

COUNCIL JOINT ACTION 2006/419/CFSP**of 12 June 2006****in support of the implementation of the United Nations Security Council Resolution 1540 (2004)
and in the framework of the implementation of the EU Strategy against the Proliferation of
Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

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 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 Chapter III thereof, in particular through releasing financial resources to support specific projects conducted by multilateral institutions, providing technical assistance and expertise to States in need of a wide range of non-proliferation measures and fostering the role of the United Nations Security Council (UNSC).
- (3) On 28 April 2004 the UNSC unanimously adopted Resolution 1540, which is the first international instrument that deals with Weapons of Mass Destruction, their means of delivery and related materials in an integrated and comprehensive manner. It establishes binding obligations for all States aimed at preventing and deterring non-State actors from accessing such weapons and weapon-related material.
- (4) UNSC Resolution 1540 (2004) called upon States to present a report to the Committee of the Security Council established by UNSC Resolution 1540 (2004) (hereafter 1540 Committee) on steps they have taken or intend to take to implement the Resolution. Consequently, on 28 October 2004 the Presidency submitted, on behalf of the EU, the European Union Report on the implementation of UNSC Resolution 1540 (2004), while the EU Member States submitted their reports individually.
- (5) The EU has carried out démarches to third States to promote the submission of national reports under UNSC Resolution 1540 (2004). Preparation of the national reports requires considerable effort and technical knowledge on behalf of these States. Therefore technical assistance and an exchange of experience gained from the process of drafting national reports and from the adoption of measures to implement UNSC Resolution 1540 (2004) can directly contribute to increased compliance with the reporting obligation under the Resolution and to its actual implementation.
- (6) On 27 April 2006 the UN Security Council unanimously adopted Resolution 1673 (2006), which extended the mandate of the 1540 Committee for a period of two years, and decided that the Committee should intensify its efforts to promote the full implementation of UNSC Resolution 1540 (2004) through a work programme, outreach, assistance and cooperation. It also invited the 1540 Committee to explore with States and international, regional and sub-regional organisations the possibility of sharing experience and lessons learned, and the availability of programmes which might facilitate the implementation of UNSC Resolution 1540 (2004).
- (7) The 1540 Committee's report recommended that the regional and sub-regional outreach activities be widened and intensified with a view to providing States, in a structured manner, with guidance for implementing the obligations under UN Security Council Resolution 1540 (2004), taking into account the fact that 62 States have yet to submit their first national report and that 55 States which have submitted their first national report have yet to submit additional information and clarification requested by the 1540 Committee.
- (8) The 1540 Committee's report also concluded that apart from the non-submitting States, 32 States requested assistance in their national reports for implementing UNSC Resolution 1540 (2004).
- (9) On 9 June 2004 the Security Council assigned to the UN Department for Disarmament Affairs (UN Secretariat) the task of providing substantive and logistical support to the 1540 Committee and its experts.
- (10) The Financial and Administrative Framework Agreement, concluded between the European Community, on the one hand, and the UN, on the other hand, sets out a framework for the UN and the European Community in order to enhance their cooperation, including programmatic partnership. This Framework Agreement is to be implemented by the contribution-specific agreement, as specified in this Joint Action.

(11) The Commission is entrusted with supervising the proper implementation of the EU financial contribution,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. In line with the EU Strategy against the Proliferation of Weapons of Mass Destruction, which sets the objective of fostering the role of the UN Security Council and of enhancing its expertise in meeting the challenges of proliferation, the EU shall support the implementation of UNSC Resolution 1540 (2004).

2. The projects in support of UNSC Resolution 1540 (2004), corresponding to measures of the EU Strategy, aim at:

- raising awareness of the requirements related to UNSC Resolution 1540 (2004) and the importance of this international non-proliferation instrument,
- contributing to strengthening third States' national administration capacities in three regions (Asia-Pacific, Africa and Latin America-Caribbean) in drafting national reports on the implementation of UNSC Resolution 1540 (2004).

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

Article 2

1. The Presidency, assisted by the Secretary-General of the Council/High Representative for the CFSP, shall be responsible for implementing this Joint Action. The Commission shall be fully associated.

