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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION in support of the implementation of United Nations Security Council Resolution 1540 (2004) on the non-proliferation of weapons of mass destruction and their means of delivery to non-State actors

COUNCIL DECISION (CFSP) 2026/...

of ...

**in support of the implementation
of United Nations Security Council Resolution 1540 (2004)
on the non-proliferation of weapons of mass destruction
and their means of delivery to non-State actors**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (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 which need to be taken both within the Union and in third countries to combat such proliferation.
- (2) On 28 April 2004, the United Nations (UN) Security Council adopted Resolution 1540 (2004) ('UNSCR 1540 (2004)'), which was the first international instrument to deal in an integrated and comprehensive manner with weapons of mass destruction, their means of delivery and related materials. UNSCR 1540 (2004) established binding obligations for all States, which aimed to prevent and deter non-State actors from obtaining access to such weapons and weapon-related material. It also called upon States to present the Security Council committee established by UNSCR 1540 (2004) (the '1540 Committee') with a report on steps which they have taken or intend to take to implement UNSCR 1540 (2004).
- (3) On 27 April 2006, the UN Security Council adopted Resolution 1673 (2006) and decided that the 1540 Committee was to intensify its efforts to promote the full implementation of UNSCR 1540 (2004) through programmes of work, outreach, assistance, dialogue and cooperation. It also invited the 1540 Committee to explore with States and international, regional and subregional organisations the possibility of sharing experience and lessons learned, and the availability of programmes which might facilitate the implementation of UNSCR 1540 (2004).

- (4) On 20 April 2011, the UN Security Council adopted Resolution 1977 (2011) and decided to extend the mandate of the 1540 Committee for a period of 10 years until 25 April 2021. It also decided that the 1540 Committee was to: continue to intensify its efforts to promote the full implementation by all States of UNSCR 1540 (2004); engage actively in matching offers and requests for assistance, through such means as visits at the invitation of the State concerned, assistance templates, action plans or other information submitted to the 1540 Committee; and conduct a comprehensive review on the status of implementation of UNSCR 1540 (2004) before December 2016.
- (5) On 15 December 2016, the UN Security Council unanimously adopted Resolution 2325 (2016) and thereby endorsed the outcome of the comprehensive review process of UNSCR 1540 (2004) conducted during 2016. It called on all States to strengthen national measures in implementing UNSCR 1540 (2004) and called for greater assistance for building State capability in that regard, including through voluntary contributions, as well as for greater cooperation among stakeholders, civil society and academia.
- (6) On 30 November 2022, the UN Security Council adopted Resolution 2663 (2022), and decided to extend the mandate of the 1540 Committee for a period of 10 years until 30 November 2032.

- (7) Union support for the implementation of UNSCR 1540 (2004), which has since 2006 been channelled through the implementation of Council Joint Actions 2006/419/CFSP¹ and 2008/368/CFSP² and Council Decisions 2013/391/CFSP³, (CFSP) 2017/809⁴ and (CFSP) 2023/654⁵, has contributed to diminishing significantly the number of non-reporting States and the number of States which did not submit additional information required by the 1540 Committee following their submission of incomplete reports. However, considering that there is still a need for continued support for the implementation of UNSCR 1540 (2004), the Union should adopt this Decision, which will contribute to the implementation of that Resolution.

¹ Council Joint Action 2006/419/CFSP of 12 June 2006 in support of the implementation of the United Nations Security Council Resolution 1540 (2004) and in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 165, 17.6.2006, p. 30, ELI: http://data.europa.eu/eli/joint_action/2006/419/oj).

² Council Joint Action 2008/368/CFSP of 14 May 2008 in support of the implementation of United Nations Security Council Resolution 1540 (2004) and in the framework of the implementation of the EU strategy against the proliferation of weapons of mass destruction (OJ L 127, 15.5.2008, p. 78, ELI: http://data.europa.eu/eli/joint_action/2008/368/oj).

³ Council Decision 2013/391/CFSP of 22 July 2013 in support of the practical implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery (OJ L 198, 23.7.2013, p. 40, ELI: <http://data.europa.eu/eli/dec/2013/391/oj>).

⁴ Council Decision (CFSP) 2017/809 of 11 May 2017 in support of the implementation of United Nations Security Council Resolution 1540 (2004) on the non-proliferation of weapons of mass destruction and their means of delivery (OJ L 121, 12.5.2017, p. 39, ELI: <http://data.europa.eu/eli/dec/2017/809/oj>).

⁵ Council Decision (CFSP) 2023/654 of 20 March 2023 in support of the implementation of United Nations Security Council Resolution 1540 (2004) on the non-proliferation of weapons of mass destruction and their means of delivery (OJ L 81, 21.3.2023, p. 29, ELI: <http://data.europa.eu/eli/dec/2023/654/oj>).

- (8) The UN Office for Disarmament Affairs (UNODA), which is responsible for providing the 1540 Committee and its Group of Experts with substantive and logistical support, should be entrusted with the technical implementation of the activities to be carried out under this Decision.
- (9) This Decision is guided by the principle of making best use of the experience gained through previous Council joint actions and decisions in support of the implementation of UNSCR 1540 (2004). It prioritises specific needs identified by, and requests from, States, including capacity requirements, and delivers assistance and capacity building through tailored, demand-driven approaches. It encourages national and regional ownership of supported activities with a view to ensuring long-term sustainability and institutional capacity retention, as well as complementarity, coordination and synergies among UNODA, the Union and relevant international, regional and subregional actors engaged in supporting the implementation of UNSCR 1540 (2004). This Decision focuses on activities that have demonstrated concrete and measurable results, in particular in strengthening national implementation, improving reporting and assistance mechanisms, raising awareness among relevant stakeholders and fostering sustained commitment to the implementation of UNSCR 1540 (2004). This Decision will enhance responsiveness to the opportunities and challenges posed by emerging technologies, scientific advances and evolving dual-use risks within the context of UNSCR 1540 (2004). It also ensures the integration of a gender perspective into project activities and promotes the participation and leadership of women in activities and dialogues falling within its scope.

- (10) This Decision should be implemented in accordance with the Financial and Administrative Framework Agreement concluded by the Commission with the UN concerning the management of financial contributions by the Union to programmes or projects administered by the UN,

HAS ADOPTED THIS DECISION:

Article 1

The Union shall support the following activities corresponding to measures set out in the EU Strategy against the proliferation of weapons of mass destruction:

- (a) thematic capacity-building workshops and training sessions for up to five assistance requests from States;
- (b) training for regional points of contact;
- (c) one simulation exercise or one tabletop exercise;
- (d) support for the development of national action plans and the provision of tailored support;
- (e) knowledge generation and dissemination.

A detailed description of the activities referred to in the first paragraph is set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall be responsible for the implementation of this Decision.
2. The technical implementation of the activities referred to in Article 1 shall be entrusted to UNODA. It shall perform that task under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with UNODA.

Article 3

1. The financial reference amount for the implementation of the activities referred to in Article 1 shall be EUR 1 999 934,66.
2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2. For that purpose, it shall conclude the necessary agreement with UNODA. The agreement shall stipulate that UNODA is to ensure visibility of the Union contribution in a manner commensurate with the size of the contribution.
4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

Article 4

The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by UNODA. Those reports shall form the basis for the evaluation carried out by the Council. The Commission shall provide information on the financial aspects of the activities referred to in Article 1.

Article 5

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 36 months after the date of conclusion of the agreement referred to in Article 3(3) or six months after the date of its adoption if that agreement has not been concluded by that time.

Done at ..., ...

For the Council

The President

ANNEX

...

