Council Decision (CFSP) 2020/1656 of 6 November 2020 on Union support for the activities of the International Atomic Energy Agency (IAEA) in the areas of nuclear security and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

COUNCIL DECISION (CFSP) 2020/1656

of 6 November 2020

on Union support for the activities of the International Atomic Energy Agency (IAEA) in the areas of nuclear security and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 12 December 2003, the European Council adopted the European Union Strategy against Proliferation of Weapons of Mass Destruction ('the Strategy'), Chapter III of which contains a list of measures that need to be taken both within the Union and in third countries to combat such proliferation.

(2) The Union is actively implementing the Strategy and is giving effect to the measures listed in Chapter III thereof, in particular through releasing financial resources to support specific projects conducted by multilateral institutions, such as the International Atomic Energy Agency (IAEA).

(3) On 17 November 2003, the Council adopted Common Position 2003/805/CFSP[(1)]. That Common Position calls, inter alia, for the promotion of the conclusion of IAEA comprehensive safeguards agreements and Additional Protocols and commits the Union to work towards making the Additional Protocols and comprehensive safeguards agreements the standard for the IAEA verification system.

(4) On 17 May 2004, the Council adopted Joint Action 2004/495/CFSP[(2)].

(5) On 18 July 2005, the Council adopted Joint Action 2005/574/CFSP[(3)].

(6) On 12 June 2006, the Council adopted Joint Action 2006/418/CFSP[(4)].

(7) On 14 April 2008, the Council adopted Joint Action 2008/314/CFSP[(5)].

(8) On 27 September 2010, the Council adopted Decision 2010/585/CFSP[(6)].

(9) On 21 October 2013, the Council adopted Decision 2013/517/CFSP[(7)].

(10) On 21 December 2016, the Council adopted Decision (CFSP) 2016/2383[(8)] and, on 8 June 2020, extended its duration through Council Decision (CFSP) 2020/755[(9)].

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2020/1656. (See end of Document for details)*

(11) On 8 May 2016, the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) entered into force. All EU Member States, as well as the Euratom Community, are Parties to the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material (ACPPNM). The Union continues to promote its universalisation and effective implementation, including through support for the nuclear security activities implemented under the IAEA 2018-2021 Nuclear Security Plan.

(12) Reaffirming that the responsibility for nuclear security within a State rests entirely with the State, the Union is committed to continue strengthening nuclear security through the implementation of both national security measures and international cooperation. The Union will continue supporting the work of the IAEA in assisting Member States, upon request, in establishing and improving effective and sustainable national nuclear security regimes. The Union support will thus be in line with the Ministerial Declaration and findings of the 'International Conference on Nuclear Security – Sustaining and Strengthening Efforts' (the ICONS Conference) which was convened at IAEA Headquarters in Vienna on 10 to 14 February 2020. It will continue contributing to the implementation of the IAEA's Nuclear Security Plan 2018-21, approved by the IAEA's Board of Governors on 13 September 2017 and endorsed by the General Conference on 14 September 2017. The Union aims at maintaining the sustainability and effectiveness of the implementation of the previous Council Joint Actions and Decisions in support of the IAEA Nuclear Security Plans,

HAS ADOPTED THIS DECISION:

Article 1

1 For the purpose of continuing the effective implementation of the Strategy, the Union shall support the activities of the International Atomic Energy Agency (IAEA) that aim to:

a contribute to global efforts to achieve effective nuclear security, by establishing comprehensive nuclear security guidance and, upon request, promoting the use of such guidance through peer reviews and advisory services and capacity building, including education and training;

b assist in adherence to, and implementation of, relevant international legal instruments, and in strengthening the international cooperation and coordination of assistance; and

c support the IAEA mandate to play a central role and enhance international cooperation in nuclear security, in response to priorities of Member States expressed through the decisions and resolutions of the IAEA's Policy Making Organs.

