

COUNCIL JOINT ACTION 2004/797/CFSP**of 22 November 2004****on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

— Promotion of universality of the Chemical Weapons Convention (CWC);

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

— Support for full implementation of the CWC by States Parties;

Whereas:

— International cooperation in the field of chemical activities, as accompanying measures to the implementation of the CWC.

(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.

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

(2) The European Union is actively implementing the above EU Strategy and is giving effect to the measures listed in its Chapter III, in particular those related to the universalisation of the Chemical Weapons Convention (CWC) and of the provision of financial resources to support specific projects conducted by multilateral institutions.

— The promotion of the CWC by carrying out activities, including regional and sub-regional workshops and seminars, aiming at increasing the membership of the OPCW;

(3) The objectives of the EU Strategy, as set out in recital (2), are complementary to the objectives pursued by the Organisation for the Prohibition of Chemical Weapons (OPCW), in the context of its responsibility for the implementation of the CWC.

— The provision of sustained technical support to States Parties that request it for the establishment and effective functioning of National Authorities and the enactment of national implementation measures as foreseen in the CWC;

(4) The Commission has accepted to be entrusted with the supervision of the proper implementation of the EU contribution,

— International cooperation in the field of chemical activities through the exchange of scientific and technical information, chemicals and equipment for purposes not prohibited under the CWC, in order to contribute to the development of the States Parties' capacities to implement the CWC.

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

HAS ADOPTED THIS JOINT ACTION:

Article 2

1. The financial reference amount for the three projects listed in Article 1(2) is EUR 1 841 000.

Article 1

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the European Union shall support activities of the Organisation for the Prohibition of Chemical Weapons (OPCW), with the following objectives:

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community.

3. For the purpose of implementing the projects referred to in Article 1, the Commission shall conclude a financing agreement with the OPCW 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 OPCW 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 its Presidency.

Article 3

The EU Council 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 one year after its adoption.

Article 5

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

Done at Brussels, 22 November 2004.

For the Council
The President
B. R. BOT

ANNEX

EU support for OPCW activities, in the framework of the implementation of the EU strategy against proliferation of Weapons of Mass Destruction1. *Objective and Description*

Overall objective: to support the universalisation of the CWC and in particular to promote the accession to the CWC by States not Party (signatory States as well as non-signatory States) and to support the implementation of the CWC by the States Parties.

Description: EU assistance to the OPCW will be focused on the following areas identified by the CWC States Parties as requiring urgent action:

- (i) Promotion of universality of the CWC;
- (ii) Support for implementation of the CWC by the States Parties;
- (iii) International cooperation in the field of chemical activities.

The projects described below will benefit exclusively from EU support. EU funding will only cover expenditures specifically related to the implementation of the projects. Accordingly, these projects will not be financed under the OPCW 2005 Regular Budget. In addition, the procurement of any goods, work or services shall be made by the OPCW.

2. *Project description*

2.1. Project 1: Promotion of universality of the CWC:

Project purpose: Enhanced membership of the CWC.

Project results:

- (i) Enhanced membership of the CWC in various geographical regions (in the Caribbean region, Africa, the Mediterranean countries, South East Asia and the Pacific Islands);
- (ii) Strengthened regional networking (involving relevant sub-regional organisations and networks in various areas relevant to the CWC).

Project description: Universality-related regional, sub-regional, and bilateral activities

The participation of States not Party to regional/sub-regional activities offers opportunities for the OPCW to establish/develop contacts with representatives from the capitals and to highlight the advantages and benefits of accessing the CWC, as well as associated obligations. Assistance and technical support are also provided on specific issues relevant to the preparation for accession to the CWC.

In general, the level of funding has limited the OPCW to the conduct of a small number of regional seminars and workshops, designed primarily to raise political awareness of the benefits of the CWC for States not Party.

Since the entry into force of the CWC in 1997, three to four regional events were held each year.

The level of funding available, including voluntary contributions, has not permitted more intensive and targeted ways to assist States not Party in the process of preparing for accession to the CWC, for example through bilateral visits, or regional/sub regional meetings focusing on issues of national implementation measures in conjunction with the ratification of the CWC.

The project will finance the following activities in 2005:

- (i) Workshop on the CWC for States not Party in the Caribbean to enable participation by decision-makers and regional/sub-regional organisations, e.g. CARICOM, OECS (venue in an OECS Member State, second quarter 2005, two days, dates tbc). Representatives, including from Antigua and Barbuda, Bahamas, Barbados, Dominican Republic, Haiti, Honduras and Grenada, will be invited. One or two guest speakers from EU would be most helpful to brief the participants on EU initiatives on non-proliferation and disarmament relating to Weapons of Mass Destruction (WMD).

Total Estimated Cost of Event: EUR 28 000.

