Council Decision (CFSP) 2019/2108 of 9 December 2019 in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery

COUNCIL DECISION (CFSP) 2019/2108

of 9 December 2019

in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on 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 EU Strategy against proliferation of weapons of mass destruction, Chapter III of which contains a list of measures to combat such proliferation. Such measures need to be taken both within the Union and in third countries.

(2) The Union is actively implementing that strategy and is giving effect to the measures listed in Chapter III thereof, in particular by releasing financial resources to support specific projects conducted by multilateral institutions, by providing States with technical assistance and expertise with regard to a wide range of non-proliferation measures, and by fostering the role of the United Nations Security Council (UNSC).

(3) On 28 April 2004, the UNSC adopted Resolution 1540 (2004) (‘UNSCR 1540 (2004)’), which was the first international instrument to deal in an integrated and comprehensive manner with weapons of mass destruction, their means of delivery, and related materials. UNSCR 1540 (2004) established binding obligations for all States, and those obligations aimed to prevent and deter non-State actors from obtaining access to such weapons and weapon-related material. The UNSC also decided that all States are to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including by establishing appropriate controls over related materials.

(4) On 11 May 2017, the Council adopted Decision (CFSP) 2017/809[(1)] in support of the implementation of UNSCR 1540 (2004). The technical implementation of the activities under Decision (CFSP) 2017/809 is entrusted to the UN Office for Disarmament Affairs (UNODA) in cooperation with relevant regional international organisations, in particular the Organization of American States (OAS).

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2108. (See end of Document for details)*

(5) In his Agenda for Disarmament 'Securing our Common Future', which was presented on 24 May 2018, the UN Secretary-General emphasized that 'we must continue to strengthen our institutions to prevent any use of biological weapons, including by strengthening the implementation of the Biological Weapons Convention, and to ensure that we can mount an adequate response in case prevention fails', and that there is a need to 'contribute to developing a framework that ensures a coordinated international response to the use of biological weapons'.

(6) On 21 January 2019, the Council adopted Decision (CFSP) 2019/97[(2)] in support of the Biological and Toxin Weapons Convention ('BTWC') in the framework of the EU Strategy against proliferation of weapons of mass destruction.

(7) Two project proposals have been prepared by OAS with a view to strengthening overall biological safety and security in Latin America.

(8) OAS/Inter-American Committee against Terrorism ('CICTE') Secretariat should be entrusted with the administration and management of the projects to be carried out under this Decision.

(9) OAS/CICTE Secretariat should ensure efficient cooperation with relevant international organisations and bodies such as the BTWC Implementation Support Unit, the UNSC Committee established pursuant to UNSCR 1540 (2004), the World Organisation for Animal Health (OIE), and the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. OAS/CICTE should also ensure the complementarity and synergy of projects undertaken on the basis of this Decision with relevant completed and ongoing projects, with activities in Latin America that are supported by individual EU Member States, and with other Union-sponsored programmes in this field including the Instrument contributing to Stability and Peace and the EU Centres of Excellence on Chemical, Biological, Radiological and Nuclear Risk Mitigation,

HAS ADOPTED THIS DECISION:

Article 1

1 For the purpose of promoting peace and security, and effective multilateralism at global and regional levels, the Union shall pursue the following objectives:

— improving the legislative and regulatory basis of biosafety and biosecurity in the beneficiary countries, through the adoption and enforcement of appropriate effective laws which prohibit non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using biological weapons and their means of delivery, in particular for terrorist purposes;

— improving biosafety and biosecurity in beneficiary countries by raising awareness among relevant sectors, including through the enforcement of effective domestic measures to prevent the proliferation of biological weapons and their means of delivery.

2 In order to achieve the objectives referred to in paragraph 1, the Union shall undertake the following projects:

— technical and legislative assistance to strengthen regulations on biosafety and biosecurity, to ensure harmonization of such regulations with international standards, and to promote and enhance regional cooperation;

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— awareness raising, education and training on biosafety and biosecurity.

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 OAS/CICTE Secretariat. 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 OAS/CICTE Secretariat.

3 A detailed description of the projects is set out in the Annex to this Decision.

Article 3

1 The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 2 738 708,98.

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

3 The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For that purpose, it shall conclude a financing agreement with OAS/CICTE Secretariat. That agreement shall stipulate that OAS/CICTE Secretariat is to ensure the visibility of the Union's contribution, appropriate to the size of that contribution.

4 The 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. The Commission shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

The High Representative shall report to the Council on the implementation of this Decision, and shall do so on the basis of regular reports prepared by OAS/CICTE Secretariat. Those reports shall form the basis for the evaluation carried out by the Council. The Commission shall provide information on the financial aspects of the projects referred to in Article 1(2).

Article 5

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

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

Done at Brussels, 9 December 2019.

For the Council

The President

J. BORRELL FONTELLES

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2108. (See end of Document for details)*

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ANNEX

Projects in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery

1. Introduction and objectives

1.1. Introduction

The Biological Weapons Convention entered into force in 1975 and has been ratified by all but one country (Haiti) in Latin America and the Caribbean. Nonetheless, after more than forty years, many of those same countries lack the domestic legal and regulatory framework needed to fully implement the BWC. That Convention sets out, among other things, certain biosafety standards for reducing bacteriological and other biological threats which may result in harm to life on earth.

In an effort to further efforts to counter such threats, the UN Security Council adopted United Nations Security Council Resolution 1540 in 2004 ('UNSCR 1540 (2004)'). That resolution requires all States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, and biological weapons and their means of delivery. Under Operative Paragraph 3a of UNSCR 1540 (2004) such measures shall include establishing appropriate controls over related materials and, to this end developing and maintaining appropriate effective measures to account for and secure such items in production, use, storage or transport.

Every five years the 1540 Committee conducts a comprehensive review of the efforts made by Member States to implement obligations under UNSCR 1540 (2004). The final document of the 2016 Comprehensive Review drew some important conclusions. First, the document notes that while States have made some progress in securing and protecting sensitive materials, gaps in these areas remain. Second, the Committee noted that efforts to account for and secure materials related to biological weapons lag behind those for safeguarding materials related to nuclear and chemical weapons. Third, the Committee noted that there has been no increase in States' implementation of measures called for by UNSCR 1540 (2004) since 2011. As a result, the Committee concluded that States should take urgent action to adopt measures to account for and secure materials related to biological weapons.

An incident involving the introduction and potential spread of a pathogenic biological agent, whether by an actor intending harm to a target population or by naturally occurring means, has the potential to cause significant human, economic, and political harm in the OAS region. In light of that potential threat, the OAS has sought to increase biosafety and biosecurity awareness and capacity in the Americas. Since 2009, for example, the Inter#American Committee Against Terrorism ('OAS/CICTE'), through its Secretariat (the 'Secretariat'), has led several national bio-incident crisis management exercises aimed at raising awareness of biosecurity threats and bringing together officials and representatives from agencies and organisations to learn how to coordinate their responses to a bio#incident. Furthermore, a number of OAS Member States have specifically requested the Secretariat's assistance to draft or update National Bio-Emergency Response Plans.

While these and other efforts to enhance bio-incident readiness and response capabilities have yielded important results, there nonetheless remains a lack of engagement and investment in biosafety and biosecurity among many OAS Member States. This is reflected in the lack of needed infrastructure, capacity, and legal frameworks to effectively detect and respond to a biological incident. The large and disproportionate death toll in the Americas from the 2009 global outbreak of H1N1 highlights the above vulnerabilities and underscores the need for a