Council Decision (CFSP) 2019/97 of 21 January 2019 in support of the Biological and Toxin Weapons Convention in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction

COUNCIL DECISION (CFSP) 2019/97

of 21 January 2019

in support of the Biological and Toxin Weapons Convention in the framework 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 Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular those measures related to reinforcement, implementation and universalisation of the Biological and Toxin Weapons Convention (BTWC).

(3) On 27 February 2006, the Council adopted Joint Action 2006/184/CFSP[(1)] in support of the BTWC, in the framework of the EU Strategy. Seven more States became States Parties to the BTWC since the adoption of Joint Action 2006/184/CFSP. That Joint Action expired on 26 August 2007.

(4) On 20 March 2006, the Council adopted the EU Action Plan[(2)] on biological and toxin weapons, complementary to Joint Action 2006/184/CFSP in support of the BTWC. That Action Plan provides for an efficient use of Confidence Building Measures (CBMs) and the UN Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological weapons.

(5) On 10 November 2008, the Council adopted Joint Action 2008/858/CFSP[(3)] in support of the BTWC, in the framework of the EU Strategy. Three more States became States Parties to the BTWC since the adoption of Joint Action 2008/858/CFSP and several States benefited from assistance provided by Union experts. That Joint Action expired on 13 November 2008.

(6) The Sixth Review Conference of the States Parties to the BTWC decided to establish the Implementation Support Unit (ISU), with a five-year mandate (2007-2011), within the Geneva Branch of the UN Office for Disarmament Affairs (UNODA) in order to

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provide administrative support for meetings agreed by the Sixth Review Conference as well as support for the comprehensive implementation and universalisation of the BTWC and the exchange of CBMs.

(7) On 18 July 2011, the Council adopted Decision 2011/429/CFSP[(4)] on the position of the Union at the Seventh Review Conference of the States Parties to the BTWC.

(8) The Seventh Review Conference of the BTWC decided to renew the mandate of the ISU for another five-year term (2012-2016) and decided to expand its tasks to include the implementation of the decision to establish and administer the database for assistance requests and offers, facilitating the associated exchange of information among States Parties, and to support, as appropriate, the implementation by States Parties of the decisions and recommendations of the Seventh Review Conference.

(9) On 23 July 2012, the Council adopted Decision 2012/421/CFSP[(5)] in support of the BTWC, in the framework of the EU Strategy. Six more States became States Parties to the BTWC since the adoption of Decision 2012/421/CFSP and several States benefited from assistance provided by Union experts.

(10) On 16 November 2015, the Council adopted Decision (CFSP) 2015/2096[(6)] on the position of the Union at the Eighth Review Conference of the States Parties to the BTWC.

(11) The Eighth Review Conference decided to renew the mandate of the ISU agreed to at the Seventh Review Conference, *mutatis mutandis*, for the period from 2017 to 2021.

(12) On 18 January 2016, the Council adopted Decision (CFSP) 2016/51[(7)] in support of the BTWC, in the framework of the EU Strategy. Since the adoption of Decision (CFSP) 2016/51 several ratifications and accessions have increased BTWC Membership to 182 and several States have benefited from assistance provided by Union experts,

HAS ADOPTED THIS DECISION:

Article 1

1 For the purpose of giving immediate and practical application to some elements of the EU Strategy and of building on the successful implementation of Joint Actions 2006/184/CFSP and 2008/858/CFSP and Council Decision 2012/421/CFSP, this Decision serves as an operational policy tool for providing essential follow-up and momentum to the activities undertaken throughout 2016-2018 in the framework of Decision (CFSP) 2016/51 in support of the BTWC. It ensures the sustainability of those activities and enhances the implementation of the objectives reached as an outcome of the Meetings of States Parties to the BTWC held in December 2017 and 2018. It supports, in particular, the discussions in the BTWC Meetings of Experts in 2019 and 2020, as well as preparations for the Ninth Review Conference of the States Parties to the BTWC in 2021.

