

## Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction

On 14 April 2003 the Council instructed the Secretary General/High Representative, in association with the Commission, and the Political and Security Committee, to pursue work on proliferation of weapons of mass destruction with a view to making proposals for submission to the European Council. Member States have contributed a number of specific proposals.

Drawing on these, as well as on the targeted initiative to respond effectively to the international threat of terrorism, adopted by the Council on 15 April 2002, the Council Secretariat and the Commission have drawn up a set of basic principles defining the broad lines for an EU strategy against proliferation of WMD. In addition to these basic principles an Action Plan has also been elaborated. It contains a series of short and medium term specific measures for action in the months to come.

### Basic Principles

1. The proliferation of all weapons of mass destruction (i.e. biological, chemical and nuclear weapons) and means of delivery such as ballistic missiles constitutes a threat to international peace and security. These weapons are different from other weapons not only because of their capacity to cause death on a large scale but also because they could destabilise the international system.
2. The acquisition of WMD or related materials by terrorists would represent an additional threat to the international system with potentially uncontrollable consequences. Armed with weapons or materials of mass destruction terrorists could inflict damage that in the past only states with large armies could achieve.
3. An EU strategy against the proliferation of WMD needs to be based on a common assessment of global proliferation threats. The EU Situation Centre has prepared and will continuously update a threat assessment using all available sources; our intelligence services should keep this issue under review and remain engaged in this process.
4. To address the new threats, a broad approach is needed. Political and diplomatic preventative measures (multilateral treaties and export control regimes) and resort to the competent international organisations (IAEA, OPCW, etc.) form the first line of defence. When these measures (including political dialogue and diplomatic pressure) have failed, coercive measures under Chapter VII of the UN Charter and international law (sanctions, selective or global, interceptions of shipments and, as appropriate, the use of force) could be envisioned. The UN Security Council should play a central role.

5. The EU is committed to the multilateral system. We will pursue the implementation and universalisation of the existing disarmament and non-proliferation norms. With regard to biological and chemical weapons, we will work towards declaring the bans on these weapons to be universally binding rules of international law. We will work towards the universalisation of the NPT. We will also promote measures to ensure that any possible misuse of civilian nuclear programmes for military purposes will be effectively excluded.
6. We are committed to the multilateral treaty regime, which provides the normative basis for all non-proliferation efforts. If the regime is to remain credible it must be made more effective. This means working with those who share our interest in preventing proliferation; and it also means dealing with those who cheat. At the same time we should consider carefully the position of those who do not belong. The EU will place particular emphasis on defining a policy reinforcing compliance with the multilateral treaty regime. Such a policy must be geared towards enhancing the detectability of significant violations and strengthening enforcement of the norms established by this treaty regime. In this context, the role of the UN Security Council, as the final arbiter on the consequences of non-compliance – as foreseen in multilateral regimes – needs to be effectively strengthened.
7. To ensure effective detectability of violations and thereby deter non-compliance we will make best use of existing verification mechanisms and systems. We will also support the establishment of additional international verification instruments and, if necessary, the use of non-routine inspections under international control beyond facilities declared under existing treaty regimes.
8. The best solution to the problem of proliferation of WMD is that countries should no longer feel they need them. If possible, political solutions should be found to the problems which lead them to seek WMD. The more secure countries feel, the more likely they are to abandon programmes: disarmament measures can lead to a virtuous circle just as weapons programmes can lead to an arms race. To this end, we must actively foster the establishment of regional security arrangements and regional arms control and disarmament processes. Our dialogue with the countries concerned should take account of the fact that in many cases they have real and legitimate security concerns, with the clear understanding that there can never be any justification for the illegal development of WMD. We will encourage these countries to renounce the use of technology and facilities which might cause a particular risk of proliferation.
9. We are aware that finding political solutions to all of the different problems, fears and ambitions of countries in the most dangerous regions for proliferation will require persistent efforts. Our policy is therefore to contain proliferation while dealing with its underlying causes.

