



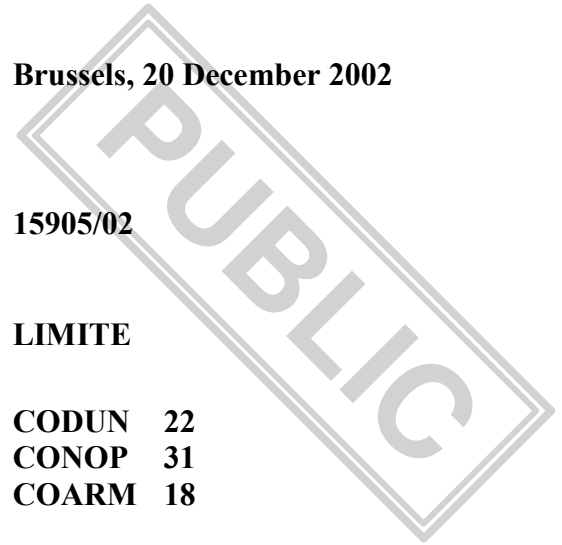
**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

**CODUN 22
CONOP 31
COARM 18**



FORWARDING NOTE

From Secretariat

To : Delegations

Subject : draft report on the implementation of the list of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union

Delegations will find attached a draft report on the implementation of the List of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union.

**Status of implementation of the
List of concrete measures with regard to the implications of the terrorist threat
on the non-proliferation, disarmament and arms control policy
of the European Union**

The 2421st Council meeting – General Affairs – in Luxembourg, 15. April 2002 adopted a list of concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the European Union.

The following table summarises the status of implementation of these measures by the European Union. Although reference is sometimes made to activities of Member States the table does not pretend to give a full picture of such activities but focuses on efforts at the EU level. The table is divided according to the main chapters of the list of concrete measures and covers activities coordinated within the COARM, CODUN and CONOP working groups.

1.1. General

The Council will consider the adoption of common positions and joint actions to assure the effective implementation of the listed measures.	<ul style="list-style-type: none"> - Preparations under way for Common Positions/Actions on arms brokering and cooperation with the Russian Federation on non-proliferation and disarmament; - The EU has amended the Joint Action on combating the destabilising accumulation and spread of small arms and light weapons to include ammunition.
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CHAPTER I – Multilateral instruments

A. Support all activities related to the universalisation of existing multilateral instruments (i.a. CWC, BWC, Geneva Protocol, NPT, CTBT, CCW and Ottawa Convention)	
The EU as such and its Member States will:	
1. Promote, at a political level, universal adherence to instruments relating to weapons of mass destruction (BWC, CWC, Geneva Protocol, NPT, CTBT, Safeguards Agreements and Additional Protocols with the IAEA, CPPNM);	<ul style="list-style-type: none"> - The EU works in the open-ended group of legal and technical experts to prepare an amendment to the Convention on Physical Protection of Nuclear Materials aimed at strengthening the national physical protection and control regime applicable to nuclear material and nuclear facilities. - EU demarches for ratification/accession of non-States Parties to the CWC carried out Oct.-Nov. 2002 - All EU Member States signed Joint Ministerial Declaration in support of the CTBT - EU co-sponsored UNGA resolution on CTBT
2. Lobby for the withdrawal of all relevant reservations on the Geneva Protocol;	<ul style="list-style-type: none"> - All EU Member States supported resolution at UNGA 57, 1st Committee on “Measures to uphold the authority of the 1925 Geneva Protocol”.
3. Act at a political level in view of reaching a wider adherence and effective implementation of other relevant instruments in the field of conventional weapons.	<ul style="list-style-type: none"> - EU demarches for the ratification of, or accession to, the Ottawa Convention - The EU stressed the need for a prompt implementation of the UN Programme of Action to combat illicit trade in small arms and light weapons. i.a. in political dialogue meetings - EU promoted the application of the criteria of the EU Code of Conduct on arms exports by third countries, i.a. in political dialogue meetings

B. Work for the effective implementation of the international instruments as well as political commitments world-wide

The EU as such and its Member States will promote:

<p>1. Compliance with obligations and commitments under the international instruments as agreed by the States Parties, including - where the international instruments provide for- the destruction of prohibited weapons, the prevention of their diversion and illegal use, as well as the prevention of diversion of their technologies;</p>	<ul style="list-style-type: none"> - Declarations on North Korea by the EU Presidency on 18 October and Council Conclusions on North Korea on 19 November 2002 - EU supported efforts within the NSG to develop methods to impede North Korea’s uranium enrichment programme - EU demarches for timely compliance with Article 7 of the Ottawa Convention - EU supports and participates in the Global Partnership Program - All EU member states supported resolution on “Compliance with arms limitation and disarmament and non-proliferation agreements” at UNGA 57, 1st Committee
<p>2. Enactment and strict application of national implementation legislation as required by the international instruments;</p>	<ul style="list-style-type: none"> - EU preparing an overview of Member States’ implementation activities with respect to the BTWC
<p>3. Full implementation of the Non-Proliferation Treaty and of the Final Documents of the 2000 and 1995 Review Conferences to the Non-Proliferation Treaty;</p>	

<p>4. Enactment of the provisions of the Convention of the Physical Protection of Nuclear Material (CPPNM) and encourage those concerned states to take into consideration relevant IAEA recommendations and to request, when appropriate, an IPPAS mission;</p>	
<p>5. Timely, consistent and full implementation of reporting obligations imposed either by the international instruments or by the final reports of review conferences (Chemical Weapons Convention declarations, BWC-CBMs, reports on the Amended II Protocol to the CCW, Article 7 reports regarding the Ottawa Convention) and the creation of necessary conditions for processing the resulting information (e.g. translate and process information coming from BWC-CBMs in usable databases);</p>	<ul style="list-style-type: none"> - EU demarches for the timely submission of reports regarding Art. 7 of the Ottawa Convention - All EU member states comply with the reporting obligations imposed by the Amended II Protocol to the CCW and have urged other participating states to do so

<p>6. Implementation of confidence building measures like, inter alia, submission of national reports to the UN register on conventional weapons and expansion of the register;</p>	<ul style="list-style-type: none"> - All EU Member States submitted reports to the UN Arms Register - EU carried out demarches urging non-participating states to submit reports. - All EU member states supported resolution on “Transparency in armaments” aiming at further development of the register at UNGA 57, 1st Committee. - EU Member States participated in voluntary CBMs within the framework of the BTWC
<p>7. Implementation of the United Nations' programme of action on the fight against the illicit trade in small arms and light weapons and of the OSCE document on SALW.</p>	<ul style="list-style-type: none"> - The EU amended the Joint Action on combating the destabilising accumulation and spread of small arms and light weapons to include ammunition.
<p>C. Support the work of the international organisations (e.g. OPCW, CTBTO, IAEA) in their endeavour, in particular by:</p>	
<p>1. Reviewing the financial resources required by the international organisations in order to provide sufficient funding to enable them to discharge their monitoring activities, including those undertaken in the light of the new threats post September 11, and ensuring that the funds provided are used in the most effective way;</p>	<ul style="list-style-type: none"> - EU supported a 9,9 pct. increase in the OPCW budget to strengthen verification efforts.

<p>2. Sustaining and expanding the OPCW capabilities to conduct effective inspections especially challenge inspections and investigations into alleged use. More realistic and frequent training exercises, especially practice inspections, provide an ideal mechanism to maintain and enhance such capabilities;</p>	<p>- Cf. above.</p>
<p>3. Supporting the statutory activities of the IAEA and strengthening its work to assist Member States to deal with the following:</p>	<p>- The EU has assisted the candidate countries and the CIS countries with substantial resources in order to promote an effective nuclear safety culture in line with the principles of the Convention on nuclear safety.</p>
<ul style="list-style-type: none"> • physical protection of nuclear material and installations; 	
<ul style="list-style-type: none"> • safe and secure management of radioactive sources including the implementation of the code of conduct on the safety and security of radioactive sources; 	<p>- The EU supports ongoing activities of the IAEA and its Member States to improve the safety and security of radioactive sources based on the revised Action Plan for the Safety and Security of Radiation Sources.</p> <p>The Council started discussion of a proposal for a Council Directive on the control of high activity sealed radioactive sources</p>
<ul style="list-style-type: none"> • illicit trafficking in nuclear and radioactive material. 	