2. The Commission shall supervise the proper implementation of the financial contribution referred to in Article 3.

3. The technical implementation of the projects referred to in Article 1(2) shall be entrusted to the UN Secretariat (Department for Disarmament Affairs) (hereafter UN Secretariat (DDA)). In this capacity, it shall perform this task under the responsibility of the Presidency and under the control of the SG/HR. For this purpose, the SG/HR shall enter into the necessary arrangements with the UN Secretariat (DDA).

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 195 000.

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 proviso that any pre-financing does not remain the property of the Community.

3. For the purpose of implementing the expenditure referred to in paragraph 1, the Commission shall conclude a contribution-specific agreement with the UN Secretariat (DDA) in accordance with the Regulations and Rules of the Organisation. It shall stipulate that the UN Secretariat (DDA) is to ensure visibility of the EU contribution, appropriate to its size.

Article 4

The Presidency, assisted by the Secretary-General of the Council/High Representative for the CFSP, shall report to the Council on the implementation of this Joint Action on the basis of regular reports prepared by the UN Secretariat (DDA). The Commission shall be fully associated and shall provide information on the financial aspects of the implementation of the projects referred to in Article 1(2).

Article 5

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

It shall expire on 12 June 2008.

Article 6

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

Done at Luxembourg, 12 June 2006.

For the Council
The President
U. PLASSNIK

ANNEX

EU SUPPORT FOR THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1540 (2004)**1. Description**

On 28 April 2004, the United Nations Security Council unanimously adopted Resolution 1540 (2004) as the first international instrument that deals with Weapons of Mass Destruction, their means of delivery and related materials in an integrated and comprehensive manner. All EU Member States were strongly in favour of this non-proliferation instrument. The Resolution provided for the establishment of the Committee of the Security Council which was entrusted with reporting to the Security Council on the implementation of the Resolution drawing from national reports. The national reports should cover the steps the States have taken or intend to take to implement the Resolution.

The EU has carried out démarches to third States to promote the submission of national reports under UNSC Resolution 1540 (2004). That Resolution recognises that some States may require assistance in implementing its provisions. Therefore technical assistance and exchange of experience gained from the process of drafting national reports and adopting measures to implement UNSC Resolution 1540 (2004) can directly contribute to increased compliance with the reporting obligation under the Resolution and to its actual implementation.

On 27 April 2006 the UN Security Council unanimously adopted UNSC Resolution 1673 (2006), which decided that the 1540 Committee should intensify its efforts to promote the full implementation of UNSC Resolution 1540 (2004) including through outreach, assistance and cooperation. In its April 2006 report, the 1540 Committee concluded that since 62 States which have yet to submit their first national report and 55 States which, although they have done so, still have to submit additional information and clarification are concentrated in three geographical areas (Africa, the Caribbean and the South Pacific), and since the gaps in the national reports follow certain regional patterns, activities to assist States in meeting implementation requirements of UNSC Resolution 1540 (2004) should concentrate on regions and areas where specific needs were identified.

2. Project description

The projects in support of the implementation of UNSC Resolution 1540 (2004) aim at addressing three aspects of the implementation — awareness-raising of requirements and obligations under the Resolution, contributing to strengthening national capacities in three target regions (Africa, Latin America and Caribbean, Asia-Pacific) in drafting national reports on the implementation of UNSC Resolution 1540 (2004) and sharing experience from the adoption of national measures required for the implementation of the Resolution.

The projects should take into account the conclusions and recommendations of the Report of the Committee of the Security Council established pursuant to UNSC Resolution 1540 (2004), particularly with regard to regional needs and gaps in the implementation of the Resolution as well as the need of some States for technical assistance, as applicable. The official declaration of interest for hosting the outreach activity in one of the target regions in the Committee of the Security Council shall be considered as the pre-condition for the EU support.

Project covering Asia-Pacific

The project consists primarily of organising an outreach activity, in the form of a seminar, which will raise awareness of the obligations under UNSC Resolution 1540 (2004) and contribute to strengthening national capacities to implement the Resolution in targeted States. The seminar may result in identifying assistance needs, which may be further addressed by future EU initiatives in the area of technical assistance. Within the beneficiary States, focus should be given to policy-making level participants. The agenda of the outreach activity should reflect the regional particularities in the implementation of UNSC Resolution 1540 (2004) and should respect the overall objectives of the Joint Action.

