



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

**PESC 101
CODUN 6
CONOP 3
COARM 3**

"I/A" ITEM NOTE

from : Secretariat
to : Coreper/Council

Subject: Adoption of Council conclusions on a list of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union

1. On 21 September 2001 the Extraordinary European Council adopted conclusions and a plan of action in order to give the necessary impetus to the EU's actions to combat terrorism. The "road map" of all the measures and initiatives under the action plan included possible adjustments to EU's non-proliferation and disarmament policy (Doc 13880/01).
2. The Council adopted on 10 December 2001 conclusions on implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the EU (Doc 14723/01), in which the Council noted that further work would continue towards the adoption of a list of concrete measures in the four fields set out in the conclusions.
3. Working Groups CONOP, CODUN and COARM have examined the list of concrete measures during the Belgian and Spanish Presidencies, and agreed the draft text at their level.

4. The draft Council conclusions are intended to emphasise the Council's determination to contribute to the world-wide fight against terrorism and to identify areas of action: a review and strengthening of relevant multilateral instruments in the field of non-proliferation, disarmament and export control; full implementation of export controls; international cooperation in the field of protection and assistance against the use or threat of chemical and biological weapons; and enhanced political dialogue with third countries in the field of non-proliferation, disarmament and arms control.
5. At its meeting on 15 March 2002 the PSC agreed to recommend the Council to adopt the conclusions on a list of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union.
6. In view of the above, the Permanent Representatives Committee is invited to suggest that the Council:
 - = adopt, as an "A" item, the draft Council conclusions on a list of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union, as set out in the Annex.

**Draft Council conclusions on list of concrete measures
with regard to the implications of the terrorist threat on the non-proliferation,
disarmament and arms control policy of the European Union**

At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.

In pursuing this priority objective, on 10 December 2001 the foreign ministers of the European Union launched a targeted initiative to respond effectively in the field of non-proliferation, disarmament and arms control to the international threat of terrorism, which focuses on multilateral instruments, export controls, international co-operation and political dialogue.

In implementing this targeted initiative the Council today adopts the following list of concrete measures:

CHAPTER I - Multilateral instruments

A. Support all activities related to the universalisation of existing multilateral instruments (i.a. CWC, BWC, Geneva Protocol, NPT, CTBT, CCW and Ottawa Convention)

The EU as such and its Member States will:

1. Promote, at a political level, universal adherence to instruments relating to weapons of mass destruction (BWC, CWC, Geneva Protocol, NPT, CTBT, Safeguards Agreements and Additional Protocols with the IAEA, CPPNM);
2. Lobby for the withdrawal of all relevant reservations on the Geneva Protocol;
3. Act at a political level in view of reaching a wider adherence and effective implementation of other relevant instruments in the field of conventional weapons.

B. Work for the effective implementation of the international instruments as well as political commitments world-wide

The EU as such and its Member States will promote:

1. Compliance with obligations and commitments under the international instruments as agreed by the States Parties, including - where the international instruments provide for- the destruction of prohibited weapons, the prevention of their diversion and illegal use, as well as the prevention of diversion of their technologies;
2. Enactment and strict application of national implementation legislation as required by the international instruments;
3. Full implementation of the Non-Proliferation Treaty and of the Final Documents of the 2000 and 1995 Review Conferences to the Non-Proliferation Treaty;
4. Enactment of the provisions of the Convention of the Physical Protection of Nuclear Material (CPPNM) and encourage those concerned states to take into consideration relevant IAEA recommendations and to request, when appropriate, an IPPAS mission;
5. Timely, consistent and full implementation of reporting obligations imposed either by the international instruments or by the final reports of review conferences (Chemical Weapons Convention declarations, BWC-CBMs, reports on the Amended II Protocol to the CCW, Article 7 reports regarding the Ottawa Convention) and the creation of necessary conditions for processing the resulting information (e.g. translate and process information coming from BWC-CBMs in usable databases);
6. Implementation of confidence building measures like, inter alia, submission of national reports to the UN register on conventional weapons and expansion of the register;
7. Implementation of the United Nations' programme of action on the fight against the illicit trade in small arms and light weapons and of the OSCE document on SALW.

C. Support the work of the international organisations (e.g. OPCW, CTBTO, IAEA) in their endeavour, in particular by:

1. Reviewing the financial resources required by the international organisations in order to provide sufficient funding to enable them to discharge their monitoring activities, including those undertaken in the light of the new threats post September 11, and ensuring that the funds provided are used in the most effective way;
2. Sustaining and expanding the OPCW capabilities to conduct effective inspections especially challenge inspections and investigations into alleged use. More realistic and frequent training exercises, especially practice inspections, provide an ideal mechanism to maintain and enhance such capabilities;
3. Supporting the statutory activities of the IAEA and strengthening its work to assist Member States to deal with the following:
 - physical protection of nuclear material and installations;
 - safe and secure management of radioactive sources including the implementation of the code of conduct on the safety and security of radioactive sources;
 - illicit trafficking in nuclear and radioactive material.

