

COMMON POSITION

of 17 May 1999

adopted by the Council on the basis of Article 15 of the Treaty on European Union, relating to progress towards a legally binding Protocol to strengthen compliance with the Biological and Toxin Weapons Convention (BTWC), and with a view to the successful completion of substantive work in the *Ad Hoc* Group by the end of 1999

(1999/346/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union and in particular Article 15 thereof,

- (1) Whereas on 25 June 1996 the Council defined Common Position 96/408/CFSP relating to the preparation of the Fourth Review Conference of the Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction (BTWC)⁽¹⁾;
- (2) Whereas on 4 March 1998 the Council defined Common Position 98/197/CFSP relating to progress towards a legally binding protocol to strengthen compliance with the Biological and Toxin Weapons Convention (BTWC) and the intensification of work in the *Ad Hoc* Group to that end⁽²⁾;
- (3) Whereas it is appropriate to review Common Position 98/197/CFSP, in order to contribute to promoting work in the *Ad Hoc* Group, with a view to achieving substantive progress by the end of 1999;
- (4) Whereas it is appropriate to recall the Declaration by the Austrian Presidency on behalf of the European Union on the negotiations of a Protocol to the Biological and Toxin Weapons Convention (BTWC) of 22 December 1998;
- (5) Whereas it is also appropriate to recall that the final Declaration of the Fourth Review Conference of States Parties to the Biological and Toxin Weapons Convention determined to strengthen the effectiveness and improve the implementation of the Convention through a legally binding instrument, and welcomed the establishment of an *Ad Hoc* Group open to all States Parties to negotiate a Protocol aimed at achieving this goal before the commencement of the Fifth Review Conference, which is to be held no later than 2001,

Article 1

In line with the decision of the Fourth Review Conference, the objective of this Common Position shall be to promote the conclusion of the negotiations, in the BTWC *Ad Hoc* Group, on a legally binding protocol establishing a verification and compliance regime that will effectively strengthen the BTWC Convention. In order to achieve this, it is imperative to complete all the stages necessary for the adoption of the Protocol by a special conference of States Parties in 2000.

Article 2

It is essential that, besides the allocation of the necessary time for the *Ad Hoc* Group, all participants in the negotiations work intensively towards the resolution of key issues. To achieve this goal by the end of 1999 the efforts undertaken by the chairman of the *Ad Hoc* Group and the Friends of the chair will be actively supported.

Article 3

Agreement shall be promoted, in particular in the negotiations, on the following measures which are both central to, and essential for, an effective Protocol to strengthen compliance with the BTWC:

- declarations of a range of facilities and activities relevant to the Convention, *inter alia* so as to enhance transparency,
- effective follow-up to these declarations in the form of visits, on the basis of appropriate mechanisms of random selection, so as to enhance transparency of declared facilities and activities, promote accuracy of declarations, and ensure fulfilment of declaration obligations in order to ensure further compliance with the Protocol,
- appropriate clarification procedures supplemented, if need be, by on-site activities whenever there is an anomaly, ambiguity or omission in a declaration submitted by a State Party, which requires such procedures. Appropriate clarification procedures shall also be followed whenever a facility meeting the criteria for declaration ought to have been declared but was not,

⁽¹⁾ OJ L 168, 6.7.1996, p. 3.

⁽²⁾ OJ L 75, 12.3.1998, p. 2.

- provision for rapid and effective investigations into concerns over non-compliance, including both facility and field investigations,
- establishment of a cost-effective and independent organisation, including a small permanent staff, capable of implementing the Protocol effectively,
- provision for specific measures in the context of Article 7 of the Protocol in order to further international cooperation and exchanges in the field of biotechnology. Such measures shall include assistance to promote the Protocol's implementation.

Article 4

The action taken in support of the objectives set out in Articles 2 and 3 shall include:

- pursuit of joint positions in the negotiations, including where appropriate the tabling of specific papers and proposals for submissions to the *Ad Hoc* Group, in particular on the central areas and elements identified in Article 3,
- demarches by the Presidency, under the conditions laid down in Article 18(3) and (4) of the Treaty, with regard to States Parties, in order to urge their support for the objectives set out in Articles 1, 2 and 3,
- contacts between Governments of Member States and industry, supported by the Commission where appropriate, with the aim of furthering understanding

between representatives of the European industry and those involved in the negotiations within the *Ad Hoc* Group.

Article 5

Member States shall also continue to promote the universality of the BTWC Convention.

Article 6

This Common Position shall take effect on the date of its adoption. It shall replace Common Position 98/197/CFSP.

Article 7

This Common Position shall be published in the Official Journal.

Done at Brussels, 17 May 1999.

For the Council

The President

J. FISCHER