2 This Decision is guided by the following principles:

a making best use of the experience gained through Decisions 2012/421/CFSP and (CFSP) 2016/51;

b reflecting on specific needs expressed by States Parties as well as States not party to the BTWC with respect to better implementation and universalisation of the BTWC;

c encouraging local and regional ownership of the projects in order to ensure their long-term sustainability and to build a partnership between the Union and third parties in the framework of the BTWC;

d focusing on those activities that have shown to bring concrete results and/or contributing to an early framing of common understandings relevant for the Ninth Review Conference of the BTWC;

e supporting the Chairs of the BTWC meetings, in particular the Chair of the Ninth Review Conference, and making best use of the mandate of the ISU;

f contributing to the advancement of the peace and security and health-related objectives through the effective implementation of BTWC by States Parties and its universalisation.

3 The Union shall support the following projects corresponding to measures of the EU Strategy:

a support for BTWC universalisation;

b capacity development in support of BTWC national implementation;

c fostering biosecurity networks in the Global South;

d supporting the inter-sessional programme and preparations for the Ninth Review Conference of the BTWC;

e preparedness of States Parties to prevent and respond to attacks involving biological agents;

f enabling tools for outreach, education and engagement.

A detailed description of those projects is set out in the Annex.

Article 2

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

2 The technical implementation of the activities referred to in Article 1 shall be entrusted to UNODA. It shall perform this task under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with UNODA.

Article 3

1 The financial reference amount for the implementation of the projects referred to in Article 1(3) shall be EUR 3 029 856,79.

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 UNODA. The financing agreement shall stipulate that UNODA is to ensure visibility of the Union contribution appropriate to its size.

4 The Commission shall endeavour to conclude the financing agreement 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

The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by UNODA. Those reports shall form the basis for the

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evaluation carried out by the Council. The Commission shall provide information on the financial aspects of the projects referred to in Article 1(3).

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 six months after the date of its adoption if no financing agreement has been concluded within that period.

Done at Brussels, 21 January 2019.

For the Council

The President

F. MOGHERINI

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ANNEX

1. PROJECTS

1.1. Project 1: Support for BTWC universalisation

1.1.1. Project purpose

To promote universal adherence to the BTWC by encouraging States not party to the BTWC better to understand the benefits of joining the BTWC and getting more involved in BTWC meetings and other activities. This project will support the implementation of the decisions and recommendations of the Eighth Review Conference concerning universalisation of the BTWC and ensure the sustainability of the efforts initiated pursuant to Decision (CFSP) 2016/51 following the Regional Universalisation Workshop for the Pacific region, held in Fiji in July 2017, and the two regional workshops targeting States not yet party to the BTWC in Africa in late 2018.

1.1.2. Expected results of the project:

(a) increased adherence to the BTWC in all geographic regions;

(b) enhanced understanding of the BTWC among the relevant national authorities, including parliamentarians, and/or strengthened sub-regional networking concerning the BTWC in order to promote membership and implementation of the BTWC;

(c) an increased number of States which have committed to joining the BTWC and which are taking steps to that end;

(d) an increased number of States not party to the BTWC engaging in BTWC activities and meetings.

1.1.3. Project description

The BTWC Review Conferences have regularly asserted that increasing the membership of the BTWC is of great importance. However, there are still 15 States not party to the BTWC, mostly in Africa and the Pacific. This project therefore involves specific programmes to target four States which are signatories but not yet party to the BTWC in order to achieve substantive progress in their ratification/accession process. Those programmes would work closely with other relevant actors, including the Organization for the Prohibition of Chemical Weapons, the Committee established under the UN Security Council Resolution 1540 (2004), the EU CBRN Centres of Excellence and civil society organisations (for example the Verification Research, Training and Information Centre (VERTIC), Parliamentarians for Global Action and the Institute for Security Studies) to develop ongoing working relationships with relevant regional and sub-regional bodies, provide tailored informational materials where necessary and engage directly with States in the targeted region.

A number of in-country universalisation activities will be conducted in four States not party to the BTWC. Those countries will be selected based on actual prospects with respect to ratification/accession at the time of the adoption of this Decision. Those activities would build on the discussions and outcomes from previous regional workshops, transferring them to a national context, and be tailored to national circumstances. They would involve the preparation of a universalisation work plan for each State involved, with the involvement of national stakeholders. If possible and appropriate, those activities could consist of a joint activity between States with ongoing close cooperation and similar national circumstances. Focus areas for the activities will be the provision of specific informational materials on the benefits of joining the BTWC, awareness-raising among national stakeholders, including parliamentarians and other