

COUNCIL JOINT ACTION 2004/495/CFSP**of 17 May 2004****on support for IAEA activities under its Nuclear Security Programme and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Article 1

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction, which contains, in its Chapter III, a list of measures to combat such proliferation and which need to be taken both within the EU and in third countries.
- (2) The EU is actively implementing this Strategy and is giving effect to the measures listed in its Chapter III, in particular through releasing financial resources to support specific projects conducted by multilateral institutions, such as the International Atomic Energy Agency (IAEA).
- (3) Since, as far as the EU is concerned, the Council adopted on 22 December 2003 Directive 2003/122/EURATOM ⁽¹⁾ on the control of high activity sealed radioactive sources and orphan sources, within the EU, the strengthening of the control of high activity radioactive sources in all third countries, in accordance with the G-8 statement and Action Plan on securing radioactive sources, remains an important objective to be pursued.
- (4) The improvement of the physical protection of nuclear material and facilities, and the detection of and response to illicit trafficking contribute to preventing the Proliferation of Weapons of Mass Destruction.
- (5) The IAEA pursues the same objectives as set out in (3) and (4). This is done in the context of the revised Code of Conduct on the Safety and Security of Radioactive Sources which was approved by the IAEA Board of Governors in September 2003 and the implementation of its Nuclear Security Plan which is financed through voluntary contributions to its Nuclear Security Fund. The IAEA is also engaged into efforts to strengthen the Convention on the Physical Protection of Nuclear Material.
- (6) The Commission has accepted to be entrusted with the supervision of the proper implementation of the EU contribution.

1. For the purposes of giving immediate and practical implementation to some elements of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the EU shall support the IAEA activities under the Nuclear Security Plan, the objectives of which are:

- to enhance the protection of proliferation-sensitive materials and equipment and the relevant expertise,
- to strengthen the detection of and response to illicit trafficking of nuclear materials and radioactive substances.

2. The projects of the IAEA, corresponding to measures of the EU Strategy, are the projects which aim at strengthening:

- the Physical Protection of Nuclear Materials and other Radioactive Materials in Use, Storage and Transport, and of Nuclear Facilities,
- the Security of Radioactive Materials in non-Nuclear Applications,
- the States' capabilities for Detection and Response to Illicit Trafficking.

These projects will be carried out in countries needing assistance in the area of nuclear security.

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

Article 2

1. The financial reference amount for the implementation of the three projects listed in Article 1, paragraph 2, is 3 329 000 EUR.

2. The management of the expenditure financed by the general budget of the European Union specified in paragraph 1 shall be subject to the procedures and rules of the Community applying to budget matters with the exception that any pre-financing shall not remain the property of the Community.

⁽¹⁾ OJ L 346, 31.12.2003, p. 57.

3. For the purpose of implementing the projects referred to in Article 1, the Commission shall conclude a financing agreement with the IAEA on the conditions for the use of the EU contribution, which will take the form of a grant. The financing agreement to be concluded will stipulate that the IAEA shall ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall report on the implementation of the EU contribution to the Council, in association with the Presidency.

Article 3

The Presidency shall be responsible for the implementation of this Joint Action in full association with the Commission. The Commission shall supervise the proper implementation of the EU contribution referred to in Article 2.

Article 4

This Joint Action shall enter into force on the day of its adoption.

It shall expire 15 months after its adoption.

Article 5

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 17 May 2004.

For the Council
The President
B. COWEN

ANNEX

EU support for the IAEA activities under its Nuclear Security Programme and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

1. Description

The Board of Governors of the International Atomic Energy Agency (IAEA) approved, in March 2002, a plan of activities to protect against nuclear terrorism. The plan provides a comprehensive approach to nuclear security, recognising the need to protect nuclear and other radioactive materials 'from cradle to grave'. Protecting and securing the material in use, storage and transport is key to enhancing the security level and also to sustain the improved security in the long-term. However, if protection should fail, or in the case of material that is not yet subject to protection at its location, measures must be established to detect theft or attempts to smuggle the material.

