



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 May 2011

10338/11

LIMITE

**ENFOPOL 158
PROCIV 67
SAN 98
COSI 39
CATS 36**

I/A ITEM NOTE

from: Presidency

to: Coreper/Council

No. of prev. doc: 8788/11 ENFOPOL 101 PROCIV 42 SAN 65 COSI 20 CATS 21
9977/11 ENFOPOL 143 PROCIV 62 SAN 89 COSI 34 CATS 30

Subject: Council conclusions on the creation of a European network of specialised CBRN law enforcement units

1. On the basis of Action H. 38 of the EU CBRN Action Plan (doc. 15505/1/09), which called for the establishment of a network of specialised CBRN law enforcement units, the Presidency has drafted the abovementioned Council conclusions. The conclusions were discussed at the Terrorism Working Party meeting on 28 April 2011¹ and the CATS meeting on 17 May 2011 where an agreement was reached on the text as set out in Annex.
2. Coreper is invited to agree on the Council conclusions on the creation of a European network of specialised CBRN law enforcement units and submit them to the Council for approval.

¹ 8788/11

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NOTING that it is primarily the responsibility of the Member States to protect the population against criminal and terrorist attacks, involving chemical, biological, radiological or nuclear (CBRN) materials;

ACKNOWLEDGING that terrorist attacks using CBRN materials would have major consequences for people, property and the environment, requiring a coordinated, multidisciplinary and all-hazard approach by the competent public authorities, with involvement of EU institutions and agencies when appropriate;

CONSIDERING that the Council conclusions on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union – an EU CBRN Action Plan² invite the Member States together with the Commission to set up a network of specialised CBRN law enforcement units;

RECALLING the Stockholm programme – an open and secure Europe serving and protecting citizens³ which reaffirms the importance of the implementation of the EU CBRN Action Plan;

RECALLING that the Communication from the Commission to the European Parliament and the Council - The EU Internal Security Strategy in Action: five steps towards a more secure Europe⁴, as reiterated by Conclusions adopted by the Council on 24 and 25 February 2011⁵ calls for the implementation of the EU CBRN Action Plan as a priority by way of both legislative and non-legislative actions and, in particular, highlights the need for the establishment of a European network of specialised CBRN law enforcement units, in order to encourage Member States to improve their CBRN emergency response capacity;

² 15505/1/09 REV 1 + COR 1 + COR 2

³ OJ C 115, 4.5.2010, p.1

⁴ 16797/10 JAI 990

⁵ 6699/11

BEARING IN MIND that in line with the Protocol on the application of the principles of subsidiarity and proportionality attached to the Treaty on European Union, EU actions should be implemented without creating an unnecessary financial or administrative burden falling upon the Union, national and regional authorities;

ACKNOWLEDGING the ongoing work of the European Explosive Ordnance Disposal Network (EEODN), including cooperation in the field of CBRN, based on the EU Action Plan on Enhancing the Security of Explosives adopted by the Council on 18 April 2008⁶;

WELCOMES the intention of creating the European network of specialised CBRN law enforcement units, as set out in Action H. 38 of the EU CBRN Action Plan, while respecting the tasks and duties of competent authorities in different Member States and without calling upon the establishment of new national structures;

INVITES the Member States together with the Commission and Europol to set up such a network to facilitate the exchange of information and good practices, organise joint training exercises and update them on the latest developments in this area, as set forth in Action H. 38 of the EU CBRN Action Plan;

ENCOURAGES the Member States to actively participate in the network via their competent CBRN law enforcement units or other competent authorities;

INVITES Europol to assist in the development of this network and to ensure maximum synergy with existing European structures such as the EEODN;

INVITES the Commission and Member States to explore options for financial support for the establishment and functioning of this network.

⁶ 8311/08