EU joint reply to UNGA Resolution 78/43:
"Measures to prevent terrorists from acquiring weapons of mass destruction"
27 May 2024

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), 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 weapons of mass destruction (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 WMD.

2. While states bear the prime responsibility for nuclear security, international cooperation helps to strengthen it. Throughout 2023, 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 until its expiry on 30 June 2023. In the meantime, as a follow-on to Council Decision (CFSP) 2018/1939, Council Decision (CFSP) 2023/1187 has been adopted on 19 June 2023. It aims to increase the number of adherents to ICSANT, to improve national capacities to investigate, prosecute and adjudicate cases in which ICSANT is of relevance, to improve knowledge and understanding of the threat of radiological and nuclear terrorism and other criminal conduct involving such materials, to enhance policies, practices and procedures to prevent, detect and respond to the threat of nuclear terrorism as well as to enhance international cooperation on the matter.

4. The EU contributed to the implementation of the Amendment to the Convention on the Physical Protection of Nuclear Material and the 2022–25 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 during COVID-19; supporting nuclear security of materials out of regulatory control with a focus on institutional response infrastructure for such materials; 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. Given the expiry of Council Decision (CFSP) 2020/1656 in March 2024,
the follow-on Council Decision (CFSP) 2024/656 has been adopted by the Council on 19 February 2024.

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 (JRC), also organizes 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 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 by state and non-state actors, as well as the Declaration Assessment Team in seeking to verify Syria's initial declaration on its chemical weapons. The EU Council adopted a Decision (CFSP) 2023/1344 in support of enhancing the OPCW’s operational effectiveness in 2023–26 in order to strengthen the implementation of the Chemical Weapons Convention (CWC).

10. The first-ever OPCW Table-Top Exercise (TTX) on chemical terrorism was held on 20–21 November 2023. The TTX, organised in the Centre for Chemistry and Technology of the OPCW under the auspices of Open-Ended Working Group on Terrorism (OEWG-T), brought together 48 participants from 24 States Parties across all regions. The exercise was financed by an EU voluntary financial contribution. The European Union also contributed to the scenario planning and conduct of the exercise with CBRN experts.

11. On 9 October 2023, the EU extended by Council Decision (CFSP) 2023/2129 its regime of restrictive measures to address the use and proliferation of chemical weapons for a further 12 months.

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 provided for a budget of 3 million EUR to the UN Office for Disarmament Affairs (UNODA) for the period of 2019–24. 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 2 million EUR for projects enhancing biosecurity, in particular in Africa. Following the expiration of Council Decision (CFSP) 2019/97 in February 2024, the EU supports the implementation and universalisation of the BTWC through a follow-on action under Council Decision (CFSP) 2024/349 of 16 January 2024.

13. 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 on the strengthening of the Convention that was established by the Review Conference. The priorities in the context of the BTWC include establishing a Science and Technology Review mechanism, enhancing national implementation, and establishing a compliance and verification mechanism while continuing to promote confidence-building measures and transparency 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.

14. The EU is a staunch and long-standing supporter of the UN Secretary-General’s Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons (UNSGM). This independent instrument is as a critical component of the international non-proliferation and disarmament architecture, providing a mechanism for impartial investigations.

15. 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 1.9 million EUR support over three years. With the Decision, the EU aims at strengthening 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 awareness among scientists.

16. 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 continued. The Decision provides for 2.7 million EUR over three years. With the Decision, the EU aims at strengthening biological safety and security in beneficiary countries notably by improving their legislative and regulatory basis as well as by raising awareness among relevant sectors, including through the enforcement of effective domestic measures to prevent the proliferation of biological weapons and their means of delivery. Following the expiration of Council Decision (CFSP) 2019/2108 in February 2024, the EU supports the strengthening of biological safety and security in Latin America through a follow-on action under Council Decision (CFSP) 2024/645 of 19 February 2024.
17. 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 2.7 million EUR 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 2.6 million EUR in support of the implementation of UNSCR 1540, was adopted.

18. As a member of the G7-led Global Partnership against the Spread of Weapons and Materials of Mass Destruction, the EU through its CBRN Risk Mitigation Centres of Excellence (CoE) Initiative provides support for capacity-building and training to 64 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.

19. The Initiative is financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI) 2021–27, and aims to mitigate risks related to chemical, biological, radiological and nuclear (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, more than 100 regional projects have been funded. The budget for the Initiative is estimated to 140 million EUR for the period 2021–27 (and 300 million EUR in total since 2010).

20. 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, biosecurity, 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 infrastructure, falsified medicines, hybrid threats and explosives, as well as to further develop cooperation on CBRN forensics, border control and export control of dual use items.

21. Currently we are developing a Guidebook for the prosecution of Radiological and Nuclear Crimes that will be translated into several languages and distributed to all countries. An associated in-depth training package will be also be developed and delivered. This is a spin-off of a CBRN CoE project on CBRN Forensics that was implemented in Southeast and Eastern Europe, covering Ukraine, Moldova, Georgia, Armenia, Azerbaijan, Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia. A similar Guidebook and training package on prosecution of Chemical and Biological Crimes is already available.

22. In the framework of the Science and Technology Center of Ukraine, with the support of the JRC and in collaboration with the US Department of Energy and the Kyiv 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.

23. The 2017 Action Plan to enhance preparedness against 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 2010–15, introduced a wide range of 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 policymakers 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.

24. The EU is a longstanding supporter of the implementation, the efficient functioning and the universal adherence to the only multilateral transparency and confidence building instrument against ballistic missile proliferation, the Hague Code of Conduct (HCoC). Since 2008, the EU has financed a series of consecutive projects in support of HCoC with a focus on the universalisation and effective implementation of the Code, consisting of outreach activities (side-events, research papers, expert meetings and regional awareness seminars) and inreach activities focussing on the implementation of the Code. These activities are carried out by the Paris-based Fondation pour la Recherche Stratégique, frequently also involving the rotating HCoC Chair and Immediate Central Contact. In January 2023, the EU adopted Council Decision (CFSP) 2023/124 which continues EU support to HCoC through the Fondation pour la Recherche Stratégique for a further 3 years.

25. The EU also works to strengthen the multinational efforts to stop proliferation related trade in WMD, 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.

26. 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.
27. The EU continued to participate actively in the meetings of the G7 Non-proliferation Directors’ Group (NPDG). In 2023, the EU participated in the meetings under the presidency of Japan.

28. 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.

29. 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. 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.

30. 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.

31. 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 the CWC, BTWC, NPT and most notably under UN Security Council Resolution 1540. Hence, the partnerships established through the EU P2P regional projects contribute to 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.

32. The EU fully supports the existing multilateral export control regimes (Australia Group, Missile Technology Control Regime, Nuclear Suppliers Group, Wassenaar Arrangement). It stresses their crucial role in the prevention of the proliferation of WMD and their means of delivery, in the implementation of UNSC embargoes, and in promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations. The export control regimes are based on public control lists, and they provide clear guidelines, which gives the exporting states necessary assurances to export sensitive products to trusted recipients. In that sense, they facilitate trade by building trust.

33. 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.