

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2008/588/CFSP

of 15 July 2008

on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against 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 Proliferation of Weapons of Mass Destruction, Chapter III of which contains a list of measures that need to be taken both within the European Union and in third countries to combat such proliferation.
- (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, such as the Provisional Technical Secretariat of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO).
- (3) On 17 November 2003, the Council adopted Common Position 2003/805/CFSP⁽¹⁾ on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery. That Common Position calls, *inter alia*, for the promotion of the signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

(4) The States Signatories to the CTBT have decided to establish a Preparatory Commission, endowed with legal capacity, for the purpose of carrying out the effective implementation of the CTBT, pending the establishment of the CTBTO.

(5) The early entry into force and universalisation of the CTBT and the strengthening of the monitoring and verification system of the Preparatory Commission of the CTBTO are important objectives of the EU Strategy against the Proliferation of Weapons of Mass Destruction. In this connection, the nuclear test carried out by the Democratic People's Republic of Korea in October 2006 further underlined the importance of the early entry-into-force of the CTBT and the need for an accelerated building-up and strengthening of the CTBTO monitoring and verification system.

(6) The Preparatory Commission of the CTBTO is engaged in identifying how its verification system could best be strengthened, including through the development of noble gas monitoring capacity and efforts aimed at fully involving States Signatories in the implementation of the verification regime. The Preparatory Commission should therefore be entrusted with the technical implementation of this Joint Action.

(7) In the light of the above, the Council adopted Joint Action 2006/243/CFSP⁽²⁾ and thereafter Joint Action 2007/468/CFSP⁽³⁾ on support for activities of the Preparatory Commission of the CTBTO in the area of training and setting up, as well as strengthening the capacities of its monitoring and verification system, and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction. This EU support should be continued,

⁽¹⁾ OJ L 302, 20.11.2003, p. 34.

⁽²⁾ OJ L 88, 25.3.2006, p. 68.

⁽³⁾ OJ L 176, 6.7.2007, p. 31.

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. For the purposes of ensuring the continuous and practical implementation of certain elements of the EU Strategy against Proliferation of Weapons of Mass Destruction, the EU shall support the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban-Treaty (CTBTO) in order to further the following objectives:

- (a) strengthening the capabilities of the CTBTO monitoring and verification system, including in the field of radio-nuclide detection;
- (b) strengthening the capacity of the States Signatories of the CTBT to fulfil their verification responsibilities under the CTBT and to enable them to benefit fully from participation in the CTBT regime.

2. The projects to be supported by the EU shall have the following specific objectives:

- (a) continuing support for the development by the Preparatory Commission of the CTBTO of capacity in the area of noble gas monitoring and verification for the detection and identification of possible nuclear explosions;
- (b) providing technical assistance to African countries aimed at fully integrating States Signatories into the CTBTO monitoring and verification system.

These projects shall be carried out for the benefit of all States Signatories to the CTBT.

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 Common Foreign and Security Policy (SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.

2. The technical implementation of the projects referred to in Article 1(2) shall be carried out by the Preparatory Commission of the CTBTO. It shall perform this task under the control of the SG/HR, assisting the Presidency. For this purpose, the

SG/HR shall enter into the necessary arrangements with the Preparatory Commission of the CTBTO.

3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed about the projects, in conformity with their respective competences.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 2 316 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2, which shall take the form of a grant. For this purpose, it shall conclude a financing agreement with the Preparatory Commission of the CTBTO. The financing agreement shall stipulate that the Preparatory Commission of the CTBTO is to ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Joint Action. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of regular reports prepared by the Preparatory Commission of the CTBTO. These reports shall form the basis for the evaluation by the Council. The Commission shall be fully associated. It shall provide information on the financial aspects of the implementation of this Joint Action.

Article 5

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

It shall expire 18 months after the date of the conclusion of the financing agreement between the Commission and the Preparatory Commission of the CTBTO or after six months if no financing agreement has been concluded before that date.

Article 6

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

Done at Brussels, 15 July 2008.

For the Council
The President
M. BARNIER

ANNEX

EU support for the activities of the Preparatory Commission of the CTBTO in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

I. INTRODUCTION

The building up of a well-functioning monitoring and verification system of the Preparatory Commission of the CTBTO is a crucial element for preparing the implementation of the CTBT once it has entered into force. The development of capacity of the Preparatory Commission of the CTBTO in the area of noble gas monitoring is an important tool for assessing whether or not an observed explosion is a nuclear test. In addition, the operability and performance of the CTBTO monitoring and verification system depends on the contribution of all States Signatories of the CTBT. Therefore, it is important to enable States Signatories to participate and contribute fully to the CTBTO monitoring and verification system.