D. Reinforce, where needed, the multilateral instruments, in particular by:	
1. Working actively to fill identified gaps in the current pattern of multilateral instruments in the field of disarmament, arms control and non-proliferation;	
2. Review and, if needed, strengthen national implementation measures of multilateral instruments in the field of disarmament, arms control and non-proliferation;	<ul style="list-style-type: none"> - All EU Member states meet CCW obligations and have fully implemented the Convention in their national legislation. - All EU member states supported resolution on “National legislation on transfer of arms, military equipment and dual use goods and technology” at UNGA 57, 1st Committee urging member states to improve national legislation and exchange such legislation.
3. Continuing efforts to promote the universalisation of the draft International Code of Conduct against ballistic missile proliferation with a view to its adoption before the end of 2002;	<ul style="list-style-type: none"> - EU Presidencies and member States hosted conferences in Paris and Madrid and led consultations on the final draft leading to the launching conference in The Hague.
4. Continuing the efforts to promote the strengthening of the IAEA safeguards system through the signature and ratification of the Additional Protocols;	<ul style="list-style-type: none"> - EU took lead during 46 GC of the IAEA in the updating of the safeguards resolution.

<p>5. Speeding up completion by EU Member States of the necessary formalities to bring the IAEA Additional Protocols into force for the EU;</p>	
<p>6. Making a special effort to overcome the stalemate in the Conference on Disarmament and promote the commencement of negotiations of a Fissile Material Cut-off Treaty;</p>	<ul style="list-style-type: none"> - All EU member states supported resolution on “Conference on Disarmament decision to negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices” at UNGA 57, 1st Committee urging the CD to agree on a programme of work and commence negotiations on such a treaty.
<p>7. Drafting of an international instrument on marking and tracing of SALW (i.a. French-Swiss proposal) as well as an international instrument on brokering as a priority;</p>	<ul style="list-style-type: none"> - EU supported the convening of the UN group of Governmental Experts to examine the feasibility of developing an international instrument to enable states to identify and trace small arms and light weapons while at the same time stressing its support of the French-Swiss initiative. - The EU has in several statements stated that legally binding commitments on marking and tracing as well as brokering could be further pursued starting at the first biennial meeting on small arms and light weapons in 2003.
<p>8. Working for the successful conclusion of a reconvened 5th BWC Review Conference in November 2002;</p>	<ul style="list-style-type: none"> - EU played key role in efforts leading to RevCon adoption of a limited work program and the preservation of the multilateral dialogue between States Parties on measures to strengthen compliance with the Convention

<p>9. Working in favour or a successful and early conclusion of negotiations under way in Vienna to expand the scope and application of the Convention of the Physical Protection of Nuclear Material;</p>	<ul style="list-style-type: none"> - The EU seeks to achieve a common position during negotiations in Vienna to expand the scope and application of the Convention of the Physical Protection of Nuclear Material.
<p>10. Strengthening the CCW, through the promotion of measures aimed at verifying compliance with the convention and its protocols, and through the development of legally binding instruments, especially on explosive remnants of war.</p>	<ul style="list-style-type: none"> - The EU has proposed to introduce a mechanism aimed at verifying compliance with the Convention and its protocols. - The EU has recommended that the expert group on explosive remnants of war (ERW) as soon as possible commence negotiations on a legally binding protocol. - The EU has recommended starting negotiations on a legally binding instrument on AV mines.
<p>In order to achieve the aims contained in this Chapter, the EU and its Member States will exchange information about the results of demarches with a view to establishing a country focused database.</p>	

