



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 October 2010

15465/10

**ENFOPOL 301
PROCIV 130
COTER 78
SAN 216
CODUN 37
CONOP 73**

"I/A" ITEM NOTE

from:	General Secretariat
to:	COREPER / Council
No. prev. doc.:	15144/10 ENFOPOL 295 PROCIV 127 COTER 74 SAN 208 CODUN 36 CONOP 70 13081/1/10 REV 1 ENFOPOL 231 PROCIV 101 COTER 61 SAN 165 CODUN 30 CONOP 56 CAB 12
Subject:	Draft Council conclusions on preparedness and response in the event of a CBRN attack

1. The Working Party on Terrorism discussed at its meetings on 6 September and 7 October 2010 the Presidency's proposal for draft Council conclusions on on preparedness and response in the event of a CBRN attack.
2. CATS agreed on the draft Council conclusions, contained in doc. 15144/10 ENFOPOL 295 PROCIV 127 COTER 74 SAN 208 CODUN 36 CONOP 70, at its meeting on 25 October 2010.
3. COREPER is invited to confirm the agreement on the text of the draft Council conclusions, as set out in annex, and to submit it to the Council for approval.

THE COUNCIL

ACKNOWLEDGING that attacks by terrorist groups with chemical, biological, radiological and nuclear materials (CBRN) would have major consequences for people, property and the environment, requiring a coordinated and multidisciplinary response by the public authorities;

ACKNOWLEDGING the interest of certain terrorist organisations in the use of CBRN products or agents as well as their public announcement that they aim to recruit CBRN scientists;

NOTING that it is first and foremost the responsibility of the Member States to protect the population against CBRN incidents, and that initiatives at EU level must be taken in accordance with the principles of subsidiarity, proportionality and solidarity as well as in accordance with the relevant EU legislation, including in the area of chemical or biological safety. At Union level, preference is to be given, as far as possible, to non-legislative solutions.

RECALLING that on 20 December 2002 the Council and the Commission jointly adopted a programme to improve cooperation in the EU for preventing and limiting CBRN terrorist threats¹; and that the programme was revised and supplemented by the EU Solidarity Programme on the consequences of terrorist threats and attacks adopted by the Council on 2 December 2004², which emphasised the importance of reinforcing preparedness and the ability to manage the consequences of an attack by improving mutual assistance capabilities, training, exercises and coordination;

¹ 14627/02 PROCIV 111 AGRI 288 ATO 138 CIVCOM 144 COSDP 406 DENLEG 84 ENV 693 ENER 282 ENFOPOL 144 PESC 518 PHARM 8 RECH 183 SAN 210 TELECOM 56 TRANS 297

² 15418/04 PROCIV 162 ATO 142 CIVCOM 279 COSDP 754 COCON 7 ENFOPOL 189 JAI 517 PESC 1061 PHARM 10 RECH 255 SAN 203 TELECOM 184

RECALLING that the Commission's Green Paper on bio-preparedness published in July 2007³ increased awareness of CBRN risks and threats and launched a process of consultation at European level on how to reduce biological risks and enhance preparedness and response in the context of an all-hazards approach, including the terrorist threat; recalling also that in its conclusions of 6 December 2007 on addressing CBRN risks and on bio-preparedness⁴ the Council opened the way to an approach which took account of all CBRN risks of natural or man-made origin, including those relating to potential terrorist use of CBRN substances;

HAVING REGARD TO the inventory of EU CBRN instruments relevant for addressing prevention, preparedness and response to biological risks in the areas of human health (including occupational health and safety), animal and plant health, police, research, environment, and civil protection, noted by the Council in June 2008⁵;

RECALLING that the Council conclusions of 27 November 2008 on the creation of a CBRN database invited Europol to develop a European CBRN database in which to gather and centralise technical information on CBRN terrorism-related events and CBRN products and materials which may be used with malicious intent⁶;

RECALLING that the Stockholm programme⁷ highlights the importance of global and efficient management of disasters by the EU and of reinforcement of the Union's capacity to prevent disasters; that CBRN security policy must be relevant and efficient to improve the protection of the EU citizens against incidents with CBRN materials;

³ 11951/07 JAI 392 PROCIV 125 ENFOPOL 139 SAN 156 AGRI 241 AGRILEG 110
CODUN 23 COSDP 615 COTER 63 DENLEG 66 ENV 416 PHARM 2 RECH 213 VETER
12

⁴ 16589/07 JAI 699 PROCIV 230 ENFOPOL 220 SAN 267 AGRI 437 AGRILEG 203
CODUN 53 CONOP 102 COSDP 1082 COTER 102 DENLEG 139 ENV 711 PHARM 12
RECH 429 VETER 36