The proposal is built on the following two components:

(a) noble gas monitoring;

(b) technical assistance.

II. DESCRIPTION OF THE PROJECTS

1. *Project Component Noble Gas Monitoring: radio-xenon measurements and data analysis to support the CTBTO in implementing the noble gas verification regime*

Background

1. The reported noble gas measurements of different teams in the aftermath of the DPRK event on 9 October 2006 have demonstrated the feasibility of radio-xenon measurements and the usefulness of these data for verification purposes. However, considerable research efforts are still necessary to fully determine the potential of this technology for CTBT purposes.
2. The results of the 'International Noble Gas Experiment' (INGE) gained during the last eight years clearly showed that the radio-xenon background was much more complex than initially thought. Indeed, initially unforeseen anthropogenic sources were identified, such as radioisotope production facilities for medical applications. Some of these facilities started operating after the negotiation of the CTBT. A complete inventory of radio-xenon sources is still to be done. Correlated to this issue is the variation of the atmospheric xenon activity concentration background in location, composition and with time.
3. Council Joint Action 2007/468/CFSP (second CTBTO Joint Action), was aimed at studying and measuring the xenon background in several parts of the world for limited periods. The aim of the second CTBTO Joint Action was to improve knowledge and understanding of the impact of sources, atmospheric transport and the influence of regional meteorological characteristics. The measurements are currently being performed at different distances of known anthropogenic sources, such as nuclear power plants and radiopharmaceutical plants. Results of the second CTBTO Joint Action will be used to further develop and validate methodologies for the categorisation of measurements detected by efficient noble gas detection systems.

Objectives of the new project

4. As a direct follow-up to the activities undertaken under the second CTBTO Joint Action, the CTBTO is now proposing a more comprehensive global measurement campaign. This will focus on examining the influence of local radio-xenon sources on the distribution and time variability of radio-xenon concentrations. The project aims at achieving the following objectives:

— to supplement the knowledge of the global xenon background through measurements for longer and thus more representative periods of time. This is needed to investigate the impact of regional and seasonal meteorological transport patterns.

- to add empirical data to improve our understanding of noble gas network performance and help to understand its strengths and weaknesses, in particular how noble gas detection inter-relates with other International Monitoring System (IMS) technologies and atmospheric transport calculations. It could also provide a valuable basis for a possible implementation of noble gas monitoring capability throughout the network, as mentioned in the Protocol to the CTBT,
- to test of xenon equipment and logistics under different environmental conditions. It is understood that available xenon measurement systems (Swedish SAUNA and French SPALAX systems) are well advanced, with the potential for transport and deployment in difficult environments. However, more experience is required to learn how and under what conditions these systems can be deployed, as well as which logistical and technical support is needed.

Benefits

5. The benefits for the verification system will be:

- to obtain more observations of the radio-xenon background at different distances from the measured known anthropogenic sources,
- to obtain possible additional input for a global radio-xenon inventory,
- to support the development as well as the validation of the methodology for data analysis and interpretation for the IMS network,
- to further develop and validate atmospheric transport modelling at different scales and for different geographical regions,
- to encourage and support local cooperating institutions to participate in and contribute to the INGE experiment with follow-up national xenon detection systems to train local station operators and to facilitate system commissioning,
- to identify areas where the network performance could be affected by seasonal meteorological conditions.

Description

6. Within the project, it is planned to purchase two xenon measurement systems, preferably using two different detection methods. The systems, one robust mobile unit and one turnkey unit customised in a transportable container, will use existing and available technologies. Parallel to the system procurement, there will be site visits to check infrastructure and to prepare the measurement campaign. The selection of the sites and the duration of the measurements will be based on detailed meteorological studies to be carried out by the Provisional Technical Secretariat (PTS) in a preparatory phase. The criteria for the site selection will also be based on the availability of cooperating local institutions, logistics and meteorological criteria. The preparation phase is envisaged to last between three and six months.
7. After a short test operation period at headquarters, the two systems will be transported to the selected sites to measure radio-xenon for a representative period of time of 6 to 12 months. The systems will be installed, calibrated and put into operation by the system provider. Local staff will be contracted for the duration of the measurement and trained to be able to perform daily system operation and maintenance. After completion of the measurement, the systems will be returned to the PTS.
8. Close cooperation and participation of interested institutions in the countries where the measurements are carried out in all aspects of the project implementation will be sought. In addition, the PTS will seek the cooperation with EU Member States' institutions in specific fields, such as laboratory support, quality control, logistics and atmospheric transport studies.
9. The data will be analysed by the PTS. A workshop will be held at the end of the project to evaluate the results.

