

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

COUNCIL JOINT ACTION 2006/184/CFSP

of 27 February 2006

in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

(5) The Commission is entrusted with the supervision of the proper implementation of the EU financial contribution,

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

HAS ADOPTED THIS JOINT ACTION:

Whereas:

Article 1

(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.

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the European Union shall support the BTWC, with the following objectives:

(2) The European Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular those related to reinforcing the Biological and Toxin Weapons Convention (BTWC), including supporting national implementation of the BTWC, and continuing the reflection on the verification mechanism.

— promotion of the universality of the BTWC,

— support for implementation of the BTWC by the States Parties.

(3) The submission of Confidence Building Measures (CBMs) constitutes an important element to increase transparency in the implementation of the BTWC and an EU Action Plan has been agreed upon to improve the number of CBMs submitted by Member States and to encourage all Member States to submit lists of appropriate experts and laboratories to the United Nations Secretary-General (UNSG), the results of which could serve to define the contents of further Joint Actions in this field.

2. The projects corresponding to measures of the EU Strategy are those that aim at:

— promotion of the universality of the BTWC by carrying out activities, including regional and sub-regional workshops and seminars, aimed at increasing the membership of the BTWC,

— assistance to States Parties for the national implementation of the BTWC, in order to ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.

(4) The Review Conference of the BTWC in 2006 will be a good opportunity to agree on specific, practical and realistic measures to strengthen both the BTWC and compliance with it. In this regard, the European Union remains committed to developing measures to verify compliance with the BTWC. In the absence of negotiations on such a verification mechanism however, much useful work remains to be done within the perimeters of the intersessional BTWC work programme.

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

Article 2

1. The Presidency shall be responsible for the implementation of the Joint Action in full association with the Commission. The Commission shall supervise the proper implementation of the financial contribution referred to in Article 3.

2. In order to carry out the objectives specified in Article 1(1), the Presidency shall be assisted by the Secretary-General/High Representative for CFSP (SG/HR), who will be responsible for the political coordination of the implementation of the projects referred to in Article 1(2).

3. The technical implementation of the projects referred to in Article 1(2) shall be entrusted to the Graduate Institute of International Studies, Geneva, which shall perform its tasks under the responsibility of the Presidency and under the control of the SG/HR.

Article 3

1. The financial reference amount for the two projects listed in Article 1(2) shall be EUR 867 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the 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(2), the Commission shall conclude a financing arrangement with the Graduate Institute of International Studies, Geneva, referred to in Article 2(3).

Article 4

The Presidency, assisted by the SG/HR, shall report to Council on the implementation of this Joint Action on the basis of regular reports prepared by the Graduate Institute of International Studies, Geneva. The Commission shall be fully associated and shall provide information on the financial 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 18 months after its adoption.

Article 6

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

Done at Brussels, 27 February 2006.

For the Council
The President
U. PLASSNIK

ANNEX

1. Objective

Overall objective: to support the universalisation of the BTWC and, in particular, to promote the accession to the BTWC by States not Party (signatory States as well as non-signatory States) and to support the implementation of the BTWC by the States Parties.

Description: EU assistance to the BTWC will be focused on the following areas identified by the European BTWC States Parties as requiring urgent action:

- (i) Promotion of the universality of the BTWC;
- (ii) Support for implementation of the BTWC by the States Parties.

The projects described below will benefit exclusively from EU support.

2. Project description**2.1. Project 1: Promotion of the universality of the BTWC**

Project purpose:

Enhanced membership of the BTWC through regional and sub-regional workshops. The aim of the workshops will be to encourage greater membership and thereby enhanced implementation of the BTWC in these regions and to explain the benefits and consequences of acceding to the BTWC and to understand the needs of the States not Party to the BTWC in order to assist their accession and offer EU technical and drafting assistance to States in need.

Project results:

- (i) Enhanced membership of the BTWC in various geographical regions (in West and Central Africa, Eastern and Southern Africa, the Middle East, Central Asia and the Caucasus, Asia and the Pacific Islands, Latin America and the Caribbean);
- (ii) Strengthened regional networking, involving sub-regional organisations and networks in various areas relevant to the BTWC.

Project description:

The project provides for the organisation of five regional workshops in 2006 - 2007 in three consecutive stages. The first preparatory stage consists in establishing the contacts with relevant actors (diplomatic and expert community), holding preparatory meetings and drafting information packages, carrying forward research and implementation status review in targeted countries and creating an internet-based Information and Collaboration Management System of the project. The aim of the second stage is to raise awareness of the relevance of the BTWC among the diplomatic community and more widely among national administrations of selected countries and found the grounds for effective participation of the countries concerned in the third stage of the project. To this end, the series of meetings with diplomats of selected countries will be organised in Brussels, Geneva, The Hague and New York, where the BTWC-related diplomatic activities usually take place. Five regional workshops are foreseen in the third stage of the project:

- (a) Workshop on the BTWC for Signatory States and States not Party in West and Central Africa to bring about participation by decision-makers and regional organisations, e.g. African Union. Representatives, including from Cameroon, Central African Republic, Republic of Chad, Côte d'Ivoire, Gabon, Guinea, Liberia and Mauritania, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.

