

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2005/913/CFSP
of 12 December 2005
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,

HAS ADOPTED THIS JOINT ACTION:

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

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction, Chapter III of which contains a list of measures to combat such proliferation.
- (2) The objectives of the EU Strategy 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 Chemical Weapons Convention (CWC).
- (3) On 22 November 2004, the Council adopted a Joint Action on support for OPCW activities in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction⁽¹⁾, which was to expire one year after its adoption.
- (4) The continuation of such intensive and targeted assistance from the EU to the OPCW is necessary in the context of the active implementation of Chapter III of the EU Strategy, in particular those measures related to the universalisation of the CWC, and of the provision of financial resources to support specific projects conducted by multilateral institutions.
- (5) The Commission has agreed to be entrusted with the supervision of the proper implementation of the EU contribution,

Article 1

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy, the European Union shall support activities of the OPCW, with the following objectives:

- promotion of universality of the CWC,
 - support for full implementation of the CWC by States Parties,
 - international cooperation in the field of chemical activities, as accompanying measures to the implementation of the CWC.
2. The projects of the OPCW, corresponding to measures of the EU Strategy, shall be the projects which aim at strengthening:
- promotion of the CWC by carrying out activities, including regional and sub-regional workshops and seminars, designed to increase the membership of the OPCW,
 - 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 envisaged in the CWC,
 - 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.

⁽¹⁾ OJ L 349, 25.11.2004, p. 63.

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

Article 2

1. The financial reference amount for the three projects listed in Article 1(2) shall be EUR 1 697 000, to be funded from the 2006 general budget of the European Union.

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 conditions for the use of the EU contribution, which shall take the form of a grant. The financing agreement to be concluded shall stipulate that the OPCW is to 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 one year after its adoption.

Article 5

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

Done at Brussels, 12 December 2005.

For the Council
The President
J. STRAW

ANNEX

EU support for OPCW activities, in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**1. 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 Parties (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 expenditure specifically related to the implementation of the projects. Accordingly, these projects will not be financed under the OPCW 2006 Regular Budget. In addition, the procurement of any goods, work or services will 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 Africa, the Caribbean region, the Mediterranean Basin and the Middle East);
- (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 Parties in regional, sub-regional, and bilateral activities offers opportunities for the OPCW to establish/develop contacts with representatives from the capitals and to highlight the advantages and benefits of acceding to 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.

Before 2005, the available level of funding had 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 Parties. In 2005, the financial support provided by the EU afforded more intensive and targeted ways of assisting States not Parties 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 implementing legislation in conjunction with the ratification of the CWC.

In 2006, the continuation of such intensive and targeted assistance will enable the OPCW to increase its membership with a view to promoting greater universality of the CWC by the 10th anniversary of its entry into force in April 2007.

The project will finance the following activities in 2006:

- (i) workshop on the CWC and bilateral training and support for States not Parties in Africa (venue in an African State to be determined, first and third quarters 2006, two to three days, date to be confirmed). Participants to be sponsored from decision-making bodies in States not Parties, and relevant regional/sub-regional organisations e.g. African Union. Representatives from Angola, Central African Republic, the Comoros, Congo, Djibouti, Egypt, Guinea-Bissau, Liberia, 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 Weapons of Mass Destruction.

Total estimated cost of event: EUR 56 000;

- (ii) workshop on the CWC for countries of the Mediterranean Basin and the Middle East (venue to be confirmed, two to three days, second quarter 2006). Following the workshop held in Cyprus in 2005 with funding from the EU, which was attended, for the first time, by all States not Parties from the region, representatives from States not Parties (e.g. Egypt, Iraq, Israel, Lebanon, Syria, and other States not Parties that are members of the League of Arab States) will be invited. In addition, decision-making and advisory bodies in States not Parties, 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 Weapons of Mass Destruction, the political-security aspects of the Euro-Mediterranean Partnership and export control measures implemented by the EU.

Total estimated cost of event: EUR 46 000;

- (iii) targeted sub-regional and bilateral training and support for States not Parties in the Caribbean (venue to be confirmed, two days, first and last quarters 2006). Representatives including from Bahamas, Barbados, Dominican Republic, Haiti, and regional/sub-regional organisations e.g. OAS, OECS, will be invited. A guest speaker from the EU would be most helpful to brief participants on EU initiatives on non-proliferation and disarmament relating to Weapons of Mass Destruction.