10. Positive and negative security assurances can play an important role: they can serve both as an incentive to forego the acquisition of WMD and as a deterrent. These security assurances need to be further explored.
11. Proliferation of WMD is a global threat, which needs a global approach. However, as security in Europe is closely linked to security and stability in the Mediterranean, we should pay particular attention to the issue of proliferation in the Mediterranean area.
12. An common approach and co-operation with key partners such as the US and the Russian Federation is essential in order to effectively implement WMD non-proliferation regime, and constitute an important ground for reinforcing transatlantic relations.
13. Our strategy against proliferation will therefore be based on the following key elements:
  - Pursuing universalisation of disarmament and non-proliferation agreements while stressing the importance of effective national implementation thereof;
  - Ensuring compliance with non-proliferation commitments by making best use of, and, when appropriate, strengthening international inspection/verification mechanisms;
  - Strengthening export control policies;
  - Introducing a stronger non-proliferation element in relationships with some partners;
  - Having a focused dialogue both with countries suspected of proliferation activities and with those whose co-operation is vital to effective policies against proliferation;
  - Expanding co-operative threat reduction initiatives and assistance programmes;
  - Ensuring that appropriate resources and support are allocated to international organisations and arrangements active in non-proliferation such as the IAEA, the OPCW, the CTBTO PrepCom and the HCOC;
  - Promoting close co-ordination with the United States;
  - Pursuing an international agreement on the prohibition of the production of fissile material for nuclear weapons;
  - Considering, in case political and diplomatic measures have failed, coercive measures, including as a last resort the use of force in accordance with the United Nations Charter.

**COUNCIL CONCLUSIONS**  
**ON PROLIFERATION OF WEAPONS OF MASS DESTRUCTION**

The Council discussed the issue of proliferation of Weapons of Mass Destruction.

Proliferation of Weapons of Mass Destruction and means of delivery such as ballistic missiles constitutes a threat to international peace and security.

The Council considered that the acquisition of Weapons of Mass Destruction or related materials by terrorists would represent an additional threat to the international system.

The Council gave its endorsement to the document entitled "Basic principles for an EU strategy against proliferation of Weapons of Mass Destruction" (Doc.10352/03 PESC 315 CONOP 18 CODUN 13 COTER 24) as a living document.

The Council also approved the "Action plan for the implementation of the basic principles for an EU strategy against the proliferation of Weapons of Mass Destruction" (Doc. 10354/03 PESC 316 CONOP 19 CODUN 14 COTER 25). It asked the PSC and other Council bodies, in co-operation with the SG/HR and the Commission, to begin work immediately on the implementation of the Action Plan.

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**Action Plan**  
**for the Implementation of the Basic Principles for an EU Strategy**  
**against Proliferation of Weapons of Mass Destruction**

This action plan is intended to provide an initial work programme to allow a practical implementation of the basic principles. It is not exhaustive. Building an EU strategy for non proliferation of WMD will take some time and, as a result, it might appear worthwhile to add further actions to this plan. This action plan is a first base to start without delay and will have to be adapted in the course of its implementation.

The action plan complements and is consistent with the list of concrete measures adopted by the Council on 15 April 2002 in implementing the targeted initiative, launched on 10 December 2001 by the EU Foreign Ministers, to respond effectively in the field of non-proliferation, disarmament and arms control to the international threat of terrorism.

The first section of the action plan contains a set of measures for immediate action. The second section contains measures for the coming months or even the longer term. For each of the proposed measures for immediate action there is also an indication of the timeframe expected, of the legal instrument required and of the costs (if any) expected.

*A. Measures for immediate action*

**In General:**

1. Detailed plan of diplomatic action

This will involve prioritising our diplomatic strategy and action, defining and disseminating master messages, developing a programme of demarches on key issues of concern, as well as using more effectively planned meetings.