⁵ 10382/08 PROCIV 88 JAI 310 AGRI 173 AGRILEG 97 ATO 50 CODUN 14 CONOP 35
COSDP 495 COTER 41 DENLEG 65 ENFOPOL 113 ENV 354 PHARM 2 RECH 204 SAN
119 VETER 12

⁶ 15294/2/08 REV 2 JAI 608 ENFOPOL 220 PROCIV 168

⁷ OJ C 115, 4.5.2010, p. 1

RECALLING the Council conclusions of 30 November 2009 on a Community framework on disaster prevention within the EU, which called for a comprehensive and consistent Community disaster prevention framework or strategy contributing to a multi hazard approach to the EU's disaster management policy and also sought to minimise the potential adverse consequences and the impact of acts of terrorism⁸;

NOTING the report of the second round of peer evaluation on preparedness and consequence management in the event of a terrorist attack, and more particularly the recommendation concerning the drawing up of generic plans for crisis management⁹;

RECALLING the Commission communication on strengthening CBRN security in the European Union¹⁰;

RECALLING the work of the CBRN Task Force launched in February 2008, with a view to preparing a list of measures that could be undertaken at EU level and in the Member States in order to lower the risks of terrorist acts using CBRN materials, and considering the outcome of the conference on enhancing CBRN security, held in Prague in the Czech Republic on 29 and 30 January 2009, and the report of the CBRN Task Force;

CONSIDERING that the EU CBRN Action Plan¹¹ includes actions concerning prevention, detection, preparedness and response and that one of its main objectives is to improve the planning of emergency measures;

CONSIDERING that preparedness is one of the essential elements of an efficient response to a CBRN threat or attack; that making emergency and intervention plans to react to that risk is one of the key elements of that response;

⁸ 15394/09 PROCIV 171 JAI 780 ENV 761 FORETS 110 AGRI 483 RECH 378 SAN 295 TELECOM 232 RELEX 1007 ELARG 91 MED 43 ECOFIN 698 ATO 133 CHIMIE 92 COHAFA 45 CONUN 115 COWEB 248 COEST 387

⁹ 8568/10 ENFOPOL 98 PROCIV 47

¹⁰ 11480/09 PROCIV 101 POLGEN 108 CAB 24 ENV 472 SAN 178 TRANS 265 CODUN 18 CONOP 42 CHIMIE 55 COPEN 124 DROIPEN 54 CRIMORG 108 JAI 431 ATO 71 RECH 216 RELEX 617 COTER 74 PHARM 1 PESTICIDE 2 VISA 210 ENFOCUSTOM 67 ENFOPOL 186 IND 78 AGRI 287 AGRILEG 117 VETER 20 DENLEG 53

¹¹ 15505/1/09 REV 1 + COR 1 + COR 2 PROCIV 173 POLGEN 180 CAB 57 ENV 772 SAN 300 TRANS 443 CODUN 41 CONOP 91 CHIMIE 93 COPEN 221 DROIPEN 150 CRIMORG 168 JAI 795 ATO 134 RECH 385 RELEX 1020 COTER 125 PHARM 21 PESTICIDE 19 VISA 383 ENFOCUSTOM 123 ENFOPOL 281 IND 149 AGRI 488 AGRILEG 207 VETER 56 DENLEG 112

NOTING that the sharing of information between the Member States on their national plans provides added value, both for the improvement of the plans themselves and for cooperation between Member States in the event of cross-border terrorist acts;

HIGHLIGHTING that it is essential that each Member State carry out such planning in order to determine the responsibilities of the competent authorities, to draw up strategic objectives, to take adequately into account generic scenarios for CBRN risks, including those relating to terrorist acts and terrorism threat assessments, to agree on operational procedures (including on detection and analysis methods) and to plan a public communication policy;

RECALLING that risk and threat evaluation in this area is closely related to the putting in place of planning instruments;

CONSIDERING that some Member States have specific preparedness and response plans to deal with terrorist threats or attacks involving CBRN materials; and that some others have emergency plans to deal with terrorist threats or attacks (including response to CBRN threats or attacks), specific plans for radiological or nuclear risks, general emergency plans with an all-hazards approach, or specific procedures to deal with attacks involving CBRN materials.

INVITES THE MEMBER STATES

- to ensure that the CBRN risk is properly incorporated into their emergency response planning, in particular by taking its possible terrorist origins into account;
- to integrate the different elements of the response when drawing up such plans (especially police, intelligence, rescue, health, communication);
- to take the requirements of possible criminal investigations and forensics adequately into account in those plans;
- to ensure the implementation of the CBRN emergency response planning through appropriate simulation exercises;
- to exchange information and best practices with other Member States concerning their CBRN emergency intervention and response planning;
- to examine any problems raised by the Member States during the preparation and implementation of CBRN planning which require action at European level;
- to raise awareness on CBRN risks and appropriate action among the population in the event of an attack.

