Council Decision (CFSP) 2019/538 of 1 April 2019 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

COUNCIL DECISION (CFSP) 2019/538

of 1 April 2019

in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) 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 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 ('the EU Strategy'), Chapter III of which contains a list of measures to combat such proliferation.

(2) The EU Strategy underlines the crucial role of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction ('CWC') and of the Organisation for the Prohibition of Chemical Weapons ('the OPCW') in creating a world free of chemical weapons. As part of the EU Strategy, the Union has committed itself to working towards universal adherence to key disarmament and non-proliferation treaties and agreements, including the CWC. The objectives of the EU Strategy are complementary to the objectives pursued by the OPCW in the context of its responsibility for the implementation of the CWC.

(3) On 22 November 2004 the Council adopted Joint Action 2004/797/CFSP[(1)] on support for OPCW activities. That Joint Action was followed on its expiry by Council Joint Action 2005/913/CFSP[(2)], which in turn was followed by Council Joint Action 2007/185/CFSP[(3)]. Joint Action 2007/185/CFSP was followed by Council Decisions 2009/569/CFSP[(4)], 2012/166/CFSP[(5)] and (CFSP) 2015/259[(6)]. Decision (CFSP) 2015/259 expired on 23 March 2018.

(4) On 26 February 2018 the Council adopted Decision (CFSP) 2018/294[(7)], which provided for the extension of the duration of Decision (CFSP) 2015/259 in order to allow for continued implementation of the activities until 23 December 2018.

(5) The continuation of such intensive and targeted assistance from the Union to the OPCW is necessary in the context of the active implementation of Chapter III of the EU Strategy. There is a need for further activities to enhance the capacities of States

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/538. (See end of Document for details)*

Parties to the CWC ('States Parties') in fulfilling their obligations under the CWC, the preparedness of States Parties to prevent and respond to attacks involving toxic chemicals and the international cooperation in the field of chemical activities. Further activities are also needed in order to support the ability of the OPCW to adapt to developments in the field of science and technology as well as to enhance the capacity of the OPCW to address the threat of chemical weapons use. Measures related to the universalisation of the CWC should continue and be adapted to and targeted at the declining number of States not Parties to the CWC.

(6) On 16 April 2018 the Council adopted conclusions laying down, inter alia, the position of the Union relating to the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (the Fourth Review Conference), held in The Hague from 21 to 30 November 2018.

(7) The Union has provided political, financial and in-kind support to the OPCW operations in Syria aimed at the total destruction of Syrian chemical weapons and agents. Accordingly, on 9 December 2013 the Council adopted Decision 2013/726/CFSP[(8)] in support of the activities of the OPCW in the framework of United Nations Security Council Resolution ('UNSCR') 2118 (2013), the OPCW Executive Council Decision of 27 September 2013 on the destruction of Syrian chemical weapons and subsequent and related resolutions and decisions. Decision 2013/726/CFSP was followed by Council Decision (CFSP) 2017/2303[(9)], adopted on 12 December 2017. Furthermore, on 30 November 2015 the Council adopted Decision (CFSP) 2015/2215[(10)] in support of UNSCR 2235 (2015).

(8) On 27 June 2018 the Fourth Special Session of the Conference of the States Parties adopted Decision C-SS-4/DEC.3 on addressing the threat from chemical weapons use. In its conclusions of 28 June 2018, the European Council committed the Union to supporting the outcomes of that Decision,

HAS ADOPTED THIS DECISION:

Article 1

1 For the purpose of giving immediate and practical application to some elements of the EU Strategy, the Union shall support activities of the OPCW, with the following objectives:

— to enhance the capacities of States Parties in fulfilling their obligations under the CWC;
— to enhance the preparedness of States Parties to prevent and respond to attacks involving toxic chemicals;
— to enhance international cooperation in the field of chemical activities;
— to support the ability of the OPCW to adapt to developments in the field of science and technology;
— to enhance the capacity of the OPCW to address the threat of chemical weapons use;
— to promote universality by encouraging States not Parties to join the CWC.

2 In the context of paragraph 1, the Union-supported activities of the projects of the OPCW, which are in compliance with the measures of the EU Strategy, shall be the following:

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2019/538. (See end of Document for details)*

Project I: OPCW Centre for Chemistry and Technology and implementation of Decision C-SS-4/DEC.3 on addressing the threat from chemical weapons use

Activities:

— Laboratory upgrade project

— Implementation of Decision C-SS-4/DEC.3

Project II: Chemical demilitarisation and non-proliferation

Activities:

— Visits of Executive Council representatives and observers of States Parties to the People's Republic of China and the United States of America to obtain an overview of the destruction programmes

— Expansion and enhancement of the usage of the Enterprise Content Management (ECM) system

— Deployment of a full telecommunications solution to all relevant OPCW Technical Secretariat staff members

Project III: Assistance and protection in African States Parties

Activities:

— Operational training for first responders

— Training of trainers in assistance and protection for the Africa Group

Project IV: International cooperation

Activities:

— Executive training for senior industry managers, policymakers and alumni of the OPCW Associate Programme

— Laboratory twinning project

— Forum for women on the peaceful uses of chemistry and basic analytical skills development course for women chemists

— Education and training for youth on the peaceful uses of chemistry

— Analytical development course for analytical chemists in the African Member States

— Chemical safety and security management course for African States Parties

Project V: Universality and outreach

Activities:

— Development of e-learning modules

— Translation and dissemination of education and outreach tools and materials

— Support for NGO participation in OPCW activities

— Side events in the margins of the Conferences of States Parties

Project VI: National implementation

Activities:

— Global stakeholders' forum

Project VII: Science and technology

Activities:

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/538. (See end of Document for details)*

— Plant biomarker challenge
— Support for the temporary working groups (TWGs) of the OPCW's Scientific Advisory Board

A detailed description of the Union-supported activities of the OPCW referred to in this paragraph is set out in the Annex.

Article 2

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

2 Technical implementation of the projects referred to in Article 1(2) shall be carried out by the OPCW Technical Secretariat ('the Technical Secretariat'). It shall perform that task under the responsibility and the control of the HR. For that purpose, the HR shall enter into the necessary arrangements with the Technical Secretariat.

Article 3

1 The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 11 601 256.

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 2. For that purpose, it shall conclude a financing agreement with the Technical Secretariat. That agreement shall stipulate that the Technical Secretariat is to ensure visibility of the Union contribution, commensurate with its size, and specify measures to facilitate the development of synergies and to avoid the duplication of activities.

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. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

Article 4

The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the Technical Secretariat. The HR 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 date of conclusion of the financing agreement referred to in Article 3(3). However, it shall expire six months after its entry into force if that financing agreement has not been concluded by that time.

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2019/538. (See end of Document for details)*

Done at Brussels, 1 April 2019.

For the Council

The President

G. CIAMBA