- (ii) Workshop on the CWC for States not Party in Africa (venue in Southern/Central Africa, tbd, three days, first quarter 2005), participants to be sponsored from decision-making bodies in States not Party, and relevant regional/sub-regional organisations. Representatives from Angola, Central African Republic, the Comoros, Congo, Democratic Republic of the Congo, Djibouti, Egypt, Guinea-Bissau, Liberia, Madagascar, Sierra Leone, and Somalia will be invited. A guest speaker from the EU would be most useful to brief participants on EU initiatives relevant to Africa on non-proliferation and disarmament relating to WMD.

Total Estimated Cost of Event: EUR 69 000.

- (iii) Workshop on the CWC for countries of the Mediterranean Basin and the Middle East. Representatives from Egypt, Iraq, Israel, Lebanon and Syria will be invited. In addition, decision-making and advisory bodies in States not Party, as well as key representatives from regional States Parties and organisations will be invited. One or two guest speakers from the EU may be requested to brief participants on EU initiatives on non-proliferation and disarmament relating to WMD, the political-security aspects of the Euro-Mediterranean Partnership, export control measures implemented by the EU, etc.

Total Estimated Cost of Event: EUR 62 000.

- (iv) Targeted sub-regional training and support for States not Party in Asia (venue tbc, two-three days, third-quarter 2005). Representatives from Bhutan, Cambodia, DPR Korea, Iraq, Lebanon, Myanmar, Niue, Syria, Solomon Islands, and Vanuatu will be invited. Sponsorship of participants from States not Party and regional actors in small sub-regional groups or meetings of national decision-makers. One or two guest speakers from EU would be most helpful to brief the participants on EU initiatives on non-proliferation and disarmament relating to WMD.

Total Estimated Cost of Event: EUR 48 000.

Total Estimated Cost of Project 1: EUR 207 000.

2.2. Project 2: National Implementation of the CWC

Project purpose: Establishment and effective functioning of National Authorities, the enactment of national implementation measures, and the adoption of any administrative measures required in accordance with Article VII obligations of the CWC.

Project results:

- (i) To facilitate the establishment and effective functioning of National Authorities and adoption of adequate implementation measures in all regions, through legal and technical assistance and implementation support to National Authorities;
- (ii) Putting in place legislation that provides States Parties with adequate information and control over import and export of CWC scheduled chemicals from their territories as well as a wider dissemination of information about and appreciation of EU export control regulations;
- (iii) Removing discrepancies in import export data provided by States Parties to enhance confidence in the ability to ensure that transfers of scheduled chemicals are taking place for purposes not prohibited by the CWC.

Project description: the project will contribute to the improvement of the effective functioning of National Authorities and the adoption of adequate implementation measures through:

- (a) Assistance visits on legal and technical aspects to respond to specific needs of requesting States Parties who are yet to fulfil their Article VII obligations. Such assistance will be provided by experts/resources from the OPCW staff with the inclusion of EU experts, as necessary. The duration of each visit will be about 5 days. These visits will comprise no more than 3 experts for each visit.

Total Estimated Cost: EUR 135 000.

- (b) The participation of National Authorities and other concerned agencies in a technical meeting on the transfers provisions of the CWC which will allow for a wider dissemination of information about these provisions as well as an appreciation of EU export control regulations.

Total Estimated Cost: EUR 189 000.

- (c) The participation of customs officials in a meeting related to export control regulations related to the CWC. A critical component for ensuring that transfers of chemicals take place for intended purposes is the proper sensitisation of customs officials to the provisions of the CWC. This meeting will also involve tabletop exercises, discussions on scenarios and sharing of experiences by experts from the EU and other participating Member States.

Total Estimated Cost: EUR 165 000.

Total Estimated Cost of Project 2: EUR 489 000.

2.3. Project 3: International cooperation in the field of chemical activities

Project purpose:

To facilitate the development of the States Parties' capacities to implement the CWC in the field of chemical activities in accordance with the provisions of Article XI thereto.

This project essentially focuses on the building of capacities through equipment support, technical assistance for laboratories and training in the area of analytical skills.

Project results/activities:

- (i) Identification of donor institutions, which are willing to transfer, used but still functional laboratory equipment to a publicly-funded laboratory, research or academic institution or government agency in States Parties whose economies are either developing or in transition;
- (ii) Supply of 50 new desktop PCs of standard configuration with printers as donation to national authorities, in the abovementioned targeted States Parties;
- (iii) Provision of some essential equipment to improve the quality and accuracy of chemical analysis in publicly-funded laboratories in States Parties;
- (iv) Enabling such laboratories in these targeted States Parties to upgrade their level of technical competence;
- (v) Assisting qualified analytical chemists from States Parties to acquire further experience and practical knowledge to facilitate the analysis of chemicals related to the national implementation of the CWC.

Project description:

The EU contribution will focus on the following three aspects:

- (a) Equipment support: it relates to the building of capacities of National Authorities and other relevant institutions in States Parties whose economies are either developing or in transition so as to enable them to implement the CWC and to engage in peaceful application of chemistry.

