



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

from: General Secretariat
to: Coreper/Council
No. prev. doc.: 15456/2/12 REV 2

Subject: Draft Council conclusions on the new CBRNE Agenda
- Adoption

1. Following the Council conclusions of 1 December 2009 on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union - an EU CBRN Action Plan¹ and the EU Action plan on Enhancing the Security of Explosives of 18 April 2008² as well as the outcome of the conference "Strategic EU-level CBRNE Conference: A new EU-CBRNE Agenda" held in Malmö, Sweden on 2 and 3 October 2012, the Presidency drew up a set of the draft Council conclusions on the new CBRNE Agenda.

¹ 15505/1/09 REV 1.

² 8311/08.

2. These draft Council conclusions were presented to the Working Party on Civil Protection on 7 November 2012. The examination took place by a written procedure. On 29 November 2012, following a silence procedure, the Working Party reached an agreement on the text set out in the Annex.

3. On this basis, the Permanent Representatives Committee is asked to invite the Council to adopt the conclusions set out in the Annex as an "A" item on the agenda.

Draft Council conclusions on the new CBRNE Agenda

1. **Acknowledging** that action at the EU level is required to develop a more strategic and overarching approach to chemical, biological, radiological and nuclear (CBRN) and explosives (E) policy fields which involves internal and external safety and security aspects;
2. **Considering** that new EU measures in the field of CBRNE, as appropriate and proportionate to the risk, should draw upon existing work, avoid duplication, provide added value for the Member States and be based on risk and threat assessments, as well as a cost-benefit assessment, whilst ensuring a coherent and consistent approach to security cooperation;
3. **Noting** that it is the responsibility of Member States to organise national civil and military resources in order to protect the population against criminal (including terrorist) attacks involving CBRNE materials;
4. **Recalling** that Member States and third countries facing CBRNE incidents that overwhelm their national response capability can, at any time, request the activation of the Community Civil Protection Mechanism³ to pool immediate civil protection and medical assistance available in Member States;
5. **Recalling the Commission Communication of 12 November 2007** on enhancing the security of explosives⁴ and **the EU Action Plan on Enhancing the Security of Explosives of 18 April 2008**⁵;

³ Council Decision of 8 November 2007 establishing a Community Civil Protection Mechanism (recast), OJ L 314, 1.12.2007, p. 9.

⁴ 14959/07 - COM(2007) 651.

⁵ 8311/08.

6. **Recalling the Commission Communication of 25 June 2009** on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union - an EU CBRN Action Plan⁶; and recalling the **Council conclusions of 1 December 2009** on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union - an EU CBRN Action Plan⁷;
7. **Having regard to Internal Security Strategy for the European Union: "Towards a European Security Model" of 25-26 March 2010**⁸;
8. **Recalling the Council conclusions of 8 November 2010** on preparedness and response in the event of a CBRN attack⁹;
9. **Recalling the draft proposal for a Decision of the European Parliament and of the Council of 13 December 2011** on serious cross-border threats to health¹⁰;
10. **Recalling** the obligations under various international agreements and treaties, such as the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC), the Convention on Physical Protection of Nuclear Material and the Nuclear Non-Proliferation Treaty (NPT), as well as the need to work with partners and international organisations on the non-proliferation of CBRN materials, as highlighted by the abovementioned EU strategies;
11. **Recalling the Report of the European Parliament of 2 December 2010** on strengthening chemical, biological, radiological and nuclear security in the European Union – an EU CBRN Action Plan¹¹;

⁶ 11480/09 - COM(2009) 273.

⁷ 15505/1/09 REV 1.

⁸ 7120/10.

⁹ 15465/10

¹⁰ 18509/11.

¹¹ 2010/2114(INI).

12. **Considering** the outcome of the conference "Strategic EU-level CBRNE Conference: A New EU-CBRNE Agenda ", held in Malmö, Sweden, on 2 and 3 October 2012, which underlined the need for a flexible approach considering the differences between C, B, R, N and E areas¹²;

THE COUNCIL OF THE EUROPEAN UNION:

1. **WELCOMES** the Commission's Progress Report on the Implementation of the EU Chemical, Biological, Radiological and Nuclear (CBRN) Action Plan of May 2012¹³ underlining the importance of maintaining a strategic approach to reduce the threat of, and damage from, CBRN incidents of accidental, natural and intentional origin, including terrorist acts; and is looking forward to the Commission's Progress Report on the Implementation of the EU Action Plan on Enhancing the Security of Explosives (E) which is expected at the end of 2012;
2. **UNDERLINES** the need to identify areas with insufficient security arrangements and to focus on and prioritise further common efforts to enhance the security of production, storage, handling and transportation of high-risk CBRN and E materials;
3. **RECALLING** the report of the EU CBRNE Conference in Malmö in October 2012, which, in its recommendations, called for consideration to be given to a comprehensive approach to CBRNE incidents including crimes and terrorism, and for the establishment of a structured approach to prevention, detection and response, focusing on enhanced interagency collaboration especially between law enforcement, military, civil protection and other competent authorities, as well as for ongoing development of close interaction on CBRNE between the public sector and private actors.

¹² 15365/12.

¹³ 10441/12.

4. **ENCOURAGES** the Commission, in the creation of a new CBRNE Agenda, to use the EU Chemical, Biological, Radiological and Nuclear Action Plan, and the Action Plan on Enhancing the Security of Explosives, as a foundation for creating a revised policy which should:
- identify and develop common prioritised focus areas for reviews on a regular basis;
 - strengthen the prevention of CBRNE risks on the basis of best practice and recommendations;
 - use synergies between the abovementioned Action Plans, encouraging the development of prevention and detection measures, awareness raising, and research on the security of CBRN materials and explosives, as well as the exchange, as appropriate, of information and knowledge regarding the management and handling of incidents with CBRN materials and explosives, while also keeping in mind relevant differences during future work;
 - consider the lead county initiative, which would allow Member States to take responsibility for delivering further action on priority areas of security concern, including exploring possibilities for EU funding;
 - aim to ensure that adequate high-quality, professional training courses are available for relevant stakeholders and national competent authorities, at both the public and private levels, contributing to an enhanced level of knowledge of the risks associated with CBRN and E materials and
 - emphasise that CBRNE security aspects should be seen in relation to other related critical areas in Member States' crisis preparedness systems, with attention paid to several interdependencies.
5. **TAKES NOTE OF** the Commission intention to report back to the Council in 2013 on the creation of the EU CBRNE Agenda.
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