

EUROPEAN EXTERNAL ACTION SERVICE



SECURITY AND DEFENCE POLICY DIRECTORATE

Disarmament, Non-Proliferation
and Arms Export Control Division

EU joint reply to UNGA Resolution 77/75:

"Measures to prevent terrorists from acquiring weapons of mass destruction"

31 May 2023

1. The EU remains strongly committed to preventing terrorists from acquiring nuclear, chemical, biological, and missile materials, technical know-how and technology. This commitment is based on the EU Common Foreign and Security Policy, the EU Global Strategy (2016), the European Security Strategy (2003) and the EU Strategy against the Proliferation of Weapons of Mass Destruction (2003), the Counter-Terrorism Agenda for the EU (2020), the EU Strategic Compass for Security and Defence (2022) and the New Lines for Action in combating the proliferation of WMD and their delivery systems (2008, 2013). The EU and its Member States apply comprehensive export controls and implement stringently UNSC Resolutions 1540, 2325, 1887 and 1977. All EU agreements with third countries contain a clause on the non-proliferation of weapons of mass destruction (WMD).
2. While states bear the prime responsibility for nuclear security, international cooperation helps to strengthen it. Throughout 2022, the EU continued to promote the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) and the Amendment to the Convention on the Physical Protection of Nuclear Material as fundamental elements of the global nuclear security and anti-terrorism architecture.
3. The United Nations Office on Drugs and Crime and the United Nations Office of Counter-Terrorism continued implementing Council Decision (CFSP) 2018/1939 on Union support for the universalisation and effective implementation of ICSANT. The Decision aims to increase the number of adherents to ICSANT, to raise awareness among national policy- and decision-makers, to help improve national legislation and to strengthen the capacity of national stakeholders, including criminal justice officials to investigate, prosecute and adjudicate cases of nuclear terrorism.
4. The EU contributes to the implementation of the Amendment to the Convention on the Physical Protection of Nuclear Material and the 2022-2025 International Atomic Energy Agency (IAEA) Nuclear Security Plan through Council Decision (CFSP) 2020/1656 which funds IAEA activities towards: the universalisation of international non-proliferation and nuclear security instruments including the Amendment to the Convention on Physical Protection of Nuclear Material; enhancing Nuclear Security Culture; development of information management with a focus on assessing nuclear security needs, priorities and threats; supporting nuclear security of materials and associated facilities with a focus on enhancing physical protection and nuclear material accounting and control for the whole fuel cycle and a concept paper on the application of physical protection measures in the age of COVID-19; supporting nuclear security of materials out of regulatory control with a focus on institutional response infrastructure for material out of regulatory control;

contributing to programme development and international cooperation with a focus on education and training programme development; supporting gender-focused capacity building and education in nuclear security.

5. The EU continued to support the Global Initiative to Combat Nuclear Terrorism (GICNT) and its mission to strengthen global capacity to prevent, detect, and respond to nuclear terrorism. The EU and its Member States are actively involved in the work of the GICNT in all areas: nuclear detection, nuclear forensics, and response and mitigation.
6. The EU Nuclear Security Training Centre for detection and response to illicit acts with nuclear and other radioactive materials (EUSECTRA) has operated since 2013 for the benefit of European Union Member States and partner countries, among them several GICNT members. The Centre, operated by the European Commission Joint Research Centre organizes also exercises on countering nuclear smuggling. EUSECTRA is active in addressing the training needs of EU Member States and EU partners, including coordinated trainings for customs and law enforcement officers. Upon request by EU Member States, it also provides assessment of equipment performance.
7. The European Commission and the EU Member States continued their nuclear forensics activities on the basic characterisation of intercepted nuclear material, using an advanced nuclear forensic investigation at the JRC site in Karlsruhe (Germany). Overall, nuclear materials detected and seized in more than 50 incidents have been examined thus providing support to competent authorities in EU Member States and beyond.
8. The EU and its Member States have been in the forefront of international efforts to bring into existence a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT), and continue to call for immediate commencement and early conclusion of such negotiations in the Conference on Disarmament, on the basis of document CD/1299 and the mandate contained therein.
9. The EU also engaged in extensive diplomatic outreach with the objective of facilitating an outcome document for the Fifth Review Conference of the States Parties to the CWC, held in The Hague on 15-19 May 2023. It was regrettable that an outcome document could not be agreed..
10. The EU continued its firm support for the work of the OPCW Fact Finding Mission and the Investigation and Identification Team in investigating reports of chemical weapons use in Syria, as well as the Declaration Assessment Team in seeking to verify Syria's declaration. The EU Council adopted a Decision (CFSP) 2021/2073 in support of enhancing the OPCW's operational effectiveness through satellite imagery.
11. On 13 October 2022, the EU extended by Council Decision (CFSP) 2022/1944 its regime of restrictive measures to address the use and proliferation of chemical weapons for a further 12 months, and subsequently amended the list of entities by Council Decision (CFSP) 2022/2232.
12. The EU continued its strong political and financial support for the full and effective implementation and universalisation of the Biological and Toxin Weapons Convention (BTWC). The implementation of the fifth consecutive Council Decision in support of the BTWC continued. Council Decision (CFSP) 2019/97 of 21 January 2019 provides for a budget of EUR 3 million to the UN Office for Disarmament Affairs (UNODA) for the period of 2019-22. This allows the BTWC Implementation Support Unit (ISU) to facilitate six new projects in support of universalisation, capacity building for national implementation including three peer review exercises, fostering biosecurity in the Global

