions on the liability of the state and its agents do not apply. Liability is excluded. <b>OR</b>  Liability for [gross] negligence is excluded. Agents targeted by lawsuits have the right to get reimbursed for their expenses.</p>	<p>Emergencies trigger the need to take many decisions in short time. Applying ordinary liability provisions might be regarded as unfair, at least when an individual state agent is attacked by a lawsuit. At least, the liability stringency should be reduced and protection be provided to the individual agent.</p>
<p><i>Legal remedies and judicial review</i>  Legal remedies and judicial review are excluded during a declared emergency. <b>OR</b>  Where an emergency has been declared, legal remedies, including judicial remedies do not have any suspensive effect. [However, the responsible court may reinstate the suspensive effect or take provisional decisions protecting the interests of natural [and legal] persons.]</p>	<p>The simplest solution not to waste scarce energy and attention on legal remedies is to ban them during the emergency. However, legal remedies can also have a warning function. Where many natural or legal persons launch legal remedies, something is very likely to go quite wrong. For this reason, we recommend rather still to permit legal remedies, but to suspend, if any there is, the suspensive effect of these legal remedies to ensure that the measures taken shall be executed. In jurisdictions with a strong position of the judiciary in the constitution, a blunt restriction of the control by courts would be unconstitutional, however it should be possible for the courts to reinstate the suspensive effect or to take provisional decisions.</p>

Where the emergency has been declared to be over, all measures taken are subject to ordinary judicial review[, with the exception of ...] .

At any rate, once the emergency is over, it should be possible for natural and legal persons to trigger ordinary judicial review. Judicial review is not only important as a first step for compensation. It is also important for the future. The time after an emergency is also the time before another emergency still to come.

**Materials, equipment and services**

For each type of emergency, the lead public entity shall assess which materials and which equipment would be needed to cope with the emergency. It shall also assess the likelihood of various emergency scenarios. It shall communicate both assessments to the state budget authority. [Emergency prevention and preparation shall have a budget share of at least X %.]

The lead public entities shall plan together with other public entities likely to be involved in a potential emergency, how the materials and equipment are best to be distributed and protected against degradation or theft. The other public entities shall follow the instructions of the lead public entity in this regard.

During the emergency the public entities may acquire materials and equipment or sign service contracts without respecting the following sections / provisions of law Y (on attribution of public contracts and on public tenders of public entities):

...  
They shall however respect the following rules:  
...

Various types of emergencies, but certainly not all, can be better managed where certain materials, equipment and supportive services are available. We suggest here legal provisions in this regard although the respective planning could also be done without such provisions because the legal provisions strengthen the position of public entities towards the budgetary authority / authorities. In some jurisdictions, it might even be possible to foresee a minimum emergency prevention budget, whilst in others such a provision would be regarded as illegal for limiting the freedom of the parliament when deciding on the budget.

The law applicable to acquisitions and public tenders of public entities is in many jurisdictions quite severe, establishing complex procedural requirements which cannot be easily managed, and even less so during an emergency where quick action is needed and where the overall management capacities of public entities is already under constraint.

**Training**

Once a year, each lead public entity shall undertake an emergency training exercise for at least one emergency type, whilst each of the emergency types under its responsibility needs to be covered at least once every ... (3, 4, 5) years. Every ... (3, 4, 5) years the lead public entity shall involve at least three other public entities in the training exercise. The

The capabilities of public entities to operate under emergency depends of course on their training, and the training of other entities with which they shall cooperate. Hence, it is appropriate to include a training programme. A training programme does not necessarily need to be laid down by law. However, laying

other entities called upon by the lead public entity shall actively support the training exercise.

Even before an emergency arises, each public entity may call upon volunteers to undergo training. Trained volunteers shall be registered and kept periodically informed of preparations for emergencies. The same applies to former staff of public entities involved in the management of emergencies.

Trained and registered volunteers and former staff have the right to undergo a one day refresher training every year whilst maintaining their usual salary or other compensation for those that may be retired or do not draw a salary.

#### *Emergency centre*

At national level, a single emergency centre is created by virtue of this law. It shall execute the following tasks:

- Providing a hotline and internet portal to receive alerts which might constitute an emergency in the meaning of this law;
- Investigate by own means [, including artificial intelligence,] on upcoming emergencies;
- Determine and inform the responsible lead public entity on an emergency or potential emergency;
- Settle conflicts of competence between different public entities;
- Coordinate [lead] public entities where different lead public entities are involved (hybrid emergencies);
- Support lead agencies in the management of an emergency;
- Replace a lead agency on request of the Government where the lead agency turns out not to perform well;
- Purchasing goods or services on behalf of the lead public entities;
- Provide management and other methodological training to [lead] public entities;
- Provide emergency command system guidelines for entities involved in the handling of emergencies; and
- Manage the funds of the emergency budget [which have not yet been attributed to a specific public entity].

it down by law creates a legal obligation and thereby is an indirect means to provide for the necessary funding.