D. Reinforce, where needed, the multilateral instruments, in particular by:

1. Working actively to fill identified gaps in the current pattern of multilateral instruments in the field of disarmament, arms control and non-proliferation;
2. Review and, if needed, strengthen national implementation measures of multilateral instruments in the field of disarmament, arms control and non-proliferation;
3. Continuing efforts to promote the universalisation of the draft International Code of Conduct against ballistic missile proliferation with a view to its adoption before the end of 2002;

4. Continuing the efforts to promote the strengthening of the IAEA safeguards system through the signature and ratification of the Additional Protocols;
5. Speeding up completion by EU Member States of the necessary formalities to bring the IAEA Additional Protocols into force for the EU;
6. Making a special effort to overcome the stalemate in the Conference on Disarmament and promote the commencement of negotiations of a Fissile Material Cut-off Treaty;
7. Drafting of an international instrument on marking and tracing of SALW (i.a. French-Swiss proposal) as well as an international instrument on brokering as a priority;
8. Working for the successful conclusion of a reconvened 5th BWC Review Conference in November 2002;
9. Working in favour of a successful and early conclusion of negotiations under way in Vienna to expand the scope and application of the Convention on the Physical Protection of Nuclear Material;
10. Strengthening the CCW, through the promotion of measures aimed at verifying compliance with the convention and its protocols, and through the development of legally binding instruments, especially on explosive remnants of war.

In order to achieve the aims contained in this Chapter, the EU and its Member States will exchange information about the results of demarches with a view to establishing a country focused database.

CHAPTER II - Export controls

The EU as such and its Member States will:

1. Assess appropriate ways of improving the existing export control mechanisms: Nuclear Suppliers' Group, Zanger Committee, Missile Technology Control Regime, Australia Group and the Wassenaar Arrangement, as a contribution in the fight against terrorism, in order to prevent the diversion by terrorists of any weapons or “dual use” items or technologies.
2. Establish or further develop EU co-ordinating mechanisms with the aim to improve information exchange practices in different export control regimes and arrangements, in order to provide accurate and up to date information on risks of proliferation involving non-state actors and states that support them.
3. Promote, within the regimes and arrangements, common understanding and strict adherence to their guidelines, principles and practices.
4. Promote the inclusion of “prevention of terrorism” in the objectives of all existing export control regimes and arrangements.
5. Promote, where applicable, in the framework of intensified out-reach activities, adherence to effective export control criteria by countries outside the existing export control regimes and arrangements.
6. Examine measures, in close co-operation with the Commission, to improve the enforcement of the common control system based on the Council Regulation (EC) No 1334/2000 on dual use items and technology and consider whether there are further regulatory measures that could be adopted to render the control system more effective regarding non-proliferation by, among others, the following measures:
 - more regular exchanges of information between Member States (e.g. in the co-ordination group);

- examine implementation by Member States of controls on transshipment, transit and post-clearance, according to the provisions of the Community customs code.
7. Invite the relevant EU institutions to consider initiating a review of the denial notice system to ensure that is operating efficiently after more than three years since its inception.

CHAPTER III – International co-operation.

The EU as such and its Member States will:

1. Improve preparation for international assistance in relation to the CWC and the BWC to protect states against the use or threat of chemical and biological weapons in consistence with the decisions agreed upon by the European Council of Ghent.
2. Provide, as appropriate, international assistance through the OPCW, in accordance with Article X of the Chemical Weapons Convention.
3. Continue its efforts to maintain and upgrade, where appropriate, a high level of physical protection on nuclear material and facilities, and to make use of the relevant provisions of the CPPMN regarding international co-operation in the case of misuse or theft of nuclear material.
4. Make full use, as regards sources and radioactive materials, of the provisions of the convention on assistance in the case of nuclear accident or radiological emergency.
5. Support and enhance, within the EU financial possibilities and building on already existing initiatives in the Russian Federation and other CIS, co-operation programmes for disarmament and non-proliferation with a view to:
 - assist in the destruction of weapons of mass destruction and their means of delivery;
 - assist in the disposition of the related released materials, including radioactive materials;
 - reduce proliferation risks, i.a. through ISTC/SCTU co-ordinated programmes;
 - improve the required legislative development and implementation (i.a. export control).

6. Study the possibilities for a targeted assistance programme on export controls for the Central Asian states.
7. Strengthen the co-operation in the field of destruction of SALW and other conventional weapons surpluses, as well as in facilitating the tracing of lines of supply.

CHAPTER IV - Political dialogue

The EU as such and its Member States will:

1. Intensify the political dialogue on disarmament, arms control and non-proliferation, in particular with countries in Asia and the Middle East.
2. Invite like-minded countries outside of the EU to join the effort to promote the universalisation of multilateral instruments.
3. Intensify and expand co-operation with candidate countries related to export control, with a view to improving their capacity to fulfil the requirements of common export control, and thus support in concrete terms their membership in all export control regimes. Raise more frequently export control issues with third countries in the context of political dialogue.
4. Promote the implementation of the relevant provisions of the UN Security Council resolutions and decisions.
5. Promote a strict implementation of UN, EU and OSCE arms embargoes.

The Council will consider the adoption of common positions and joint actions to assure the effective implementation of the listed measures.