South, developing tools for outreach, education and engagement; as well as increasing preparedness to respond to biological attacks. Decision (CFSP) 2019/97 also supported the BTWC intersessional programme and the preparation of the Ninth Review Conference in 2022. Additionally, the implementation of Council Decision (CFSP) 2021/2072 in support of building resilience in biosafety and biosecurity through the BTWC continued. This Decision provides a further EUR 2 million for projects enhancing biosecurity in particular in Africa.

13. The implementation of Council Decision (CFSP) 2019/1296 of 31 July 2019 in support of strengthening biological safety and security in Ukraine in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery continued. This Decision provides for EUR 1.9 million support over three years. With the Decision, the EU aims at strengthening the biological safety and security in Ukraine notably by improving Ukraine's legislative and regulatory basis and its human and animal health systems, as well as by raising the awareness among scientists.
14. The implementation of Council Decision (CFSP) 2019/2108 of 9 December 2019 in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery continued. The Decision provides for EUR 2.7 million over three years. With the Decision, the EU aims at strengthening the biological safety and security in beneficiary countries notably by improving their legislative and regulatory basis as well as by raising the awareness among relevant sectors, including through the enforcement of effective domestic measures to prevent the proliferation of biological weapons and their means of delivery.
15. In its statements at the Ninth Review Conference of the BTWC the EU reaffirmed its strong support to the BTWC as a key pillar of the rules-based international system and recalled its longstanding efforts to strengthen the Convention, promote its universalisation and enhance its implementation. The EU will be actively engaged in the work of the Working Group strengthening the Convention that was established by the Review Conference. The priorities in the context of the BTWC include enhancing national implementation and compliance, establishing a Science and Technology Review mechanism; establishing a verification mechanism while continuing to promote confidence-building and transparency measures such as peer-reviews, voluntary visits and other initiatives, promoting international cooperation and assistance; operationalising Article V consultative provisions and Article VII provisions on assistance, response and preparedness, promoting universal adherence to the Convention, as well as gender equality and the empowerment of women as an important cross-cutting priority.
16. In June 2022 in New York, the EU actively participated in the open consultations on the comprehensive review of the implementation of UNSCR 1540, which led to the unanimous adoption of UN Security Council Resolution 2663 (2022). The implementation of Council Decision (CFSP) 2017/809 with a budget of EUR 2.7 million in support of the effective implementation of UNSCR 1540 continued until February 2023. On 20 March 2023, a new Council Decision (CFSP) 2023/654 providing a further EUR 2.6 million in support of the implementation of UNSCR 1540, was adopted.
17. The EU CBRN risk mitigation Centres of Excellence (CoE) Initiative ('Initiative') is a worldwide capacity building programme, currently gathering 62 partner countries grouped around 8 Regional Secretariats, located in the following regions: African Atlantic Façade;

Central Asia; Eastern and Central Africa; Gulf Cooperation Council Countries; Middle East; North Africa and Sahel; South East Asia; South East and Eastern Europe.