Total estimated cost of event: EUR 24 000.

Total estimated cost of project 1: EUR 126 000.

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) continue to facilitate the establishment and effective functioning of National Authorities and the adoption of adequate implementation measures in all regions, through legal and technical assistance and implementation support to National Authorities;
- (ii) assist National Authorities in the national implementation process through capacity-building support;
- (iii) through an extended visit programme, provide a temporary OPCW presence in Africa to enhance national implementation under Article VII of the CWC in African States Parties;
- (iv) provide adequate information over transfers of CWC scheduled chemicals from territories under the jurisdiction of the National Authorities, as well as its wider dissemination to customs authorities in order to address any discrepancies in transfer data provided by States Parties.

Project description: the project will contribute to ongoing efforts to improve the functioning of National Authorities, and the adoption of adequate implementation measures through:

- (a) assistance on all CWC-related matters, with particular emphasis on legal and technical aspects to meet the needs of requesting States Parties in order to assist them in fulfilling their Article VII obligations through bilateral visits or other appropriate formats. Such assistance will be provided by experts/resource persons from the OPCW staff with the inclusion of EU experts as necessary. The duration of each visit will be about five working days. There will normally be three experts for each visit. The duration of each visit and the number of persons travelling in each team will be determined on a case by case basis to meet the requirements of the assistance to be provided in the most cost-effective manner.

In addition, the EU will fund an extended visit programme to provide a temporary OPCW presence in Africa to assist African States Parties to fulfil their Article VII obligations. This presence will be established for a strictly limited period of time and its single purpose will be to foster national implementation in Africa.

Total estimated cost: EUR 225 000;

- (b) grants to National Authorities to support capacity building efforts for necessary national activities and infrastructure for the implementation of the CWC: a pilot project, to fund national implementation activities in selected National Authorities is to be initiated. The project in its pilot phase will provide funding for approximately 12 National Authorities, not exceeding EUR 15 000 for each of the National Authorities selected. The identification of specific tasks to increase capacities within National Authorities to improve the process of national implementation will determine the extent and nature of support to be provided.

Throughout 2005, the EU voluntary contribution has supported the OPCW's effort to assist States Parties to fulfil their obligations in accordance with the Plan of Action regarding the implementation of Article VII obligations. Bilateral technical assistance visits have provided specific assistance to requesting States Parties. During such visits, identification of further activities to fulfil Article VII obligations, including the development of a country-specific action plan has been undertaken. The response to such bilateral technical assistance visits has been positive, with States Parties initiating activities to comply with their obligations and identifying specific areas for future assistance. In order to continue with the momentum generated in these States Parties for implementation, specific areas of assistance as identified by them may be supported with EU funds in 2006.

The specific areas for which assistance may be requested in the near future by States Parties include funds to conduct national awareness courses for personnel from relevant agencies, Departments and Ministries on the implementation of different provisions of the CWC, consultancy fees for legal experts drafting the national implementing legislation, publication and distribution of enacted legislation and regulations, translation of national implementing legislation and enforcement regulations into local language, establishing an office for the National Authority. These grants will not provide any financial assistance towards payment of salaries.

The pilot project addressing specific areas of assistance will be implemented to ensure that national capacity for implementing the provisions of the Convention is enhanced and tangibly contributes to progress expected to be made by the recipient States Parties.

Selection of National Authorities to receive grants will be undertaken on the basis of carefully identified criteria, including a demonstration of their ability to make quantifiable progress for the implementation of the provisions of the CWC and in accordance with a country-specific action plan developed during a bilateral assistance visit. A clearance mechanism for the selection of National Authorities and proposed consultants 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 Weapons of Mass Destruction, the Commission Services and the OPCW. The grants should contribute towards making the National Authorities thus selected self-sustaining entities in subsequent years.

In order to receive such grants, the recipient National Authorities will need to provide the OPCW with quantifiable objectives to be accomplished as well as a clear time frame for their implementation with the use of the grants. As part of the contract, the recipient National Authority will be obliged to report its activities to the OPCW on a regular basis. The disbursement of grants will be made in instalments, with successive instalments being released after review of progress achieved. The OPCW will provide the EU with relevant details of progress by recipient States Parties as well as a financial statement on the use of the funds by each recipient State Parties.

