



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 21 November 2002**

**14627/02**

**PROCIV 111  
AGRI 288  
ATO 138  
CIVCOM 144  
COSDP 406  
DENLEG 84  
ENV 693  
ENER 282  
ENFOPOL 144  
PESC 518  
PHARM 8  
RECH 183  
SAN 210  
TELECOM 56  
TRANS 297**

**"A" ITEM NOTE**

---

from : the General Secretariat

to : the Council

---

No. prev. doc. : 13994/02 PROCIV 99 AGRI 266 ATO 131 CIVCOM 130 COSDP 376  
DENLEG 80 ENV 648 ENER 254 ENFOPOL 138 PESC 460 PHARM 7  
RECH 172 SAN 187 TELECOM 37 TRANS 274

---

Subject : Adoption of the programme to improve cooperation in the European Union for preventing and limiting the consequences of **chemical, biological, radiological or nuclear terrorist threats**

---

1. The Ghent European Council asked the Council and the Commission to prepare a programme to improve cooperation between the Member States in the area of chemical and biological terrorism <sup>1</sup>.

---

<sup>1</sup> SN 4296/2/01 REV 2.

The Laeken European Council, on 13 and 14 December 2001, invited the Council and the Commission to move swiftly towards finalising the programme <sup>2</sup>.

2. The Council agreed, on 13 June 2002, to broaden the scope of the programme so as to cover nuclear and radiological terrorism as well <sup>3</sup>.

The Seville European Council on 21/22 June 2002 reiterated its determination to combat terrorism <sup>4</sup>.

3. The Permanent Representatives Committee agreed, at its meeting on 21 November 2001, to recommend, provided the German delegation has lifted its parliamentary scrutiny reservation, that, under "A"-items at a forthcoming meeting of the Council:

– the Council and the Commission:

- adopt the draft *programme to improve cooperation in the European Union for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats* contained in Annex I;

– the Council:

- agree to the entry into its minutes of the unilateral statement in Annex II.

---

<sup>2</sup> SN 300/01, p. 5.

<sup>3</sup> 9593/02 + COR 1.

<sup>4</sup> SN 200/02.

DRAFT

**PROGRAMME TO IMPROVE COOPERATION  
IN THE EUROPEAN UNION FOR  
PREVENTING AND LIMITING THE CONSEQUENCES OF  
CHEMICAL, BIOLOGICAL, RADIOLOGICAL OR NUCLEAR  
TERRORIST THREATS**

**to be adopted by the Council and the Commission**

**I. IMPORTANCE OF FIGHTING TERRORIST CBRN THREATS**

1. In the aftermath of the unprecedented and tragic terrorist attacks in the USA on 11 September 2001, it became abundantly clear that terrorism, including chemical, biological, radiological and nuclear (CBRN) terrorism, is a threat to international peace and security. The fight against terrorism requires a comprehensive approach comprising political, economic, diplomatic, military and legal means and should also include the preparation for as well as the prevention and limitation of the consequences of an attack.
2. Governments at all levels have been prompted to re-consider how ready and able they are to prevent or mitigate the impact of these threats to society. In the European Union, reaction has been decisive and swift. The European Council met in an extraordinary session in Brussels on 21 September 2001 and approved a plan of action embracing all Union policies and centred around the themes of enhancing police and judiciary cooperation, developing international legal instruments, putting an end to the funding of terrorism, strengthening air security and coordinating the European Union's global role<sup>5</sup>.

At the European Council meeting in Gent in October 2001, further need for action in the CBRN area was expressed. The European Council therefore asked the Council and the Commission to prepare a programme to improve cooperation between the Member States, making use of the different instruments within the European Union which are already in place or are being developed, and in the process also to identify further actions that need to be taken in order to create the best possible protection for the population of the European Union.

3. The work undertaken in establishing this programme has given the Council and the Commission together a unique opportunity to make sure that all aspects for a strong comprehensive programme have been secured. This programme should be seen as a first step that will need to be further amended and developed not only by carrying out the proposals contained in the text but also by having regard to the changes in the world.

---

<sup>5</sup> SN 140/01.

4. This programme sets out the strategic objectives that need to be addressed in order to improve the protection of the population, the environment, the food chain and property against CBRN threats and attacks and describes where there is a need for further action.