2 The projects to be financed by the Union shall support:

a priority and cross-cutting projects in nuclear security such as the Universalisation of the Amendment to the Convention on the Physical Protection of Nuclear Material, Computer Security and Information Technology Services and Enhancing Nuclear Security Culture;

b information management with a focus on assessing nuclear security needs, priorities and threats;

c nuclear security of materials and associated facilities with a focus on enhancing physical protection and nuclear material accounting and control for the whole fuel cycle and

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a concept paper on the application of physical protection measures in the age of COVID-19;

d nuclear security of materials out of regulatory control with a focus on institutional response infrastructure for material out of regulatory control;

e programme development and international cooperation with a focus on education and training programme development;

f gender-focused capacity building and education in nuclear security.

3 In the implementation of the projects referred to in paragraph 2, providing support to the activities referred to in paragraphs 1 and 2, Union visibility shall be ensured as well as the proper programme management in the execution of this Decision.

4 The projects referred to in paragraph 2 shall be carried out for the benefit of all IAEA Member States and non-IAEA Member States.

5 All project components shall be supported by proactive and innovative public outreach activities, and resources shall be allocated accordingly.

6 A detailed description of the projects referred to in paragraph 2 is set out in the Annex to this Decision.

Article 2

1 The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall be responsible for the implementation of this Decision.

2 The technical implementation of the projects referred to in Article 1(2) shall be carried out by the IAEA. It shall perform this task under the control of the High Representative. For this purpose, the High Representative shall enter into the necessary arrangements with the IAEA.

Article 3

1 The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 11 582 300.

2 The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union budget.

3 The European Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For that purpose, it shall conclude a financing agreement with the IAEA. The financing agreement shall stipulate that the IAEA is to ensure visibility of the Union contribution, commensurate with its size.

4 The European Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1 The High Representative shall report to the Council on the implementation of this Decision based on regular reports prepared by the IAEA. Those reports shall form the basis for the evaluation carried out by the Council.

2 The European Commission shall provide information on the financial aspects of the implementation of the projects referred to in Article 1(2).

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2020/1656. (See end of Document for details)*

Article 5

1 This Decision shall enter into force on the date of its adoption.

2 This Decision shall expire 36 months after the date of conclusion of the financing agreement referred to in Article 3(3) or 6 months after the date of its adoption if no financing agreement has been concluded within that period.

Done at Brussels, 6 November 2020.

For the Council

The President

M. ROTH

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2020/1656. (See end of Document for details)*

ANNEX

1. Heading 1: Priority and Cross-Cutting Projects in Nuclear Security

Project 1: Universalisation of the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material (ACPPNM)

Background

With the aim of facilitating the adherence to and implementation of the Amendment, the IAEA provides legislative and technical assistance upon request. This includes:

1. Assistance in the drafting of national implementing legislation, including the provision of national, regional and international training courses and seminars, bilateral assistance in drafting national laws and training of individuals.

2. Assistance in establishing, implementing, and maintaining a State's physical protection regime, including the provision of nuclear security services, such as peer reviews and advisory services, national and regional training courses and workshops aimed at capacity building and the development of the necessary human resources and developing and implementing Integrated Nuclear Security Support Plans (INSSPs).

Objectives

The objectives will be to assist in the development and promotion of nuclear security globally, including the production and relevant use of guidance in the IAEA Nuclear Security Series, to promote the universalisation of the Convention on Physical Protection of Nuclear Material (CPPNM) and its Amendment, together referred to as A/CPPNM, and to facilitate information exchange on nuclear security and strengthening the international legal framework.

Deliverables

1. ACPPNM review at the 2021 Conference of States Parties.

2. International, Regional and National workshops – upon request from Member States – to promote the universalisation of CPPNM and raise awareness.

3. Development of outreach material to encourage further adherence to the ACPPNM.

Outcome

IAEA contributions to adherence to the A/CPPNM

Project 2: Computer Security and Information Technology Services

Background

Information and computer security continues to be a critical element for States in improving their nuclear security capabilities.

Nuclear security focuses on the prevention of, detection of, and response to, criminal or intentional unauthorised acts involving or directed at nuclear material, other radioactive material, associated facilities, or associated activities. The responsibility for nuclear security within a State rests entirely with the State, which has to ensure the security of nuclear material, other radioactive material, associated facilities, and associated activities under its jurisdiction. Each State aims to achieve nuclear security by creating its own nuclear security regime appropriate to that State. Computers play an essential role in all aspects of the management of safe and secure operation of nuclear facilities, including computer security and maintaining