Expected timeframe: start immediately

Required instrument: political agreement by Member States

Expected costs: limited

2. Adoption of a firm engagement for the promotion of the universalisation and reinforcement of multilateral agreements

Such an engagement represents one of the main tenets of the EU policy in this field. The EU as such and its Member States should promote at political level universal adherence to instruments relating to weapons of mass destruction and their means of delivery (Biological Weapons Convention, Chemical Weapons Convention, Nuclear Non-Proliferation Treaty, Comprehensive Test Ban Treaty, Safeguards Agreements and Additional Protocols with the International Atomic Energy Agency, Convention on the Physical Protection of Nuclear Materials, Hague Code of Conduct). The restatement of this policy would serve as a yardstick in the negotiations of EU positions in international fora. In addition, the EU will address the WMD proliferation situations of immediate concern

Expected timeframe: by end of 2003

Required instrument: Common Position or Council declaration

Expected costs: nil

3. Prolongation of the Programme on disarmament and non-proliferation in the Russian Federation

The EU Co-operation programme launched in 1999 supports through project-orientated actions the overall co-ordination of EU programmes at large, including Member State and Community activities. This Joint Action expires in June 2003 and the Programme should be extended. The extension should contain a political signal of EU engagement over a longer period of time.

Expected timeframe: July 2003

Required instrument: Joint Action

Expected costs: 7.5 MEURO (from the CFSP budget line)

**On nuclear weapons proliferation:**

4. Rapid ratification and implementation by all Member States and acceding countries of the IAEA Additional Protocols

At present some Member States, as well as some acceding States have yet to ratify and/or notify the IAEA of the completion of their procedures for ratification. The Commission will notify the IAEA that the additional protocols are in force once all Member States will have fulfilled their obligations. At that time, the Commission will have a responsibility for the implementation. This will only be possible after the clarification of outstanding issues, e.g. agreement by the Council of the corresponding new Euratom Regulation and the decision on the ways and means for cost coverage for the implementation.

Expected timeframe: end of 2003 (ratification by all Member States and Acceding States)

Required instrument: Member States' ratification, Euratom Regulation and Decision on the coverage of additional implementation costs

Expected costs: to be determined

#### 5. Providing the IAEA with adequate budget increase for implementing its safeguard tasks

The EU supports an adequate increase in the IAEA safeguards budget to ensure the credibility of the IAEA's verification systems on an urgent and exceptional basis, taking into account the increase in the Agency's workload in this area. The increase should go in parallel with the continuation of the process of implementing integrated safeguards which will lead to a more effective and efficient safeguards system.

Expected timeframe: September 2003

Required instrument: political agreement between Member States.

Expected costs: nil for the Community. (To be covered nationally by the Member States).

#### **On chemical weapons proliferation:**

#### 6. Promotion of challenge inspections in the framework of the Chemical Weapons Convention

Challenge inspections are already part of the verification and inspection regime of the Chemical Weapons Convention. In order to more effectively address cases of suspected non-compliance with the Convention the EU should discuss activating the challenge inspection instrument. Each Member State and acceding country should agree to support any challenge made by another Member State, acceding country or other States or Groups of States within the CWC, in the absence of specific information disproving the basis for the challenge.

Expected timeframe: immediately

Required instrument: Political agreement by Member States

Expected costs: nil for the Community. To be covered nationally by the Member States in the frame of the CWC/OPCW.

### **On export controls:**

#### 7. Make the EU a leading co-operative player in the export control regimes by:

- Ensuring co-ordinated EU positions, i.a. on the items to be put on the lists.
- Supporting the membership of acceding countries and considering the involvement of the Commission in the regimes;
- Promoting a catch-all clause (i.e. end-user oriented export control of non-listed items) in the export control regimes when appropriate.
- Promoting a further strengthening of the information exchange in the regimes, in particular with respect to sensitive destinations, sensitive end-users and procurement patterns.