## **II. MANDATES FOR THE PROGRAMME**

5. The Heads of States and Governments declared, at the Gent European Council of 19 October 2001:

*"The European Council has examined the threats of the use of biological and chemical means in terrorist operations. These call for adapted responses on the part of each Member State and of the European Union as a whole. No attack of this kind has occurred in Europe. The authorities will maintain increased vigilance and cooperation between the intelligence, police, civil protection and health services will be stepped up.*

*In tandem with the measures already taken, the European Council asks the Council and the Commission to prepare a programme to improve cooperation between the Member States on the evaluation of risks, alerts and intervention, the storage of such means, and in the field of research. The programme should cover the detection and identification of infectious and toxic agents as well as the prevention and treatment of chemical and biological attacks. ..."*<sup>6</sup>.

6. The Laeken European Council on 13 and 14 December 2001 invited "the Council and the Commission to move swiftly towards finalising the programme to improve cooperation between Member States with regard to threats of the use of biological and chemical means; ... "<sup>7</sup>.
7. The Council agreed, on 13 June 2002, to broaden the scope of the programme so as to cover nuclear and radiological terrorism as well <sup>8</sup>.
8. The Seville European Council of 21/22 June 2002 reiterated its determination to combat terrorism <sup>9</sup>.

---

<sup>6</sup> SN 4296/2/01 REV 2, p. 4, No 5.

<sup>7</sup> SN 300/01, p. 5.

<sup>8</sup> 9593/02 + COR 1.

<sup>9</sup> SN 200/02.

### III. ACTION UNDERTAKEN SINCE 11 SEPTEMBER 2001

#### – The Commission

9. In response to the requests by the Heads of State or Government, the Commission adopted two communications which have enlightened to a great extent the establishment of this programme. A first communication was issued on 28 November 2001: *Civil Protection – State of preventive alert against possible emergencies*<sup>10</sup>. In particular, the Commission undertook to intensify its activities in current actions and programmes and to work closely with the national authorities and the industry to consolidate measures already taken.
10. The Commission adopted on 11 June 2002, as a follow-up to its earlier commitment, a second Communication: *Civil protection - Progress made in implementing the* (i.e. the Commission's) *programme for preparedness for possible emergencies*<sup>11</sup>. This second communication summed up the main progress made, in particular in developing and implementing interfaces between the civil protection mechanism<sup>12</sup>, the network for epidemiological surveillance and control of communicable diseases<sup>13</sup>, and activities in key complementary sectors such as research and the pharmaceutical field.
11. Thanks to the sound cooperation among all Member States and the resources available in the various areas, it has been possible to make considerable progress in sectors such as civil protection, health and research, which are particularly concerned by CBRN.
12. In the field of civil protection, priority has been given to implementing the Civil Protection Mechanism. It ensures:
  - (a) a dedicated communication network that will enable urgent information to be exchanged among Member States and the existing networks in response to CBRN threats, in particular in the fields of civil protection, health protection and radiological emergencies,
  - (b) the availability of teams of experts for coordinating interventions, intervention teams and means that Member States can make available for various types of interventions (including the response to CBRN risks), an inventory of specific means such as serums and vaccines and a comprehensive programme of training and exercises,

---

<sup>10</sup> 14948/01 (COM (2001) 707 final).

<sup>11</sup> 10082/02.

<sup>12</sup> Council Decision 2001/792/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions, OJ L 297, 15.11.2001, p. 7.

<sup>13</sup> European Parliament and Council Decision 2119/98/EC of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community, OJ L 268, 3.10.1998, p. 1.