2. *Project Component Technical Assistance: Integrating States Signatories in Africa to fully participate in and contribute to the implementation of the CTBTO monitoring and verification system*

Background

1. One of the unique features of the CTBT verification system among arms control regimes is real-time provision of compliance-relevant information directly to participating States. The IMS and International Data Centre (IDC) data and products are made available to every State Signatory. Currently, the PTS provides data and products to more than 840 authorised users in 96 States Signatories.
2. While interest among developing countries in the establishment of National Data Centres (NDC) has grown significantly over the past two years (an increase of subscribers of approximately 20 %) many developing countries still do not yet have full access to the CTBTO system. This is particularly the case in the African region where the number of States establishing National Data Centres (NDCs) as well as the number of Secure Signatory Accounts (SSAs) remains low.
3. The proposed technical assistance activities are aimed at facilitating the improved participation by African States in the CTBT verification system and its scientific benefits. In order to be able to request data and products and to make use of them, potential users must be provided with sufficient technical background. Such background should cover the basic functionalities of the IDC and IMS as well as of the scientific applications that can be derived from the use of IMS data and IDC products. This can best be achieved through training activities over a longer period of time.
4. The project will therefore involve the extended presence of technical experts hired by the PTS in each beneficiary State, who will serve as regional Focal Points (FPs) for the duration of this project. As feasible, targeted training and technical assistance activities will be devised for the beneficiary States in which particular needs regarding the establishment of NDCs and SSAs as well as regarding the system's scientific benefits have been identified and assessed. Selected States Signatories in Africa which have yet to ratify the CTBT will also be involved in this project. All FP activities in beneficiary States will be carried out in close coordination with, and with support from, the PTS to ensure the efficiency and sustainability of training and technical assistance efforts undertaken in this project, as well as to ensure adequate harmonisation with the activities undertaken in Joint Action 2006/243/CFSP (first CTBTO Joint Action).
5. Applying the abovementioned criteria, the PTS foresees, in this first phase of targeted technical assistance efforts, activities in as many of the following African States as possible, subject to a prior assessment of feasibility by the PTS taking account of local conditions prevailing at the time, and following endorsement of beneficiary countries in accordance with provisions set out under IV:

— in Eastern and Southern Africa: Angola, Burundi, Comoros, Ethiopia, Kenya, Lesotho, Malawi, Mozambique, Swaziland, Rwanda, Tanzania, Uganda, Zambia and Zimbabwe,

— in Northern and Western Africa: Algeria, Benin, Chad, Egypt, Gabon, Gambia, Ghana, Equatorial Guinea, Guinea, Guinea-Bissau, Libya, Morocco, Togo and Tunisia.

Objectives of the project

6. The aims of the project are to provide beneficiary States with sufficient knowledge and assistance for the building and/or improving their own NDCs' capabilities, as well as a training programme for NDC staff. It will also include a strong component on IMS Station Operation practices. Beneficiary States will be enabled to access and use IDC data and products more easily, effectively and efficiently and to improve maintenance operations of IMS stations within their territories.
7. It is anticipated that the interaction with FPs will facilitate an increase in the number of NDCs among beneficiary States and an enhanced participation by those States in the implementation of the CTBT monitoring and verification system, including effective and efficient use of IDC data and products. Furthermore, the project aims at strengthening the interaction and cooperation between the CTBTO and scientists and scientific institutions in those regions.

8. An integral part of the project will involve the use of the PTS e-learning capacities developed under the first CTBTO Joint Action. It will provide a forum where participants can be instructed in the use of the e-learning products. The feedback from this process by users in the beneficiary States will have a positive influence on both the e-learning and technical assistance projects.
9. Focusing on technical assistance, this should raise the profile of each State Signatory's engagement with its NDC development activities undertaken by the PTS. These activities will be undertaken in furtherance of the provisions for technical assistance contained in Part I F. 22 of the Protocol to the CTBT.