Expected timeframe: start immediately

Required instrument: political agreement by Member States

Expected costs: limited

### ***B. Measures for the coming months or the longer term***

#### **In General:**

#### 8. Mainstreaming non-proliferation policies into the EU's wider relations with third countries

The EU will consider the introduction of an effective stick and carrot policy linked to non-proliferation commitments in its relations with third countries. This will be done in particular in the context of co-operation agreements or assistance programmes. Relevant working groups will be

tasked to review EU policy towards particular countries. In this context combined sessions of regional working groups and the working group on non-proliferation could be organised to promote cross-fertilisation of regional and non-proliferation policies.

9. Increase in EU co-operative threat reduction funding in the light of financial perspectives beyond 2006

At the G8 Summit of Kananaskis, the European Community committed 1 billion Euro over ten years to the G8 Global Partnership against the spread of weapons and materials of mass destruction. Financial commitments will have to be secured in the next budget cycle starting in 2007, focusing on the main priorities. The creation of a specific Community budget line for non proliferation and disarmament of WMD should be envisaged. Member States should be encouraged to contribute also on a national basis. These efforts should include measures aimed at reinforcing the non-proliferation of WMD related expertise, science and technology.

10. Special focus on the WMD proliferation at the Mediterranean Level

Proceed to a WMD threat assessment focused on the Mediterranean area, include specific non proliferation issues in the EU dialogue with Mediterranean countries with a view to a wider adherence to the main non-proliferation and arms control treaties, study implications for the Mediterranean area of the proposal for a WMD free area in the Middle East.

11. Adoption by Member States of common policies related to criminal sanctions for illegal export or brokering of WMD-related material.

An EU common approach regarding criminalisation of illegal export of WMD-related material should be considered to complement the existing national legislation. A legal framework for criminalisation of illegal brokering of WMD-related items at EU level would also have to be examined.

12. Retaining the verification and inspection expertise of UNMOVIC

The EU will consider how the unique verification and inspection competence of UNMOVIC regarding biological weapons and missiles could be retained/maintained and utilised. For example, a roster of experts could be set up within the framework of the UN. These experts could be utilised in inspection and verification activities after decision by the UNSC. The EU will further develop its own thinking on verification and inspection in general and especially on UNMOVIC.

13. Support for a stronger role for the UN Security Council in handling the threat of WMD

The EU should explore a resolution in the UN Security Council to identify the spread of WMD and their means of delivery, as a threat to international peace and security. The EU should support a UN Security Council resolution requiring, when appropriate, countries to prevent shipments and overflights of materials for use in WMD.

14. Setting up of a monitoring centre on WMD disarmament and non-proliferation

The EU should set up a monitoring centre entrusted with the monitoring of the consistent implementation of the Action Plan, the collection of information and intelligence, including in relation with the flow of WMD-related materials, and ensure the necessary interaction with other international bodies. This monitoring centre would be set up at the Council Secretariat and fully associate the Commission. It would keep the Council regularly informed on countries presenting medium and high risk, and propose measures for prevention and combat of proliferation of WMD. It would also establish relations with other key international actors with a view to acting as a focal point and a clearing house. It would work in close co-operation with the Presidency and the PSC.

**On nuclear and radiological weapons proliferation:**

15. Improve the control of high activity radioactive sources

At EU level, the Proposal for a Council Directive on the control of high activity sealed radioactive sources (COM/2003/0018 final), adopted by the Commission on 24th January 2003 and which is being discussed at the Council, aims to harmonise and strengthen controls in place in the Member States by setting out specific requirements ensuring that radioactive sources are always kept under control. Such an enhanced traceability of sources will reduce the risk of radioactive sources being misused, e.g. for criminal purposes and will prevent sources from becoming lost from regulatory control. The Council should adopt this directive as soon as possible, and Member States should assure its fast national implementation.

The EU should urge all third countries to take measures to strengthen regulatory control of high-risk sources within their territory in accordance with the recent G-8 statement on securing radioactive sources. To that end it should give full support to the plan of action attached to that statement and the specific role the IAEA can play.