- (c) a Monitoring and Information Centre (MIC), which serves as the nerve centre of the mechanism as it is here that information is received from the various networks and the Member States. This enables the Centre to speed up and facilitate the selection of the most appropriate means of intervention and to ensure ongoing coordination while liaising with the national authorities and, if appropriate, with other relevant networks.
13. In the field of health, the programme for preparedness and response capacities in the event of attacks involving biological and chemical agents (health security) provides for:
- (a) a day and night rapid alert system to ensure permanent and swift notification of incidents or threats or deliberate releases of biological and chemical agents to cause harm and a network for the exchange of information, consultation and coordination on health matters potentially involving chemical or biological agents,
  - (b) arrangements for the rapid identification of biological and chemical agents and outbreaks that might be linked to attacks or threats,
  - (c) rules and advice on health measures to be taken in preparedness for and in response to attacks,
  - (d) coordinating the EU's response and relations with third countries and international organisations.
14. In the field of research, a Commission group of experts compiled an inventory of research activities in the chemical and biological fields at national and EU level showing that research is being undertaken on the risk analysis, prevention, detection, mitigation and management of CBRN attacks, on scientific aspects of biological and chemical terrorism, and on social, economic and psychological vulnerabilities of modern society to terrorists.
15. The Commission has set up a task force that coordinates the CBRN issues related to the proposed programme within the Commissions areas of competence.
16. A country hit by a disaster can now count not only on resources of the Community and the Member States in all fields and in particular in the field of civil protection, health and research but also on the assistance of evaluation and coordination teams, and intervention teams that are complementary and used to working together:
- **The Council**
17. As for the Council, the EU action plan to combat terrorism has led to a better cooperation and exchange of information between police and intelligence services, as well as to a better cooperation between police and judicial authorities.

Regarding risk assessment, there have been routinely exchanges of information on terrorism-related incidents and routinely assessments of the terrorist threats in Europe and in specified countries and regions. In addition to this, Europol also prepares an assessment of the terrorist threat in Europe; the latest edition of this threat assessment has a special section that concerns the possibility for attacks with CBRN weapons/material. All threat assessments are confidential and are submitted to the Council for information.

Regarding the reduction of vulnerability and prevention, Europol has undertaken a number of projects on security measures. Amongst other projects, Europol held a conference on CBRN in January 2002, and is following up on a number of areas identified by that conference <sup>14</sup>.

#### **IV. OVERALL AIM, STRATEGIC OBJECTIVES AND PRINCIPLES OF THE PROGRAMME**

18. The overall aim of the programme is to increase the efficiency of the measures taken at national and EU level with regard to terrorist CBRN threats by:
  - (a) an optimal, coordinated and inter-disciplinary use of the EU instruments that will be reviewed in the framework of the programme with a view to identifying and eliminating gaps and inconsistencies between them,
  - (b) the improvement of the cooperation and the coordination between the Member States, the Council and the Commission,
  - (c) facilitating the provision of practical assistance to the Member States at their request, especially in situations where the disaster is on a scale beyond the capacity of individual Member States,
  - (d) creating new instruments if necessary.
19. The Council and the Commission are committed and ready to take all measures that are within their power and responsibility with a view to preparing for, preventing and limiting the consequences chemical, biological, radiological and nuclear (CBRN) terrorism may have, primarily for the population, but also for the environment, for the food chain and for property.
20. However, the responsibility for protecting the population, the environment and property against the consequences of CBRN threats lies primarily with the Member States.

---

<sup>14</sup> The role of CFSP pillar instruments has been examined as well, in particular the civilian and military aspects of crisis management. The TEU does not provide for the use of ESDP instruments inside the EU. The use of national military capabilities and specialised units for support of the protection of civilian populations may only be provided, case by case, on a bilateral basis or through the Community mechanism.

21. It is noted in this context that the Member States have invested considerable efforts in reviewing and/or completing national preparedness measures, in identifying weaknesses and needs for reinforcing structures and supplementary resources and in informing the public so that it can react appropriately in any situation.
22. In order to fulfil the above mentioned overall aim, the programme sets out the following seven strategic objectives:
  - (a) strengthening the risk analysis and the risk assessment of threats of CBRN-terrorism and their lines of propagation;
  - (b) reducing the vulnerability of the population, the environment, the food chain and property against CBRN-threats through preventive measures;
  - (c) ensuring a quick detection and identification of an actual attack and disseminating appropriate information to the persons and groups concerned (monitoring, warning and communications);
  - (d) using and further developing all instruments that may be needed for mitigating the consequences of an attack and for facilitating the return to normal conditions;
  - (e) strengthening the scientific basis of the programme through research and development activities aimed at countering the effects of CBRN-terrorism;
  - (f) cooperating with third countries and international organisations (international cooperation);
  - (g) ensuring an efficient overall use and coordination of the instruments used in implementing this programme (coordination and implementation).
23. This programme is based upon the following principles:
  - (a) It only concerns the territory of the Member States of the European Union.
  - (b) It constitutes a political, and not a legal instrument. Therefore, immediate budgetary consequences for the EU can only derive from any future legal instruments implementing the programme and not from the programme as such.
  - (c) Measures and instruments envisaged under the programme should be developed and implemented in accordance with the respective competencies of the Community and the Member States.
  - (d) The programme will, on sensitive matters, operate under conditions of strict confidentiality.