Support for these efforts is in high demand in all IAEA Member Countries as well as in countries who are not yet members of the IAEA. However, these projects are primarily focused upon countries in South-Eastern Europe: Bulgaria, Turkey, Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro, the Former Yugoslav Republic of Macedonia, Moldova and Romania, and in the Central Asia region: Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan. Activities are also foreseen in Armenia, Azerbaijan and Georgia.

Initially, an evaluation mission — International Nuclear Security Mission — will be undertaken in order to identify priorities. For that purpose, a team of recognised experts will evaluate the present status of nuclear security measures already in place in the abovementioned countries and give recommendations on improvements. The recommendations will constitute a platform for the definition of subsequent assistance, covering present status and need for improvement as regards prevention of, detection and response to malicious acts involving nuclear and other radioactive materials, including those in non-nuclear use, and of nuclear facilities.

As a result of this evaluation mission, priorities will be set in identifying a maximum of six countries for each project to be covered by the budget made available through EU support.

Subsequently, projects will be implemented in the selected countries in three fields:

1. Strengthening the Physical Protection of Nuclear Materials and other Radioactive Materials in Use, Storage and Transport and of Nuclear Facilities

The materials used or stored at nuclear facilities and locations must be adequately accounted for and protected in order to prevent theft or sabotage. An effective regulatory system should identify those elements requiring implementation at the level of the State and the operator.

2. Strengthening of Security of Radioactive Materials in Non-Nuclear Applications

Radioactive materials, and in some cases source nuclear material, are often used in 'non-nuclear' applications, e.g. in medical or industrial use. Some of these sources are highly radioactive, and belong to categories 1-3, as defined in the IAEA TECDOC Categorisation of Radioactive Sources. These sources, if not adequately controlled and protected, may come into the wrong hands and be used in malicious activities. The regulatory systems covering the use, storage and transport of radioactive material must be effective and must function properly. Powerful, vulnerable radioactive sources should be protected against malicious acts when used or stored, and when no longer required, they should be dismantled and disposed of as radioactive waste in a safe and secure storage.

3. Strengthening of States' Capabilities for Detection and Response to Illicit Trafficking

Illicit trafficking is a situation which relates to the unauthorised receipt, provision, use, transfer or disposal of nuclear material and other radioactive materials, whether intentional or unintentional and with or without crossing international borders.

A terrorist-made, crude nuclear explosive device or a radiological dispersal device cannot be constructed without the material having been acquired as a result of illicit trafficking. In addition, sensitive equipment and technology to produce sensitive material for or to construct a crude nuclear explosive device may also have been acquired via illicit trafficking. It may be assumed that cross-border movement of material or technology is necessary for the material to reach its end destination. To combat illicit trafficking, States thus require the necessary regulatory systems to be in place, as well as technical systems (including user-friendly instruments) and available procedures and information at the border stations for detecting attempts at smuggling radioactive materials (including fissile, radioactive materials), or unauthorised trade with sensitive equipment and technology.

Effective measures must also be in place to respond to such acts and also to seizures of any radioactive materials. Law enforcement staff (customs, police, etc.) are frequently not trained in the use of detection equipment, and thus the sensitive equipment and technology may be unfamiliar. Training of these officers is therefore critical to the success of any measures put in place for detection of illicit trafficking. Different training should be offered to staff of different categories, both in using detection instruments and in understanding the reading of the instrument, to be able to decide on follow-up activities.

2. Objectives

Overall objective: To strengthen nuclear security in selected countries.

2.1. Evaluation mission: Financing International Nuclear Security Missions

INSServ missions will be made by the IAEA to identify needs to strengthen the nuclear security in each of the 17 countries mentioned in point 1. The missions will cover physical protection and security of nuclear and non-nuclear applications, including the necessary regulatory systems, as well as established measures to combat illicit trafficking.

