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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) in order to strengthen its monitoring and verification capabilities

COUNCIL DECISION (CFSP) 2023/...

of ...

**on Union support for the activities of the Preparatory Commission
of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)
in order to strengthen its monitoring and verification capabilities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 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 Proliferation of Weapons of Mass Destruction ('the Strategy'). Chapter III of the Strategy contains a list of measures that need to be taken to combat such proliferation.
- (2) The Union is actively implementing the 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 Organization (CTBTO).
- (3) The States Signatories to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) have decided to establish a Preparatory Commission, endowed with legal capacity and which has standing as an international organisation, to carry out the effective implementation of the CTBT, pending the establishment of the CTBTO.
- (4) 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 Strategy.

- (5) The United Nations Secretary-General stated in ‘Securing our Common Future: an Agenda for Disarmament’ that by constraining the development of advanced new types of nuclear weapons, the CTBT put a brake on the arms race and that it also serves as a powerful normative barrier against potential States that might seek to develop, manufacture and subsequently acquire nuclear weapons in violation of their non-proliferation commitments.
- (6) The 2022 Strategic Compass for Security and Defence refers to the persistent threat of the proliferation of weapons of mass destruction and their means of delivery, the expanding nuclear arsenals, the development of new weapon systems as well as the use of nuclear threats by some countries, and expresses the Union’s objective of reinforcing concrete actions in support of the goals of disarmament, non-proliferation and arms control.

- (7) In the framework of the implementation of the Strategy, the Council adopted three Joint Actions and five Decisions on support for activities of the Preparatory Commission of the CTBTO, namely Joint Actions 2006/243/CFSP¹, 2007/468/CFSP² and 2008/588/CFSP³, and Decisions 2010/461/CFSP⁴, 2012/699/CFSP⁵, (CFSP) 2015/1837⁶, (CFSP) 2018/298⁷ and (CFSP) 2020/901⁸. That Union support should be continued.

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- ¹ Council Joint Action 2006/243/CFSP of 20 March 2006 on support for activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in the area of training and capacity building for verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 88, 25.3.2006, p. 68).
- ² Council Joint Action 2007/468/CFSP of 28 June 2007 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 the Proliferation of Weapons of Mass Destruction (OJ L 176, 6.7.2007, p. 31).
- ³ 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 (OJ L 189, 17.7.2008, p. 28).
- ⁴ Council Decision 2010/461/CFSP of 26 July 2010 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 (OJ L 219, 20.8.2010, p. 7).
- ⁵ Council Decision 2012/699/CFSP of 13 November 2012 on the Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation 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 (OJ L 314, 14.11.2012, p. 27).
- ⁶ Council Decision (CFSP) 2015/1837 of 12 October 2015 on Union support for the 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 (OJ L 266, 13.10.2015, p. 83).
- ⁷ Council Decision (CFSP) 2018/298 of 26 February 2018 on Union support for the activities of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (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 (OJ L 56, 28.2.2018, p. 34).
- ⁸ Council Decision (CFSP) 2020/901 of 29 June 2020 on Union support for the 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 (OJ L 207, 30.6.2020, p. 15).

- (8) The technical implementation of this Decision should be entrusted to the Preparatory Commission of the CTBTO which, on the basis of its unique expertise and capabilities through the network of the International Monitoring System (IMS), comprising over 337 facilities around the globe, and the International Data Centre (IDC), is the sole international organisation having the ability and legitimacy to implement this Decision. The action as supported by the Union can only be financed through an extra-budgetary contribution to the Preparatory Commission of the CTBTO,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the Strategy, the EU Global Strategy for the European Union's Foreign and Security Policy and the Strategic Compass for Security and Defence, the Union shall further support the activities of the Preparatory Commission of the CTBTO through an operational action.
2. The objectives of the action referred to in paragraph 1 shall be to:
 - (a) strengthen the capabilities of the CTBT monitoring and verification system;
 - (b) strengthen the capabilities of the States Signatories to the CTBT to fulfil their verification responsibilities under the CTBT and to enable them to benefit fully from their participation in the CTBT regime;
 - (c) raise awareness of the CTBT and promote its universalisation and entry into force.
3. A detailed description of the action is set out in the Annex.

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 action referred to in Article 1 shall be carried out by the Preparatory Commission of the CTBTO.

3. The Preparatory Commission of the CTBTO shall perform that task under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with the Preparatory Commission to the CTBTO.

Article 3

1. The financial reference amount for the implementation of the action financed by the Union referred to in Article 1 shall be ...
2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the rules and procedures applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure financed by the amount referred to in paragraph 1. For that purpose, it shall conclude a contribution agreement with the Preparatory Commission of the CTBTO. The contribution agreements shall stipulate that the Preparatory Commission of the CTBTO is to ensure the visibility of the Union's contribution, appropriate to its size.
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 the conclusion of the agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular reports by the Preparatory Commission of the CTBTO. The reports shall form the basis of the evaluation carried out by the Council.
2. The Commission shall provide information on the financial aspects of the implementation of the action 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 conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after the date of the entry into force if no agreement has been concluded within that period.

Done at ...,

For the Council

The President