- (e) This programme is part of the general anti-terrorism programme of the European Union <sup>15</sup>.
- (f) The sectors deserving special attention include health, the food chain, the environment and vulnerable industries and transports.

## V. **PROGRAMME FOR FURTHER ACTION**

24. In the programme for further action below, the Commission and the Council advocate certain general directions and set out major actions that need to be taken under each strategic objective.

In order to secure the efficiency of the measures taken at national and at EU level against CBRN threats and attacks, the objectives and actions set out below must be reviewed on regularly basis.

### A. **Strategic objective 1: strengthening the risk analysis and the risk assessment of threats of CBRN-terrorism and their lines of propagation**

25. *Risk assessment and risk analysis* are fundamental for ensuring appropriate prevention, monitoring and consequence management measures and policies in the area of CBRN terrorist threats. It is therefore important to have, as appropriate, an efficient exchange of information based upon the threat analyses that result from available intelligence, surveillance, and early warning reports. Information based upon these threat analyses should be used in the different relevant policy areas with a view to making the necessary adjustments in them.
26. The Council and the Commission advocate:
- (a) analysis of the risks for CBRN attacks,
  - (b) analyses of the vulnerabilities to CBRN attacks of the specific sectors, their sub-sectors and their interdependency with other sectors, having particular attention for vulnerable infrastructures such as control rooms, unmanned installations and transport;
  - (c) exchange of information based on such analyses,
  - (d) developing a dynamic system that can show how information about new risk assessments can be used in the different sectors to adjust their overall protecting system under conditions of strict confidentiality;

---

<sup>15</sup> See the present state of the anti-terrorism programme in the road-map in 13909/02 POLGEN 57 JAI 243 ECOFIN 364 TRANS 271 RELEX 228 ECO 332 PESC 454 COTER 53 COSDP 373.

- (e) encouraging sectors that are vulnerable to CBRN attacks to include, in their risk analyses, any relevant information that they may receive on the basis of the assessment of terrorist threats in the EU.

27. For that purpose:

- (a) the competent Council bodies will on a regular basis undertake an analysis of the CBRN risks that may threaten the European Union and exchange information based on such analysis as appropriate in order to contribute to the actions in Prevention, Monitoring and Consequence Management, in particular, in the field of civil protection;
- (b) The competent Council bodies will continue developing a dynamic system in the area of CBRN terrorism that can show how information about new risk assessments can be used in the different sectors to adjust their overall protecting system under conditions of strict confidentiality;
- (c) Sectors that are vulnerable to CBRN attacks will be encouraged to include, in their risk analyses, any relevant information that they may receive on the basis of the assessment of terrorist threats in the EU.

**B. Strategic objective 2: Reducing the vulnerability of the population, the environment, the food chain and property against CBRN-threats through preventive measures**

28. Preventive measures in each sector are crucial for reducing the vulnerability of the population, society and the environment. The sectors deserving special attention include civil protection, health, the food chain, the environment and vulnerable industries and transports.

29. The Council and the Commission advocate:

- (a) monitoring of vulnerable infrastructures or activities,
- (b) awareness-raising and information of the public, best practices, education and sense of responsibility with a view to enhancing alertness for possible CBRN-threats and attacks,
- (c) providing for the improvement of the immunisation status and for prophylaxis of responders and target populations,
- (d) protective measures and procedures for controlling the use, production, sale, packaging and movement of products that may be used in CBRN attacks, as well as the spreading of their technology,
- (e) the physical protection of CBRN-goods against sabotage,

- (f) common standards for important control rooms with respect to their ability to withstand CBRN attacks and other measures, differentiated according to the importance of different categories such rooms,
- (g) maintaining and improving:
  - the safety of feed and food, drinking water, health services and public health infrastructures, of the industry (in particular industries handling genetically modified organisms or micro-organisms or dangerous goods) of transport (road, rail, inland waterway, air, sea, tunnels, ports....)
  - the security and any other relevant aspects of nuclear facilities and the use and transport of radioactive waste and substances, of the energy sector and of telecommunications (the network and information security)
 in order to ensure that they are sufficiently robust to withstand terrorist attacks on them.