16. A policy not to export nuclear related materials and equipment to countries not having ratified the IAEA Additional Protocol

The EU will pay particular attention to the risk that civilian nuclear programmes are misused for military purposes; in this regard it will explore procedures on how to address this risk inter alia by effectively controlling or limiting the use of technology and facilities which might be of particular relevance to the goal of nuclear non-proliferation.

This should be done in the frame of the consideration of stick and carrot mentioned above. The Member States should have a common view when discussing this issue in the frame of the Nuclear Suppliers Group. The Commission is directly concerned when it comes to the Euratom Supply Agency.

### **On biological and chemical weapons proliferation:**

#### 17. Reinforcing the BTWC and the CWC

The BTWC does not contain at present a verification mechanism. The EU must find ways to strengthen compliance. A group of experts to give advice on how this could be done could be established. The EU will take the lead in efforts to strengthen regulations on trade with material that can be used for the production of biological weapons. The EU will also take the lead in supporting national implementation of the BTWC (e.g. in providing technical assistance). The EU will work to ensure concrete outcomes from the three experts meetings to be held between 2003-2005 before the sixth review conference in 2006. The EU will also consider giving support to states with administrative or financial difficulties in their national implementation of the Chemical Weapons Convention and to the OPCW in its implementing work.

#### 18. Strengthening of national legislation and control over pathogenic micro-organisms and toxins (both in Member States and in Acceding Countries)

The forthcoming annual meeting of experts and meeting of States Parties – drawing from a comparative analysis of domestic legislation aimed at implementing the prohibitions set forth in the BTWC and establishing/maintaining the security and oversight of pathogenic micro-organisms and toxins – could consider the possibility of drafting ‘best practices guidelines’ in order to promote the enactment of effective national legislation and the compliance with the BTWC provisions.

A high level Health and Security Committee made of representatives of the Member States Health Ministries and a Task Force of national experts and Commission officials serve as the instrument for co-operation and planning in countering deliberate releases of biological (and chemical) agents. Co-operation between the public health and the non proliferation structures should be reinforced.

The creation of an EU Centre for Disease Control should be analysed.

19. EU-US (biological) industry dialogue

The EU will initiate a dialogue with the biotech industry in Europe, on inter alia control of dangerous pathogens. Dialogue between EU and US industry should be encouraged in the context of the Transatlantic Business Dialogue. This should serve to enhance awareness of the issues involved, spread best practices and help overcome transatlantic suspicions about discriminatory trade restrictions.

**On export controls:**

20. Reinforcement the efficiency of export controls in an enlarged Europe by:

- Developing a system for easier identification of items under control (A joint effort by Member States and the Commission should be undertaken to establish equivalence between EC customs classification and the lists of the Dual Use Regulation 1334/2000).
- Establishing improved channels of communication between Member States to reinforce exchange of information, in particular on decisions on denials.
- Establishing a formal dialogue with industry at EU level.
- Developing guidelines for a harmonised implementation of the Community Dual Use Regulation.

21. "Peer Review" of Member States' and Acceding Countries export control systems

In order to better co-ordinate EU's export control activities and to learn from each other's experience a Peer Review in all Member States and Acceding countries should be conducted. Peer review teams of two to three countries in each, consisting both of Member States and Acceding countries could examine the national legislation and its implementation in order to establish the best practices in the enlarged Union. The Commission could be asked to co-ordinate the Peer Review and be assisted by a Task Force, that shall prepare a set of concrete steps to be taken for an effective implementation.

22. Setting up of a programme of assistance to States in need of technical knowledge in the field of export control

This programme will be part of the co-operative threat reduction budget line described above (under “general”).

## **Way Forward**

Work should begin without delay on the measures for immediate action. The Presidency, the Secretary General/High Representative and the Commission will act in close co-ordination with the Political and Security Committee for the elaboration and adoption by the competent bodies of these measures, which should be in place by the end of 2003.

The Presidency, the Secretary General/High Representative and the Commission will report to the Political and Security Committee by the end of 2003 on the state of preparation of the measures for the longer term, by indicating, where appropriate, an approximate timeframe for their adoption.