A number of National Authorities have identified the lack of availability of essential office equipment like computers and accessories to organise and run their offices.

The project supplies National Authorities in targeted States Parties with 50 new desktop PCs of standard configuration with accessories including printers.

Clearance mechanism:

A clearance mechanism will be set up involving a representative of the EU in regard to the selection of the National Authorities for the new PCs.

Total Estimated Cost: EUR 75 000.

- (b) Laboratory assistance

Under a Laboratory Assistance Programme, OPCW has been providing assistance to improve the technical competence of laboratories engaged in chemical analysis and monitoring. The assistance is basically in the form of financial support for conducting technical evaluation or audit of a laboratory so as to improve its level of competence and training of technical personnel at an advanced laboratory/institution for development of skills, for allowing internships at an accredited laboratory for skills development and for conducting small scale research projects relating to method development, validation, etc.

However, the support provided by the OPCW does not cover cost of acquisition of hardware or other investment costs. Also, since expert assistance available in the OPCW is limited due to other commitments, it is necessary that such assistance has to be availed from external sources. EU support for meeting the cost of these requirements will go a long way in enabling the laboratories in the targeted States Parties to improve their technical competence significantly and to improve the quality and accuracy of chemical analysis.

The project covers technical assistance as well as some essential hardware support (gas chromatographs, GCMS, etc) for a limited number of eight publicly funded laboratories engaged in the area of application of chemistry for purposes not prohibited under the CWC in States Parties whose economies are either developing or in transition. Applications will be invited from interested institutions from the targeted States Parties which will have to be routed through their National Authorities/Permanent Delegations.

Clearance mechanism:

A clearance mechanism for the purpose of project 3 will be set up involving representatives of the EU Council Presidency, the Office of the Personal Representative of the High Representative on non-proliferation of WMD, the Commission Services and the OPCW, regarding the selection of beneficiaries to be funded against this grant. Prior agreement by the EU Member States is needed for projects regarding the eight publicly funded laboratories, including hardware support. Any transfers under this project shall be made in accordance with Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology⁽¹⁾ as well as the guidelines of the relevant export control regime, in the framework of which the OPCW Technical Secretariat may be invited to perform a supervisory role. The States Parties to the CWC that will be beneficiaries under this project shall guarantee the use of the transferred goods in accordance with the provisions of the CWC by signing a Memorandum of Understanding to this end with the OPCW Technical Secretariat.

Total Estimated Cost: EUR 900 000.

(c) Analytical skills development course

A course on analytical skills development is to be conducted at an academic institution in Europe. The course will accommodate 20 participants. Its aims are to assist qualified analytical chemists from States Parties whose economies are either developing or in transition to acquire further experience and practical knowledge; to facilitate the analysis of chemicals related to the national implementation of the CWC; to enhance national capacities in the Member States by offering training in analytical chemistry to personnel from the industry, academic institutions and government laboratories; to facilitate the adoption of good laboratory practices; and to broaden the pool of manpower from which the National Authorities and the OPCW Technical Secretariat can draw in future. The course will be for duration of 2 weeks in June-July 2005. It will cover both theoretical and practical training in areas relating to system validation, trouble shooting, sample preparation and analysis.

Total Estimated Cost of Event: EUR 115 000.

Total Estimated Cost of Project 3: EUR 1 090 000.

3. *Duration*

The total estimated duration for the implementation of this Joint Action is 12 months.

4. *Beneficiaries*

The beneficiaries of universality related activities are States not Party to the CWC (both signatory States and non-signatory States). The beneficiaries of implementation related activities are non EU-States Parties to the CWC. The selection of the countries Beneficiaries will be identified by the OPCW in coordination with the EU Council Presidency.

5. *Implementing entity*

The OPCW will be entrusted with the implementation of the three projects. The implementation of these three projects will be done by the OPCW staff with the help of the OPCW Member States and their institutions, selected experts or contractors, as above. In the case of contractors, the procurement of any goods, works or services by the OPCW in the context of this Joint Action shall be carried out in accordance with the applicable rules and procedures of the OPCW, as detailed in the European Community Contribution Agreement with an International Organisation.

6. *Third party participants*

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

⁽¹⁾ OJ L 159, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1504/2004 (OJ L 281, 31.8.2004, p. 1).

7. *Estimated required means*

The EU contribution will cover 100% of the implementation of the three projects as described in this Annex. The estimated costs are as follows:

Project 1: EUR 207 000

Project 2: EUR 489 000

Project 3: EUR 1 090 000

Total cost (excluding contingencies): EUR 1 786 000

In addition, a contingency reserve of about 3% of eligible costs (EUR 55 000) is included.

Total cost (including contingencies): EUR 1 841 000.

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

The total cost of the project is EUR 1 841 000.