CHAPTER II - Export controls

The EU as such and its Member States will:	
1. Assess appropriate ways of improving the existing export control mechanisms: Nuclear Suppliers' Group, Zanger Committee, Missile Technology Control Regime, Australia Group and the Wassenaar Arrangement, as a contribution in the fight against terrorism, in order to prevent the diversion by terrorists of any weapons or "dual use" items or technologies.	<ul style="list-style-type: none"> - The EU supported a US initiative to amend the NSG guidelines in order to address the risk of nuclear terrorism. New guidelines will be adopted by the extraordinary NSG Plenary in December 2002. - EU introduced proposals on catch-all that were adopted at the Australia Group Plenary in June 2002 - EU presented proposals on catch-all in the Wassenaar Arrangement - EU is considering similar proposals for the MTCR - EU commenced discussions about a possible EU initiative concerning a catch-all-clause in the NSG
2. Establish or further develop EU co-ordinating mechanisms with the aim to improve information exchange practices in different export control regimes and arrangements, in order to provide accurate and up to date information on risks of proliferation involving non-state actors and states that support them.	<ul style="list-style-type: none"> - Procedures for EU coordination prior to export control regime meetings under discussion

<p>3. Promote, within the regimes and arrangements, common understanding and strict adherence to their guidelines, principles and practices.</p>	<ul style="list-style-type: none"> - The EU promoted common understanding and strict adherence to NSG guidelines, principles and practices. A working group has been established in NSG under German chairmanship. The issue has been raised during troika meetings with Brazil and Russia.
<p>4. Promote the inclusion of “prevention of terrorism” in the objectives of all existing export control regimes and arrangements.</p>	<ul style="list-style-type: none"> - The EU supported proposals to introduce terrorism clauses in the Wassenaar Arrangement and Australia Group, adopted at plenary meetings in December 2001 and June 2002 respectively. - The EU proposed similar changes at the MTCR plenary in September 2002, which were partly adopted at the plenary and partly awaits confirmation in silence procedure.
<p>5. Promote, where applicable, in the framework of intensified out-reach activities, adherence to effective export control criteria by countries outside the existing export control regimes and arrangements.</p>	<ul style="list-style-type: none"> - EU promoted membership of candidate countries in export control regimes - EU supported intensified outreach activities of the export control regimes, including towards countries having applied for membership - EU assisted candidate countries in adjusting their legislation and practices to conform to the EU dual-use Regulation - EU intensified its dialogue with candidate countries on arms exports with a view to strengthening their ability to abide by the EU Code of Conduct on arms exports, i.a. through exchange of information on denials

<p>6. Examine measures, in close co-operation with the Commission, to improve the enforcement of the common control system based on the Council Regulation (EC) No 1334/2000 on dual use items and technology and consider whether there are further regulatory measures that could be adopted to render the control system more effective regarding non-proliferation by, among others, the following measures:</p>	<ul style="list-style-type: none"> - The respective EU co-ordination group has been discussing various proposals to further improve the common control system based on Council regulation (EC) No. 1334/2000. Discussions included matters related to transshipment, transit and post-clearance. Regular meetings of the Co-ordination Group according to Art. 18 of the EU Dual Use Directive have been established - Workshops have addressed issues related to harmonized implementation of the dual-use Regulation, types of licenses used by Member States, controls of intangible transfers of technology, industry compliance programs and practices regarding end-user certificates.
<ul style="list-style-type: none"> • more regular exchanges of information between Member States (e.g. in the co-ordination group); 	<ul style="list-style-type: none"> - All EU member states supported resolution on “National legislation on transfer of arms, military equipment and dual use goods and technology” at UNGA 57, 1st Committee urging member states to improve national legislation and exchange such legislation.
<ul style="list-style-type: none"> • examine implementation by Member States of controls on transshipment, transit and post-clearance, according to the provisions of the Community customs code. 	

<p>7. Invite the relevant EU institutions to consider initiating a review of the denial notice system to ensure that is operating efficiently after more than three years since its inception.</p>	<ul style="list-style-type: none">- EU Member States are reviewing the procedures for the denial mechanism for the EU Code of Conduct for arms exports to make it more effective.- EU Member States agreed to share information on denials of arms exports with candidate countries.
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2. CHAPTER III – INTERNATIONAL COOPERATION