Total estimated cost: EUR 180 000;

- (c) participation of National Authorities and customs authorities in one or more technical meetings in The Hague or in different regions on the transfers provisions of the CWC. This will allow for wider dissemination of information concerning these provisions. These meetings will involve, as appropriate, table-top exercises, discussions on scenarios and sharing of experiences by experts from the EU and other participating States.

Total estimated cost: EUR 180 000.

Total estimated cost of project 2: EUR 585 000.

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 Article XI thereof.

This project essentially focuses on the building of capacities through provision of support to analytical laboratories and training in the area of analytical skills.

Project results/activities:

- (i) provision of essential equipment to improve the quality and accuracy of chemical analysis in publicly funded laboratories in States Parties the economies of which are either developing or in transition;
- (ii) enabling such laboratories in these targeted countries to upgrade their level of technical competence;
- (iii) 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 two aspects:

(a) *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, training of technical personnel at an advanced laboratory/institution for development of skills, internship at an accredited laboratory for skills development, conducting small scale research projects relating to method development, validation, etc.

However, the support provided by the OPCW does not cover the cost of acquiring hardware or other investment costs. Also, since expert assistance available in the OPCW is limited due to other commitments, it is necessary for such assistance to be available from external sources. As part of the Council Joint Action of 22 November 2004, a project on laboratory assistance has been taken up, for implementation in 2005, under which eight publicly funded laboratories in developing and transition-economy countries are being provided with essential analytical equipment such as bench-top gas chromatographs (GC) or a bench-top gas chromatograph-mass spectrometers (GC-MS) with necessary technical assistance so as to improve their technical competence in the area analysis of chemicals related to the CWC. In response to a note circulated by the Technical Secretariat of the OPCW seeking applications for support under the project, a total of 100 applications was received. Of these, 19 applications were recommended for consideration by the EU. However, since only eight laboratories were to be provided with support under the project in 2005, the remaining 11 short-listed cases could not be considered for acceptance.

EU support for meeting the cost of these requirements will go a long way in enabling the laboratories in the targeted countries to improve their technical competence significantly and to improve the quality and accuracy of chemical analysis. The new project to be implemented in 2006 will cover another eight laboratories, or as many as available funds may allow, to be selected by the clearance mechanism referred to in project 2.2.b.

This project, therefore, will be an extension of the laboratory assistance project in 2005. Its implementation will start only once EU Member States have made a positive evaluation of the current project, based on a written report to be provided by the OPCW.

Clearance mechanism:

the clearance mechanism set up for project 2.2.b will be used to select 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. Only laboratories with a link to the CWC should be eligible, and due consideration will be given on the status of implementation of the CWC as well as the timely contribution to the OPCW budget by the possible beneficiaries States. 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 700 000;

(b) **Analytical skills development course**

The Council Joint Action of 22 November 2004 provided support for an analytical development course for 20 participants conducted in a Member State of the European Union in 2005. The course was successfully conducted from 24 June to 8 July 2005 in the Netherlands. Keeping in view the huge response from the targeted countries, namely the developing and transition economy countries, for participation in the course (nearly 180 applications were received), it is proposed to conduct two units of the same course in 2006. The courses will be conducted in Europe, with the help of either one or two institutions. Each course will accommodate 20 participants. Participants should have a clear connection to activities of the CWC and, in particular, the effective implementation of the CWC in their country. The course will aim to assist qualified analytical chemists from States Parties that are either developing or have economies 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 States Parties 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 Secretariat may draw in future. It will cover both theoretical and practical training in areas relating to system validation, troubleshooting, sample preparation and analysis. Each course will last for two weeks in June to July or in any other convenient period in 2006.

Total estimated cost: EUR 230 000.

Total estimated cost of project 3: EUR 930 000.

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 Parties 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 beneficiary countries 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 States Parties 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 Parties participants

These projects will be financed 100 % by this Joint Action. Experts of OPCW States Parties may be considered as third Parties 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 126 000
Project 2	EUR 585 000
Project 3	EUR 930 000
TOTAL COST (excluding contingencies)	EUR 1 641 000

In addition, a contingency reserve of about 3 % of eligible costs (EUR 56 000) is included.

TOTAL COST (including contingencies)	EUR 1 697 000
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8. Financial reference amount to cover the total cost of the project

The total cost of the project is EUR 1 697 000.