Many types of emergencies require the help of more persons than those employed by the entities in charge of emergencies. Hence, volunteers are needed. The quality of the work of volunteers depends amongst other things on their training. Former staff constitutes another source for support in case of an emergency.

We recommend a single centre to avoid any overlapping or potential conflicts of competency, but of course specialisation may be an argument in favour of a split, e.g. one centre for all medical issues and another for all other issues.

An alternative to the creation of a new centre is to permit an existing entity to obtain the attribution of these tasks. We recommend one single centre, also as back-up competence centre and dispute settlement institution, not several.

The attribution suggested here can of course be extended. However, such an extension only make sense where the corresponding human and financial resources are available.

For jurisdictions that wish to extend the list, we recommend reading:

- Section 44-146.18 of the [Commonwealth of Virginia Emergency Services and Disaster Law of 2000](#) which has the title “Department of Emergency Management; administration and operational control; coordinator and other personnel; powers and duties”; and
- Sections 4(1) and 6(1) of the

**Alternative 1:**

The Emergency Centre is also responsible for all cases related to the forecast of emergencies, the prevention of emergencies, preparation for the event of emergencies, the management of emergencies and the evaluation of emergency handling which have not been attributed to any other public entity.

**Alternative 2:**

The Emergency Centre may in addition, subject to availability of funds, execute the following tasks to the extent that they have not been attributed to another public entity:

- the forecast of emergencies,
- the prevention of emergencies,
- the preparation for the event of emergencies,
- the management of emergencies,
- the evaluation of emergency handling,
- providing advice to government institutions respecting the preparation, maintenance, testing and implementation of emergency management plans,
- analysing and evaluating emergency management plans prepared by government institutions,
- monitoring potential, imminent and actual emergencies,
- advising the government(s) and public entities,
- conducting exercises related to emergency management,
- promoting a common approach to emergency management, including the adoption of standards and best practices,
- conducting research related to emergency management,
- promoting public awareness of matters related to emergency management, and
- facilitating the authorised sharing of information in order to enhance emergency management.

**Data protection**

The following sections / provisions of law Y (on data protection) do not apply during an emergency:

During an emergency, it might be e.g. necessary to have access to medical data of patients in order to take the best possible decision.

	See also the Class II empowerment above to obtain confidential information.
<p><i>International cooperation</i> When calling for support of international organisations or of other states, the lead public entity and the Emergency Centre, both represented by the Ministry of Foreign Affairs, shall conclude arrangements to ensure that the command remains under national control. However, the command may be deliberately handed over to the international organisation or to another state where this is clearly advantageous in terms of managing the emergency.</p> <p>Where an international organisation or another state assists emergency operations, the actions of the foreign agents shall be deemed to be actions of domestic agents. The foreign agents are exempted from civil and penal liability.</p> <p>The empowerments of this law may not / may be used where an international organisation or another state has called for support in an emergency[, provided the Parliament has given its approval].</p>	<p>Calling for international support is often necessary to manage emergencies. Developed countries frequently request help from others in case of emergency. Hence, it is necessary to frame it, it is particularly necessary to have a clear setting for who is in command.</p> <p>The action of the agents of the international organisation or of the foreign country should be regarded as action of national agents in relation to the persons concerned by their actions, whilst it is also appropriate to exempt these agents from civil and penal liability.</p> <p>Evidently, also other countries or international organisations might need support. In order to establish a good basis of support for future emergencies within national borders or within the region, it is commendable to be positively disposed to requests for emergency assistance. To be prepared for this case, the legislator should clarify whether the empowerments of this law can also be used to support the international organisation or the other country.</p>

## I. Reference regulations

Canada

[Emergency Management Act 2007](#)

European Union Member States

See below Part II

India

Disaster Management Act, 2005

Historically interesting: [Epidemic Diseases Act, 1897 from Wikipedia](#)

Jersey

[Jersey Emergency Powers and Planning law 1990](#)

New Zealand

[Pandemic legislation | Ministry of Health NZ](#)

Papua New Guinea

[Papua New Guinea - National Pandemic Act 2020 \(Act No. 8 of 2020\). \(ilo.org\)](#)

South Korea

[Infectious Disease Control and Prevention Act](#)

US

[Public Law 109.417.109](#)

[Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 \(PAHPRA\) | FDA](#)  
[Commonwealth of Virginia Emergency Services and Disaster Law of 2000](#)

## II. Further links

1) Presentation or comparison of the systems and laws of Member States of the European Union

[The national disaster management system | European Civil Protection and Humanitarian Aid Operations \(europa.eu\)](#) (once you have selected a state, click on “legal basis” in the right column)

[Pandemic legislation in the European Union: Fit for purpose? The need for a systematic comparison of national laws \(lshtm.ac.uk\)](#)

2) Systematic analysis of needs

[Effective Pandemic Management Requires the Rule of Law and Good Governance](#)  
[Verfassungsblog](#)

3) Commonwealth Association of Legislative Counsel list of legislative responses to COVID-19 emergency management in Commonwealth jurisdictions.

[Legislative responses to COVID-19](#)