30. For that purpose:

- (a) the Council and the Commission, while respecting the necessary confidentiality requirements, will continue to develop cross-border and cross-sectoral experience-sharing in all relevant sectors; in this respect, the feasibility and added-value will be explored of setting-up a one or more groups or networks of experts from the Member States with a view to evaluating, preventing, communicating and managing (1) nuclear and radiological risks and (2) CBRN-risks in the different energy sub-sectors.
- (b) the Commission will recommend guidelines and techniques for public information, which will pay special attention to CBRN threats.

**C. Strategic objective 3: ensuring a quick detection and identification of an actual attack and spreading of information (monitoring, warning and communications)**

31. *Monitoring and warning arrangements* on terrorist threats or attacks aim at quickly tracing CBRN attacks and at identifying the agents used. Dedicated and reliable communication systems are activated to disseminate information deriving from the monitoring and warning arrangements possibly with a view to activating the consequence management procedures in accordance with agreed procedures.

32. The Council and the Commission advocate:

- (a) monitoring for a quick detection of biological and chemical agent attacks, i.a. through a development of networks for the epidemiological surveillance and control of communicable diseases and for health security,
- (b) rapid and reliable identification of biological and chemical agents and their potential propagation through provision of appropriate laboratory analysis and environmental sampling and assessment,

- (c) developing new diagnostics and other techniques for rapid detection of CBRN-attacks.
- (d) improved monitoring of air and drinking water and surface waters used for drinking water abstraction,
- (e) the development of the cooperation between the different existing monitoring systems in the CBRN-area.
- (f) efficient procedures for the exchange, through existing operational procedures, of information received through the relevant sectoral instruments in case of a CBRN threat or attack,

33. For that purpose:

- (a) the Commission and the Member States will consider further the development of the cooperation between the different existing monitoring systems in the CBRN-area,
- (b) the Council and Commission bodies will establish efficient procedures for the exchange of information through existing operational procedures of the relevant sectoral instruments in case of a CBRN threat or attack,
- (c) Member States and the Commission are encouraged to examine whether Directives 80/778/EC<sup>16</sup> and 98/83/EC<sup>17</sup> on the quality of drinking water and Directive 75/440/EC<sup>18</sup> on the quality of surface waters used for drinking water abstraction and any other appropriate monitoring and early warning systems and the existing expertise on chemicals, air and water, can be used in order to better detect biological and chemical threats at an early stage.

**D. Strategic objective 4: mitigating the consequences of an attack and facilitating the return to normal conditions and using and further developing all instruments that may be needed for such efficient consequence management**

34. Consequence *management* consists in using all capabilities that are available for mitigating and remedying the impacts of a terrorist CBRN action. It also presupposes that these capabilities are in place and ready for immediate use in case of attack or threat.

35. The Council and the Commission advocate:

- (a) Mutual assistance among Member States with a view to providing on request, in case of terrorist CBRN threat or attack, expert advice, intervention teams, health care specialists, medical facilities, pharmaceuticals, equipment etc,

---

<sup>16</sup> OJ L 229, 30.7.1980, p. 11.

<sup>17</sup> OJ L 330, 5.12.1998, p. 32.

<sup>18</sup> OJ L 328, 25.7.1975, p. 34.

- (b) developing disaster medicine, i.a. by work on improving the understanding of CBRN threats in a disaster medicine context, on the classification of events and incidents under various scenarios, on modelling to predict effects and impact of counter-measures, on rules and guidance on facing-up to attacks from the health point of view, on guidelines on case management, clinical diagnosis, vaccination strategies and decontamination for the human-medical treatment of CBRN-attacks, and by work on quarantine, and circulation of contaminated persons, products, produce and services,
- (c) developing vaccines, sera and antibiotics for human and animal use,
- (d) reinforcing banks of vaccines, sera and antibiotics for human and animal use.