18. The EU CBRN CoE Initiative is financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI) 2021-2027, and aims to mitigate risks related to CBRN materials, strengthen partner countries' preparedness, and nurture security culture and governance. Participating countries are supported in their efforts to establish, on a voluntary basis and following a demand-driven, regional approach, national and regional coordination and governance structures. These platforms develop and reinforce national CBRN policies and build capacities based on specific needs assessments and national action plans. They are supported through several regional cooperation projects funded under the Initiative and open to other financing instruments. Since 2010, 100 regional projects have been funded. The budget for the initiative for the starting in 2010 amounts to approximately EUR 300 million.
19. The Centres of Excellence network is now well developed, and allowed the EU to undertake training table-top and field cross-border exercises on matters including civil protection, incident response, bio-security, and waste management in the framework of CoE projects, in order to enhance visibility and concretely assess their impact. Regional CBRN Action Plans have started to be developed, as well as inter-regional cooperation. Moreover, the Initiative is mature enough to support further actions addressing security governance issues related to cybercrime, terrorism, critical infrastructures, falsified medicines, hybrid threats and explosives, as well as to further develop cooperation on nuclear forensics, border control and export control of dual use items. In 2018 a regional field exercise on radiological and nuclear (RN) material smuggling entitled Lionshield was held in Georgia, with the participation of 10 countries (Ukraine, Caucasus and W Balkans).
20. Currently we are developing a Guidebook for the prosecution of Radiological and Nuclear crimes that will be translated into several languages and will be distributed to all the countries. An associated in-depth training package will be also developed and delivered. This is a spin off of a CBRN CoE project on CBRN Forensics that was implemented in South East and Eastern Europe, covering Ukraine, Moldova, Georgia, Armenia, Azerbaijan, Albania, Bosnia, Montenegro, N Macedonia and Serbia.
21. In the framework of the Science and Technology Center of Ukraine, with the support of EU COM JRC in collaboration with the US Department of Energy and the Kiev Institute for Nuclear Research, developed nuclear security education and training activities for participants from Georgia, Ukraine, Azerbaijan and Moldova, to enhance nuclear security in the Black Sea region, and supported the implementation of three nuclear security related projects in Georgia, Ukraine, Azerbaijan and the Republic of Moldova. Desktop and field exercises based on nuclear smuggling scenarios were conducted in Ukraine and the Republic of Moldova. Training of young nuclear security professionals was offered at the Kyiv Institute for Nuclear Research and the Kharkiv Institute for Physics and Technology. Additionally, a regional nuclear forensics information system was established. For sustaining nuclear forensics capabilities in the Black Sea region, three follow-up projects managed by the Science and Technology Centre in Ukraine were initiated. The main objective is to enhance the forensics capabilities regionally and to be able to determine the origin of the seized RN material and to enhance.
22. The 2017 Action Plan to enhance preparedness against chemical, biological, radiological and nuclear (CBRN) security risks, reviewed at the end of 2019, remains valid and provides a general policy framework in the CBRN area at the EU level. The current Action Plan, building on the achievements of the EU CBRN Action Plan 2010-2015, introduced a wide

range or measures to improve preparedness, resilience and coordination at EU level. Some of the activities had to be put on hold due to the global pandemic situation, others continued as planned. The Commission continued its engagement with detection equipment manufacturers in order to see how these substances can be better detected. Additionally, the pandemic drew attention of policy-makers to the biological threat, including works creating a biosecurity toolbox by a Member States' authorities consortium, which provides responsible national authorities with a large number of instruments to better address this issue. In the near future, as announced in December 2020 in the Counter-Terrorism Agenda for the EU, these two areas will remain main priorities when it comes to CBRN. The Implementation of the Action Plan has been supported financially via the Internal Security Fund – Police. Among the selected projects, there are cross-border initiatives looking at addressing CBRN threat in areas such as shopping malls, sport arenas or cross-order tunnels. The CBRN Action Plan has received also scientific and technical support from a range of research projects funded under the Horizon 2020 programme. The research covers the entire crisis management cycle from prevention to recovery.