Benefits

10. The project aims to have a number of important benefits for the CTBTO and the beneficiary States, namely:
 - It will enable the NDCs in the beneficiary States to have a better qualified technical competence in:
 - the upkeep and maintenance of their IMS stations,
 - the analysis and management of the data and data products.
 - It will allow those States that establish NDCs to receive and analyse the raw data provided by the IDC in real time.
11. States establishing NDCs will receive financial, technological and human support from the PTS, and such support will help recipient States to develop and maintain the technical expertise necessary to participate fully in the CTBT monitoring and verification system.
12. A greater appreciation among beneficiary States of how the establishment of a NDC can help enrich their own scientific base and how IMS data can be used for analysing events in the region.
13. Increasing the number and geographic spread of NDC sites receiving and independently analysing IDC information will allow more effective use of the IDC, thereby facilitating further improvement in system accuracy (as highlighted in the first system-wide performance test undertaken by the PTS in April-June 2005).

Description

14. The PTS will identify and provide two technical experts as consultants serving as FPs, who will be based in Africa for the duration of this project and who will coordinate all the activities, in consultation with and under approval of IDC management. The beneficiary States will be divided into two groups between the two FPs. The work in each region will be divided into two phases.
15. Phase 1: Technical working visits to each country:
 - The FPs will travel to the beneficiary States as described above to assess the awareness and usage of PTS data products. They will interact with national authorities, to understand the current needs and perceptions, and to increase awareness of PTS data and products, including their potential use for civil and scientific purposes. In addition, the FPs will establish contact with other relevant institutes in each country which might benefit from utilising PTS data and products. The FPs will facilitate networking between the national authority and relevant institutes as appropriate. In cases where an NDC exists, the status of each NDC in terms of personnel and infrastructure (including computer and Internet infrastructure) will be assessed, in order to formulate priority promotional activities.
 - Subsequently, a technical hands-on training session will be held, which will bring together participants from the institutions identified in this phase. This training session will provide technical instruction on PTS data and products. It will be customized based on the skill set of the participants and taking into account the official languages of the beneficiary countries. During this training session participants will work with PTS software developed for NDCs, which can be used to access and analyse PTS data and products. This software will be provided to participants (who are authorised users of the PTS) to install at their own institutes. In addition, computer hardware and peripherals will be given to participants who are authorised users of the PTS, based on their assessed needs. This session will also provide an opportunity to foster cooperation between technical staff at institutes in the region.

16. Phase 2: Follow-up

After the completion of phase 1, the participants should be able to utilise their new knowledge, software, and hardware and to install and operate these new items based on what was learned during the training session. In order to consolidate the acquired skills and/or to close remaining gaps, the FPs will return to the beneficiary countries to assess how the participants are making use of what was learned at the training sessions in Phase 1. The objective of these shorter follow-up visits is to ensure that the local technical staff can routinely use PTS data and products. These efforts will be customised based on the local needs and skills, with an eye towards sustainability, so that the activities continue even after the conclusion of this project.

17. As conclusion of the project, a comprehensive report will be submitted for each beneficiary country, which describes the progress made, as well as the articulated and perceived needs, and the inter-relationships between the organisations which were visited. This will form the basis for further follow-up activities in the respective countries.

III. DURATION

The total estimated duration of the implementation of the projects is 18 months.

IV. BENEFICIARIES

The beneficiaries of the projects in this Joint Action are all States Signatories to the CTBT, as well as the Preparatory Commission of the CTBTO.

The final choice of beneficiary countries for the project component 'Technical Assistance' will be made in consultation between the implementing entity and the Presidency, assisted by the SG/HR, in close consultation with Member States and the Commission in the framework of the competent Council Working Party. The final decision will be based on proposals by the implementing entity in accordance with Article 2(2) of this Joint Action.

V. IMPLEMENTING ENTITY

The CTBTO Preparatory Commission will be entrusted with the technical implementation of the projects. The projects will be implemented directly by staff of the Preparatory Commission of the CTBTO, experts from the States Signatories to the CTBT and contractors. In the case of contractors, the procurement of any goods, works or services by the Preparatory Commission of the CTBTO in the context of this Joint Action will be carried out as detailed in the financing agreement to be concluded by the European Commission with the Preparatory Commission of the CTBTO.

The implementing entity will prepare:

- (a) a mid-term report after the first six months of the implementation of the projects;
- (b) a final report not later than one month after the end of the implementation of the projects.

Reports will be sent to the Presidency, assisted by the SG/HR.

VI. THIRD-PARTY PARTICIPANTS

The projects will be financed in their entirety by this Joint Action. Experts from the Preparatory Commission of the CTBTO and from the States Signatories to the CTBT may be considered as third-party participants. They will work under the standard rules of operation for experts of the Preparatory Commission of the CTBTO.
