

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL JOINT ACTION 2007/753/CFSP

of 19 November 2007

**on support for IAEA monitoring and verification activities in the Democratic People's Republic of Korea in the framework of the implementation of the EU Strategy against the 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 the Proliferation of Weapons of Mass Destruction; Chapter III of the Strategy contains a list of measures to combat such proliferation which need to be taken both within the European Union and in third countries.
- (2) The European Union is actively implementing the Strategy and is giving effect to the measures listed in Chapter III thereof, in particular by releasing financial resources to support specific projects conducted by multilateral institutions, such as the International Atomic Energy Agency (IAEA).
- (3) The European Union has repeatedly called on the Democratic People's Republic of Korea (DPRK) to comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and to implement its comprehensive safeguards agreement in full cooperation with the IAEA.
- (4) The European Union has continuously supported efforts in the framework of the six-party talks, aimed at finding a diplomatic solution to the nuclear situation on the Korean peninsula, including through political and financial support for the Korean Peninsula Energy Development Organisation (KEDO). In the same spirit, the European Union welcomed the Joint Statement of 19 September 2005 and the Initial Actions of 13 February 2007.

(5) On 9 July 2007, the Board of Governors of the IAEA authorised its Director-General to implement ad hoc arrangements for monitoring and verifying the shutdown of nuclear installations in the DPRK, in accordance with the recommendations contained in the IAEA report to the Board of Governors.

(6) In accordance with the Initial Actions of 13 February 2007, the DPRK proceeded in July 2007 with the shutdown of nuclear installations and has invited the IAEA to monitor the shutdown. Subsequently, this shutdown has been confirmed by the IAEA.

(7) The European Union has welcomed this action carried out by the DPRK as a very important first step on the way to the dismantlement of the DPRK's nuclear programmes and the denuclearisation of the Korean peninsula.

(8) Since the costs incurred by the implementation of the ad hoc arrangements can currently not be covered by the regular safeguards budget of the IAEA, there is a need to make sufficient extra-budgetary contributions in order to allow for the implementation of the ad hoc arrangements, as long as there is no provision in the regular IAEA budget,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

For the purposes of giving immediate and practical implementation to some elements of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the European Union shall support the IAEA monitoring and verification activities, which are carried out in accordance with existing arrangements for monitoring and verification, as agreed between the DPRK and the IAEA, in order to further the following objectives:

- (a) to contribute to the confidence-building process aimed at the elimination of the DPRK's nuclear programme, through the continuation of monitoring and verification of the shutdown of DPRK nuclear facilities;
- (b) to assure the European Union's continued active involvement in efforts to develop a diplomatic solution to the Korean nuclear issue;
- (c) to make sure that the IAEA has available sufficient financial resources to carry out monitoring and verification activities relating to the implementation of the Initial Actions of 13 February 2007, agreed in the framework of the six-party talks.

The contribution by the EU will be used for the financing of staff resources and travel, equipment and transportation, rental of premises in the DPRK and related expenditure, as well as costs for communications and acquisition of information technology.

A detailed description of these activities is set out in the Annex.

#### Article 2

1. The Presidency, assisted by the Secretary-General of the Council/High Representative for the CFSP (SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.
2. The technical implementation of the activities referred to in Article 1 shall be carried out by the IAEA. 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 IAEA.
3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed about the implementation of this Joint Action, in conformity with their respective competences.

#### Article 3

1. The financial reference amount for the implementation of the activities referred to in Article 1 shall be EUR 1 780 000 to be funded from the general budget of the European Union.

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.

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 IAEA. The financing agreement shall stipulate that the IAEA 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 within three months 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 reports prepared by the IAEA Secretariat for the IAEA Board of Governors, which will be submitted to the Presidency, assisted by the SG/HR. The Commission shall be fully associated. It shall report 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 its adoption.

#### Article 6

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

Done at Brussels, 19 November 2007.

For the Council  
The President  
L. AMADO

## ANNEX

**EU support for IAEA monitoring and verification activities in the Democratic People's Republic of Korea (DPRK) in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction**1. *Description of IAEA monitoring and verification activities in the DPRK*

In March 2007, the Director-General of the IAEA informed its Board of Governors that on 13 February 2007 the Parties to the Six-Party Talks agreed in Beijing, China, on Initial Actions for the implementation of the Joint Statement issued by them on 19 September 2005. He also informed the Board of Governors that on 23 February 2007 he had received an invitation from the DPRK to visit the DPRK to 'develop the relations between the DPRK and the IAEA, as well as to discuss problems of mutual concerns'. In the Initial Actions the Parties agreed, *inter alia*, that the DPRK 'will shut down and seal, for the purpose of eventual abandonment, the Yongbyon nuclear facility, including the reprocessing facility, and invite back IAEA personnel to conduct all necessary monitoring and verifications as agreed between IAEA and the DPRK'. The Board of Governors welcomed the agreement on the Initial Actions and expressed the view that a successfully negotiated settlement of this long-standing issue, maintaining the essential verification role of the IAEA, would be a significant accomplishment for international peace and security. In this regard, the Board of Governors welcomed the invitation extended to the Director-General by the DPRK to visit the DPRK.