The EU as such and its Member States will:	
1. Improve preparation for international assistance in relation to the CWC and the BWC to protect states against the use or threat of chemical and biological weapons in consistence with the decisions agreed upon by the European Council of Ghent.	<ul style="list-style-type: none"> - EU Member States have complied with their obligations under paragraph 5 of Article VII of the CWC to inform the OPCW about the legislative and administrative measures taken - EU Member States supported the Executive Council call in March 2002 on Participating States to fulfil their obligations under paragraph 5 of Article VII of the CWC.
2. Provide, as appropriate, international assistance through the OPCW, in accordance with Article X of the Chemical Weapons Convention.	<ul style="list-style-type: none"> - EU Member States supported the budget increase for International Cooperation and Assistance (ICA) adopted at the 7th Conference of the States Parties, October 2002

<p>3. Continue its efforts to maintain and upgrade, where appropriate, a high level of physical protection on nuclear material and facilities, and to make use of the relevant provisions of the CPPMN regarding international cooperation in the case of misuse or theft of nuclear material.</p>	
<p>4. Make full use, as regards sources and radioactive materials, of the provisions of the convention on assistance in the case of nuclear accident or radiological emergency.</p>	
<p>5. Support and enhance, within the EU financial possibilities and building on already existing initiatives in the Russian Federation and other CIS, co-operation programmes for disarmament and non-proliferation with a view to:</p>	<ul style="list-style-type: none"> - Substantial EU and Member State participation in the Global Partnership program - Preparations for renewal of EU Common Action on cooperation programme for non-proliferation and disarmament in the Russian Federation - EU hosted 2nd NDCI conference in December 2002 - EU programs support border infrastructures, border management and customs procedures
<ul style="list-style-type: none"> • assist in the destruction of weapons of mass destruction and their means of delivery; 	<ul style="list-style-type: none"> - EU supported chemical weapons destruction facilities and environmental and health monitoring systems in Gorny, Shchuch'ye and Novocheboksarsk - EU supported the Russian Munitions Agency

	<ul style="list-style-type: none"> - EU supported decontamination of chemical weapons facilities in Dzezhinsk
<ul style="list-style-type: none"> • assist in the disposition of the related released materials, including radioactive materials; 	<ul style="list-style-type: none"> - Studies and experiments carried out on ex-weapons plutonium disposition - EU support for nuclear submarine dismantlement
<ul style="list-style-type: none"> • reduce proliferation risks, i.a. through ISTC/SCTU co-ordinated programmes; 	<ul style="list-style-type: none"> - EU supported ISTC in Moscow, the Russian Methodology and Training Centre in Obninsk and other institutions
<ul style="list-style-type: none"> • improve the required legislative development and implementation (i.a. export control). 	<ul style="list-style-type: none"> - Export control seminar held in Moscow November 2002 to identify cooperation possibilities to improve export controls in the Russian Federation
6. Study the possibilities for a targeted assistance programme on export controls for the Central Asian states.	
7. Strengthen the co-operation in the field of destruction of SALW and other conventional weapons surpluses, as well as in facilitating the tracing of lines of supply.	<ul style="list-style-type: none"> - EU has supported SALW projects with CFSP funds in Cambodia, South East Europe and the SADC-countries (ca. 2 mill. Euros).

CHAPTER IV - Political dialogue

The EU as such and its Member States will:	
1. Intensify the political dialogue on disarmament, arms control and non-proliferation, in particular with countries in Asia and the Middle East.	
2. Invite like-minded countries outside of the EU to join the effort to promote the universalisation of multilateral instruments.	
3. Intensify and expand co-operation with candidate countries related to export control, with a view to improving their capacity to fulfil the requirements of common export control, and thus support in concrete terms their membership in all export control regimes. Raise more frequently export control issues with third countries in the context of political dialogue.	<ul style="list-style-type: none"> - Political dialogue meetings - Regular expert level meetings on arms export controls with candidate countries - Sharing of information on EU Member States denials with candidate countries agreed - EU supported the membership of candidate countries in export control regimes

<p>4. Promote the implementation of the relevant provisions of the UN Security Council resolutions and decisions.</p>	<ul style="list-style-type: none"> - The EU delivered statement on small arms at open meeting in the Security Council encouraging all member states to enforce all SC sanction resolutions. Furthermore the EU has called for investigations of alleged violations of arms embargoes.
<p>5. Promote a strict implementation of UN, EU and OSCE arms embargoes.</p>	<ul style="list-style-type: none"> - COARM Working Party used to coordinate Member States' interpretation and implementation of arms embargoes