China has indicated in the Committee of the Security Council an interest in hosting, still in the first half of 2006, a regional seminar on the implementation of UNSC Resolution 1540 (2004) with special focus on export controls.

Project covering Africa

The project consists primarily of organising an outreach activity, in the form of a seminar, which will raise awareness of the obligations under UNSC Resolution 1540 (2004) and contribute to strengthening national capacities to implement the Resolution in targeted States. The seminar may result in identifying assistance needs, which may be further addressed by future EU initiatives in the area of technical assistance. Within the beneficiary States, the focus should be on policy-making level participants. The agenda of the outreach activity should reflect the regional particularities in the implementation of UNSC Resolution 1540 (2004) and should respect the overall objectives of the Joint Action.

Ghana has considered positively a request in the Committee of the Security Council to host a regional seminar on the implementation of UNSC Resolution 1540 (2004), by the end of 2006 at the earliest.

Project covering Latin America and Caribbean

The project consists primarily of organising an outreach activity, in the form of a seminar, which will raise awareness of the obligations under UNSC Resolution 1540 (2004) and contribute to strengthening national capacities to implement the Resolution in targeted States. The seminar may result in identifying assistance needs, which may be further addressed by future EU initiatives in the area of technical assistance. Within the beneficiary States, the focus should be on policy-making level participants. The agenda of the outreach activity should reflect the regional particularities in the implementation of UNSC Resolution 1540 (2004) and should respect the overall objectives of the Joint Action.

Peru has expressed its willingness to organise a regional seminar on the implementation of UNSC Resolution 1540 (2004) by the end of 2006.

Project results:

- increased awareness among targeted States and regions of their obligations under UNSC Resolution 1540 (2004) and of the possibilities for technical assistance,
- contributing to strengthening national administrative capacities in the targeted States and regions to report on the implementation of UNSC Resolution 1540 (2004),
- report on summary of proceedings of the outreach activities, e.g. seminars and an assessment paper on technical assistance needs.

3. Duration

The total estimated duration of the projects will be 24 months.

4. Beneficiaries

The beneficiaries of the seminar are primarily States of three target regions which have not submitted their national reports on the implementation of UNSC Resolution 1540 (2004). States which have already fulfilled their reporting obligation under the Resolution but which have not submitted additional information or clarifications as requested by the Committee of the Security Council should also be targeted.

The final choice of beneficiaries will be made by the Presidency assisted by the Secretary-General/High Representative through his Personal Representative on Non-proliferation of Weapons of Mass Destruction, acting upon proposals from the implementing entity in accordance with Article 2(3) of this Joint Action.

The potential regional and out-of-region technical assistance donors as well as relevant international, regional and sub-regional organisations will also be invited to attend.

5. Implementing entity

The UN Secretariat (DDA) will be entrusted with the technical implementation of the projects, in the framework of the political coordination by the Secretary-General/High Representative through his Personal Representative on Non-proliferation of Weapons of Mass Destruction. The UN Secretariat (DDA) will sign a Host Nation Support Agreement with the States, which will be identified as hosting States. The hosting State will take part in the project implementation. The procurement of any goods, works or services by the UN Secretariat (DDA) from the hosting States in the context of this Joint Action will be carried out in accordance with the applicable UN rules and procedures, as detailed in the EU contribution-specific agreement with the UN Secretariat (DDA).

6. Estimated EU financial contribution

The projects are co-financed by the EU and other donors. The EU should focus on expenditure related to participation of target States in the seminars, conference costs and costs for experts. Expenditure incurred by relevant regional and sub-regional organisations may also be covered, insofar as this is directly related to participation in, and organisation of, activities under the projects. The UN Secretariat (DDA) will be responsible for the overall coordination of contributions made by other donors, who will finance the remaining costs of the projects. Some donors may contribute to the implementation of the project directly to the host country. The estimated total cost of the EU contribution to the implementation of projects in Asia-Pacific, Africa and Latin America and Caribbean is EUR 195 000. Contribution transfers among projects are allowed if justified by specific requirements in selected regions.

In addition, a contingency reserve of about 3 % of eligible costs (for a total amount of EUR 3 395) is included for unforeseen costs.

7. Financial reference amount to cover the cost of the projects

The total cost of the projects is EUR 195 000.