- (b) Workshop on the BTWC for Signatory States and States not Party in Eastern and Southern Africa to bring about participation by decision-makers and regional organisations, e.g. African Union. Representatives, including from Angola, Burundi, Comoros, Djibouti, Eritrea, Madagascar, Malawi, Mozambique, Namibia, Somalia, United Republic of Tanzania and Zambia, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.
- (c) Workshop on the BTWC for Signatory States and States not Party in the Middle East. Representatives, including from Egypt, Israel, Syrian Arab Republic and United Arab Emirates will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.
- (d) Workshop on the BTWC for Signatory States and States not Party in Asia and the Pacific Islands. Representatives, including from the Cook Islands, Kiribati, Marshall Islands, Micronesia, Myanmar, Nauru, Nepal, Niue, Samoa and Tuvalu, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in this region would also be invited to participate in the workshop.
- (e) Workshop on the BTWC for Signatory States and States not Party in Latin America and the Caribbean. Representatives, including from Haiti, Guyana and Trinidad and Tobago, will be invited. Several speakers from the EU would brief the participants on the importance and benefits of acceding to the BTWC, as well as on the EU initiatives on non-proliferation and disarmament. A State Party to the BTWC in the region would also be invited to participate in the workshop.

Estimated Cost: EUR 509 661

2.2. *Project 2: Assistance to States Parties for the national implementation of the BTWC*

Project purpose:

To ensure that States Parties transpose the international obligations of the BTWC into their national legislation and administrative measures.

Project results:

In accordance with what was identified by the States Parties within the 'BTWC intersessional Process', three common elements in their national implementing approaches must be achieved:

- (i) adoption of national legislation, including penal legislation, which encompasses the full scope of the prohibitions of the Convention;
- (ii) effective regulations or legislation to control and monitor transfers of relevant dual-use technologies;
- (iii) effective implementation and enforcement to prevent violations and to sanction breaches.

Project description:

The project is aimed at filling a gap which exists in the BTWC implementation, such as the absence of legal advisory network or implementation Action Plan, non-existence of national focal points for the BTWC implementation, insecurity as regards the minimal national implementation standards of the BTWC. In order to cope with these shortcomings, the project foresees the preparatory phase which includes the establishment of the pool of EU legal experts and research and consultation activities. Following implementation, assistance actions will be taken as a next step:

- (a) A conference will be organised in the context of the preparation for the 2006 BTWC Review conference in order to receive specific needs of requesting States Parties who are yet to fulfil their BTWC obligations.

(b) Assistance visits on legal and technical aspects in order to respond to specific needs of requesting States Parties will be organised. The visits will address the drafting of national legislation to ensure that the obligations of the BTWC are effectively transformed into a range of national laws and measures, including appropriate criminal provisions. The EU will also assist States to adopt measures in order to ensure the appropriate physical protection of biological agents and toxins, as well as related material and equipment. The duration of each visit will be about five days. These visits will comprise no more than three experts for each visit. Experts from EU Member States will be invited to join.

(c) Furthermore, the projects will provide translations of the BTWC, as appropriate, that will subsequently be made available on the internet.

Estimated Cost: EUR 277 431

3. Duration

The total estimated duration for the implementation of this Joint Action is 18 months.

4. Beneficiaries

The beneficiaries of universality-related activity are States not Party to the BTWC (both signatory States and non-signatory States). The beneficiaries of implementation-related activities are States Parties to the BTWC.

5. Implementing entity

The Graduate Institute of International Studies, Geneva (through its Bioweapons Prevention Project, BWPP, Director, Dr Zanders) is entrusted with the technical implementation of the two 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 regional workshops and consultations foreseen will be organised with the support of the EU Institute for Security Studies. In carrying out its activities, the BWPP shall cooperate, as appropriate, with local missions of Member States and the Commission.

6. Estimated required means

The EU contribution will cover 100 % of the implementation of the projects as described in this Annex. The estimated costs are as follows:

Project 1	EUR 509 661
Project 2	EUR 277 431
Administrative costs (7 % of the direct cost)	EUR 55 096
TOTAL COST (excluding contingencies):	EUR 842 188

In addition, a contingency reserve of about 3 % of eligible costs (EUR 24 812) is included.

TOTAL COST (including contingencies):	EUR 867 000
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7. Financial reference amount to cover the cost of the projects

The total cost of the projects is EUR 867 000.