36. For that purpose:

- (a) The Commission and the Member States will continue to give priority to implementing and maximising available Community instruments in the fields of civil protection and health and further developing EU-wide crisis management plans for threats to food, plants and animal diseases.

**E. Strategic objective 5: Strengthening the scientific basis of the programme**

37. Research is key to providing the appropriate scientific basis in order to address efficiently the objectives 1-4 of the programme. This covers in particular research on vaccine development, detection techniques, mechanisms for the control of infectious diseases, assessing the science and technology aspects of societal vulnerabilities to possible terrorist attacks, and civil protection operations.

38. In this context:

- (a) the Commission and the Member States will consider further how to improve the cooperation between their research activities on key issues such as surveillance, prevention, protection and treatment, using in particular the opportunities offered by the Sixth Framework Programme (2002-2006).
- (b) the Joint Research Centre will continue its research into diagnostics, nuclear forensics and risk communication, and it will engage into research on biological countermeasures coordinating a bioresponse working group of Member State experts, on new products and processes for civil protection *operations* and it will continue its analysis of vulnerabilities posed by advances in science and technology.

**F. Strategic objective 6: Cooperating with third countries and international organisations (international cooperation)**

39. International cooperation may contribute to the provision, exchange and coordination of vital information and to supplementing prevention policies and national consequence management capacities in the affected country.
40. The Council and the Commission advocate:
- (a) Opening the possibility for involving third countries and international organisations in a CBRN operation with a view to strengthening the exchange of information as appropriate, to supplementing national capacities in the affected country (or countries), and to cooperating and coordinating so as to avoid overlapping structures. The responsibility for coordination lies within the affected country (or countries).
41. For that purpose:
- (a) the Council and the Commission will continue as appropriate examining liaison, exchange of information and cooperation with third countries and relevant international organisations, with the aim of promoting synergies and avoiding unnecessary duplications.
  - (b) the EU will where necessary work in close cooperation with other relevant international organisations and third countries in order to establish adequate information exchange and guidance to avoid unnecessary duplication of work.

**G. Strategic objective 7: Ensuring an efficient overall use and coordination of the instruments used in implementing this programme (coordination and implementation)**

42. *Coordination and implementation* of the programme is dynamic in its nature due to the fact that instruments and actions need regularly adjustments in the light of current developments in the area of CBRN. Therefore, an efficient implementation and coordination of the programme requires that it be revised regularly in a coordinated manner.
43. The Council and the Commission therefore advocate a mix of
- efficient coordination between the different EU instruments and
  - an adequate implementation of the programme.

44. For that purpose:

*Coordination:*

- (a) the Commission and the Council will, each within their respective areas of competence, ensure the efficient coordination of the relevant instruments and initiatives within the sectors relating to prevention and limiting the consequences of CBRN terrorism,
- (b) regular cooperation and coordination in the area of CBRN terrorism, especially related to this programme, will take place between the Council and the Commission,
- (c) regular discussions on protective measures against CBRN terrorism will be held within the competent bodies that should be able to meet at short notice,
- (d) the actions in this programme will be coordinated with the general anti-terrorism programme in the EU.

*Implementation:*

- (e) The Commission will continue to give priority to the implementation of all Community instruments that contribute to preventing and limiting the consequences of CBRN terrorist threats.
- (f) the Commission will continue organising with the relevant services of the Member States full-scale simulation exercises in the field of chemical, biological, radiological and nuclear terrorist attacks.
- (g) CBRN terrorist threats will be taken into consideration in existing and future legal instruments by the Council and the Commission.
- (h) Civil Protection instruments will maintain a central role in the implementation of this CBRN-programme
- (i) this programme will regularly be reviewed i.a. on the basis of information transmitted by the Member States and a brief status report on the progress of the programme will be presented to the Council once a year.

DRAFT STATEMENT FOR ENTRY INTO THE MINUTES OF THE COUNCIL

Re paragraph 23 (a)

"The German and French delegations recall their position that an extension of the programme to the protection of populations in third countries should not be excluded."

=====