The Director-General visited the DPRK on 13 and 14 March 2007 and reported to the Board of Governors in June 2007 on the results of his visit. The Board of Governors, while emphasising the importance of continued dialogue for achieving a peaceful and comprehensive resolution of the DPRK nuclear issue and early denuclearisation of the Korean Peninsula, welcomed the Director-General's visit to the DPRK and his discussions with DPRK officials which had focused on re-establishing the relationship between the DPRK and the IAEA.

On 16 June 2007 the Director-General received an invitation from the DPRK to send an IAEA team to discuss procedural matters related to the monitoring and verification arrangement on the shutdown of the Yongbyon nuclear facility. This letter and the Director-General's reply thereto, dated 18 June 2007, were circulated to the Board of Governors.

An IAEA team, headed by the Deputy Director-General for Safeguards, visited the DPRK during the period 26 to 29 June 2007. The team visited the Nuclear Fuel Fabrication Plant, the 5 MW(e) Experimental Nuclear Power Plant, the Radiochemical Laboratory (reprocessing plant) and the 50 MW(e) Nuclear Power Plant (under construction), all of which are located at Yongbyon. The DPRK informed the team that these facilities, and the 200 MW(e) Nuclear Power Plant (under construction), which is located in Taechon, would be shut down and sealed pursuant to the Initial Actions.

During the visit of the IAEA team to the DPRK, understanding was reached on the following arrangement:

- (a) the IAEA will receive from the DPRK a list of facilities that have been shut down and/or sealed, and subsequently the IAEA will be kept informed of their status with a view to monitoring and verifying the shutdown and/or sealing of the declared facilities;
- (b) the IAEA will have access to all facilities and equipment that have been shut down and/or sealed for the purpose of its monitoring and verification activities;
- (c) the IAEA will install, and service as necessary, appropriate containment and surveillance and other devices to monitor and verify the status of the shutdown and/or sealed facilities and equipment. If containment and surveillance measures cannot be applied for practical reasons, the IAEA and the DPRK will agree on the implementation of other appropriate verification measures;
- (d) the IAEA will examine and verify information on the design of the shutdown and/or sealed facilities and document the status of these facilities photographically or through video recordings. Re-verification of such information will be performed periodically;

- (e) the IAEA will be informed in advance if the DPRK intends to change the design and/or status of facilities and equipment, so that consultations can be held with the DPRK about the impact such changes may have on the IAEA's monitoring and verification work;
- (f) the IAEA will be informed in advance if the DPRK intends to move or remove any nuclear-related equipment or other essential equipment or components from the shutdown nuclear facilities or decommission any of these facilities. The IAEA will be provided appropriate access to verify such equipment, components, and/or activities;
- (g) the DPRK will maintain all records relevant to the IAEA's monitoring and verification activities;
- (h) the IAEA will be provided with the necessary visas for IAEA personnel, and will be extended the same privileges and immunities as those set out in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency (INFCIRC/9/Rev.2) for IAEA property, funds and assets, its personnel and other officials in exercising their functions under this arrangement;
- (i) the IAEA will be provided with full information on the health and safety procedures at the relevant facilities;
- (j) the IAEA and the DPRK will consult on issues related to the costs of implementation;
- (k) the above measures will be subject to periodic review by the DPRK and the IAEA.

The IAEA is authorised in accordance with Article III.A.5 of its Statute to '... apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy'. This authorisation does not require the State to be a member of the IAEA and does not prescribe a particular form or substance for safeguards arrangements. The monitoring and verification in the DPRK will therefore be consistent with the Statute. At this stage such monitoring and verification will be implemented in accordance with the ad hoc arrangements referred to in recital (5) of the Joint Action.

The monitoring and verification activities in the DPRK were not foreseen and therefore there is no provision for the conduct of such monitoring and verification in the IAEA's current budget or the proposed budgets for the 2008–2009 biennium. The estimated costs to cover these activities are EUR 2,2 million for 2007 and 2008, respectively, based on the current arrangements for monitoring and verification between DPRK and IAEA. However, in the light of progress made in the six-party-talks process and a possible increased role for the IAEA in the monitoring and verification of understandings reached, the need for additional financial means could arise in the future.

## 2. Objectives

IAEA monitoring and verification remains an indispensable tool for building confidence among States with regard to nuclear non-proliferation undertakings, and for advancing the peaceful use of nuclear material.

Overall objective and project purpose:

- to contribute to the implementation of monitoring and verification activities in the DPRK, in accordance with the Initial Actions of 13 February 2007, as agreed in the framework of the six-party-talks.

Project results:

- continued monitoring and verification by the IAEA of the shutdown of the abovementioned nuclear installations in the DPRK.

## 3. Duration

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

#### 4. *Beneficiaries*

The beneficiary of this Joint Action is the IAEA.

#### 5. *Implementing entity*

The IAEA will be entrusted with the implementation of the project. The project will be implemented directly by the IAEA, namely by the staff from the IAEA Department of Safeguards. In the case of contractors, the procurement of any goods, works or services by the IAEA in the context of this Joint Action will be carried out in accordance with the applicable rules and procedures of the IAEA, as detailed in the European Community Contribution Agreement with the IAEA.

The implementing entity will prepare reports on the basis of information provided to the IAEA Board of Governors. These reports will be submitted to the Presidency, assisted by the SG/HR for the CFSP.

#### 6. *Third-party participants*

There will be no third party participants.

---