23. The EU supports the implementation, the functioning and the universal adherence to the only multilateral transparency and confidence building instrument against ballistic missile proliferation, the Hague Code of Conduct (HCoC). In 2022, HCoC marked its 20th anniversary, which was, inter alia marked by the EU, in cooperation with France and the Netherlands, through the organisation of an international conference on the Code. Through a successive series of projects the EU has financed HCoC outreach activities, including side-events, research papers, expert meetings and regional awareness seminars. These activities are carried out by the Paris-based Fondation pour la Recherche Stratégique, frequently also involving the rotating HCoC Chair. They aim to support the full implementation of the Code; promote dialogue among subscribing and non-subscribing States, encourage restraint and create more stability and security for all; reinforce the Code's visibility and raise public awareness about the risks and threats posed by ballistic missile proliferation; and to explore possibilities of enhancing the Code and of promoting cooperation between the Code and other relevant multilateral instruments. On 17 January 2023, the EU adopted Council Decision (CFSP) 2023/124, by which the EU will continue its support to HCoC through the Fondation pour la Recherche Stratégique for a further 3 years. As per this and previous Council Decisions, the EU continues to support the universalization, full implementation and enhancement of the HCoC.
24. The EU also works to strengthen the multinational efforts to stop proliferation related trade in WMDs, related materials and delivery system by promoting the adherence to the principles of the Proliferation Security Initiative, a voluntary initiative geared toward enhancing individual and collective capabilities to take appropriate actions to deal with proliferation networks.
25. By implementing the NSG, MTCR and Australia Group export control lists, the EU contributes to preventing the access of terrorist networks to WMD and related technology and deters their efforts to develop such kind of weapons.
26. The EU continued to participate actively in the meetings of the G7 Non-proliferation Directors' Group (NPDG). In 2022, the EU participated in the meetings under the presidency of Germany.
27. The EU supports other multilateral efforts, such as the Nuclear Security Contact Group, in our common interest to ensure worldwide commitment to nuclear security best practices in order to prevent terrorism acquiring nuclear weapons or materials.

28. In its bilateral relations with third countries and regional organisations, the EU aims to strengthen the global non-proliferation infrastructure, enhance CBRN security and contribute to the prevention of acts of terrorism. Although the global pandemic situation has significantly reduced opportunities for diplomatic contact in 2021, work towards these goals has been continued with partners. Non-proliferation, CBRN security and counter-terrorism measures were also integral parts of dialogues with third countries.
29. The EU P2P Programme's overall objective is to contribute to the establishment, consolidation or update of effective strategic trade control (STC) systems for both military and dual-use goods by offering a long-term perspective for cooperation and mutual economic benefits of export controls convergence. The EU P2P portal (<https://export-control.jrc.ec.europa.eu/>) continued to serve as a platform for all EU outreach programmes on export control of military and dual-use goods.
30. The EU P2P pillar dedicated to Dual-Use items and technologies aims at cooperating with strategic partners to jointly enhance the effectiveness of dual-use trade control systems worldwide by sharing experiences and best practices and supporting compliance with international obligations under CWC, BTWC, NPT and most notably under UN Security Council Resolution 1540. Hence, the partnerships established through the EU P2P regional projects contribute to chemical, biological, radiological and nuclear (CBRN) risk mitigation and, more specifically, to the fight against the proliferation of weapons of mass destruction (WMD) by focusing on dual-use materials, equipment and technology. The pillar is funded is financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI) 2021-2027.
31. As acknowledged in the 20th Progress Report towards an effective and genuine Security Union, the EU has worked to counter terrorism by closing down the space in which terrorists operate, with new rules making it harder for them to access explosives, firearms and financing, and to restrict their movements. The deadline for the transposition of the Directive (EU) 2017/541 on combating terrorism expired on 8 September 2018. Of the 25 Member States bound by the Directive, by the report of the Commission on 30 September 2020, 23 adopted new legislation in order to ensure transposition of the Directive. EU support has helped make cities more resilient against attacks, with action plans to support the protection of public spaces and to enhance preparedness against chemical, biological, radiological and nuclear security risks. The EU has addressed cybersecurity and cyber-enabled threats, by putting in place a new EU cybersecurity strategy and adopting relevant legislation, and publishing the European Democracy Action Plan to tackle disinformation and better protect the electoral process. Cooperation on the cybersecurity of 5G networks across Europe has been reinforced, in particular on the EU Risk Assessment Report published on 9 October 2019. The EU Agency for Criminal Justice Cooperation (Eurojust) set up on 1 September 2019 a European Judicial Counter Terrorism Register to gather judicial information to establish links in proceedings against suspects of terrorist offences with potential cross-border implications.