The projects, as part of the broad-based nuclear security mission referred to above, will:

- begin by evaluating the status of physical protection of nuclear and other radioactive materials, and the protection of any nuclear or research installation or location in which these materials are used or stored. In the 17 countries, a total of 26 nuclear facilities or locations exist. A subset of facilities and locations containing these materials will be selected for subsequent upgrading and support,
- identify urgent needs with respect to the upgrading of the regulatory infrastructure in the 17 countries and will also identify the need to provide additional protection of powerful, vulnerable sources. The specific equipment needed to provide protection would also be determined as a result of the mission,
- include the assessment of the current status of the capabilities as well as an evaluation of the requirements for strengthening the States' measures to combat illicit trafficking.

2.2. Implementation of specific actions defined as priorities as a result of the evaluation mission

Project 1

Strengthening Physical Protection of Nuclear Materials and other Radioactive Materials in Use, Storage and Transport and in Nuclear Facilities

Project purpose: to strengthen physical protection of nuclear and other radioactive materials in the selected countries.

Project results:

- physical protection of selected facilities and priority locations upgraded,
- national regulatory infrastructure for physical protection improved through expert assistance,
- staff training provided in the selected countries.

Project 2

Strengthening of Security of Radioactive Materials in Non-Nuclear Applications

Project purpose: to strengthen the security of radioactive materials in non-nuclear applications in the selected countries.

Project results:

- national regulatory infrastructure for the safety and security of radioactive materials improved through expert assistance,
- up to 30 vulnerable sources protected or, as appropriate, dismantled or disposed of,
- staff training provided in the selected countries.

Project 3**Strengthening of States' Capabilities for Detection and Response to Illicit Trafficking**

Project purpose: to strengthen the States' capacities for detection and response to illicit trafficking in the selected countries.

Project results:

- enhanced information collected and evaluated on illicit nuclear trafficking, from open sources and from States' Points of Contact, to improve the knowledge about and circumstances of illicit nuclear trafficking. This information will also facilitate the prioritisation of the various activities undertaken to combat illicit trafficking,
- national frameworks established through expert assistance, to combat illicit trafficking and to improve the national coordination of control cross-border movements of radioactive materials, sensitive nuclear equipment and technology in the selected countries,
- border monitoring equipment upgraded at selected border crossings,
- training provided for law enforcement staff.

3. Duration

The evaluation mission will be performed within a period of three months after the signature of the Financing Agreement between the Commission and the IAEA. The three projects will be performed in parallel during the 12 subsequent months.

The total estimated duration for the implementation of this Joint Action is 15 months.

4. Beneficiaries

The Beneficiaries are the countries where the assessment and the subsequent projects will be implemented. Their authorities will be helped to understand where there are weak points and receive support to bring solution and increase security.

5. Implementing Entity

The IAEA will be entrusted with the implementation of the projects. The international nuclear security missions will be performed following the standard mode of operation for missions of the IAEA, which will be carried out by IAEA Member Countries' experts. The implementation of the three projects will be done directly by the IAEA staff, IAEA Member Countries – selected experts or contractors. In case of contractors, the procurement of any goods, works or services by the IAEA in the context of this Joint Action shall be carried out in accordance with the applicable rules and procedures of the IAEA, as detailed in the European Community Contribution Agreement with an International Organisation.

6. Third Party Participants

The projects will be financed 100 % by this Joint Action. Experts of IAEA Member Countries may be considered as third party participants. They will work under the standard rules of operation for IAEA experts.

7. Estimated required means

The EU contribution will cover the evaluation mission and the implementation of the three projects as described in point 2.2. The estimated costs are as follows:

Nuclear security missions (17 countries):	EUR 303 000
Project 1 (6 countries):	EUR 854 200
Project 2 (6 countries):	EUR 1 136 700
Project 3 (6 countries):	EUR 946 600

In addition, a contingency reserve of about 3 % of eligible costs (for a total amount of EUR 88 500) is included for unforeseen costs.

8. Financial reference amount to cover the cost of the project

The total cost of the project is EUR 3 329 000.
