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COVER NOTE

from : General Secretariat
to : Delegations
Subject : EU Strategy against the proliferation of WMD: Monitoring and enhancing
consistent implementation

Delegations will find attached the concept paper on monitoring and enhancing consistent implementation of the EU Strategy against the proliferation of WMD through a WMD Monitoring Center, which was endorsed by the General Affairs and External Relations Council on 11-12 December 2006.

CONCEPT PAPER

I INTRODUCTION

1. The EU WMD Strategy adopted in 2003 aims at addressing, in a comprehensive manner, the threat of proliferation of WMD and their means of delivery in both its aspects: state proliferation and proliferation by non-state actors.

The recent terrorist attacks in the UK and, before, in Spain, underscore the new challenges concerning non-state actors, the imperative to prevent terrorists from acquiring WMD or related materials and therefore the critical importance to step up efforts to implement the EU WMD Strategy. The risk that this threat may well one day or another materialise in Europe or elsewhere is real and has to be taken into account by decision-makers in the EU.

For the credibility of the Union, everything possible therefore needs to be done to monitor the implementation of the Strategy and to look for ways to improve consistency of its implementation.

2. The ESS identified the main challenges for Europe in fighting WMD proliferation:

"If we are to make a contribution that matches our potential, we need to be more active, more coherent and more capable. And we need to work with others (...) the challenge now is to bring together the different instruments and capabilities".

In pursuing this objective, the European Council endorsed a WMD Strategy which requested this effort to be "a central element in the EU's external action. The EU must act with resolve, using all instruments and policies at its disposal."

II. OBJECTIVES: ENHANCING EFFECTIVENESS AND CONSISTENCY

3. The present concept paper aims at enhancing effectiveness and consistency without any modification of institutional settings and prerogatives, by establishing a cooperative working method which allows the Council Secretariat/HR, the Commission services and Member States to work together, and ensure better synergy. This is without prejudice to the prerogatives of the Presidency. The aim of the paper is not to create a new structure or a new agency nor to have a new budget. It is about endorsing and making official a working method, after a practice acquired over 3 years of work in several areas of implementation of the EU WMD Strategy. This paper is entirely in line with the objectives recently set by the June 2006 European Council regarding external action ("Improving the efficiency, coherence and visibility of the Union's external policies"), in particular the objective, "on the basis of the existing treaties", to "improve strategic planning and coherence between the Union's various external policy instruments as well as cooperation between the EU institutions and between the latter and the Member States".
4. Non-proliferation and disarmament are key areas of CFSP . EU institutions and Member States should further enhance synergies of their actions. In the area of assistance to third States, it is clear that Member States have taken on the bulk of existing commitments themselves. In addition there is an important role for a number of international organisations to which Member States and the EU institutions have channelled funds and provided expertise. A whole range of CFSP Actions has been taken by the Council and there are a number of Community instruments which contribute to non-proliferation.
5. It is therefore crucial to enhance coherence in the overall contributions made by the EU and its Member States in order to further improve synergies and avoid possible duplication. Priority setting as a follow up to the WMD strategy continues therefore to be of prime importance. In addition it would be useful to enhance monitoring of what the EU as a whole does in this field. It would also be important to monitor the consistency and complementarity of ongoing and planned EU activities against the background of political priorities identified by the WMD Strategy and the Council. Furthermore it remains important to propose regularly a "list of priorities" allowing Member States to determine action for the future.

III. SOLUTION OFFERED BY THE WMD STRATEGY

6. The WMD Strategy itself offers a possibility for further improvement in these areas: Chapter III, D 2 of the EU WMD Strategy formulates the mandate for a mechanism to be set up as follows:

"Setting up, as agreed in Thessalonica, a unit which would function as a monitoring centre, entrusted with the monitoring of the consistent implementation of the EU Strategy and the collection of information and intelligence, in liaison with the Situation Centre. This monitoring centre would be set up at the Council Secretariat and fully associate the Commission".

7. **A WMD Monitoring Centre (WMD-MC)** could take on the monitoring task described above (i.e. point II) , building on the resources which have been developed inside the Council Secretariat since the adoption of the WMD Strategy in 2003. The SG/HR has appointed a Personal Representative for WMD, supported by a small office. This entity already has an important role in:

- Implementing and developing the EU WMD Strategy.
- Creating synergy between efforts by various EU actors involved, i.e. Member States, the European Commission, the High Representative.
- Political dialogue and information inside and outside the EU.

8. The scope of the tasks of the WMD-MC, set out in para.9, would coincide with the scope of the EU WMD Strategy, that is all activities in the fight against proliferation of WMD and their means of delivery (such as ballistic missiles), as described in the EU WMD Strategy and categorised therein in Chapter III:

A) Building on effective multilateralism.

- i) Universalisation and strengthening of the main treaties, agreements and verification arrangements on disarmament and non-proliferation;
- ii) Fostering the role of the UN Security Council, and enhancing expertise in meeting the challenge of proliferation;
- iii) Enhancing political, financial and technical support to verification regimes;
- iv) Strengthening export control policies and practices with partners of the export control regimes; advocating adherence to effective export control rules by countries outside the regimes and strengthening regimes.
- v) Enhancing the security of proliferation-sensitive materials, equipment and expertise in the EU;
- vi) Strengthening identification, control and interception of illegal trafficking.

B) Promoting a stable international and regional environment

- i) Reinforcing EU co-operative threat reduction programmes
- ii) Mainstream WMD non-proliferation concerns into the EU's political, diplomatic and economic activities and programmes.

C) Cooperating closely with key partners:

- i) Ensuring adequate follow-up to bilateral documents on non-proliferation;
- ii) Ensuring coordination and new joint initiatives.

The key objectives for the work of the WMD-MC would be those identified in the EU WMD Strategy adopted in 2003. The WMD-MC, in developing its activity, would also prepare the ground for regularly updating the "List of priorities for a coherent implementation of the EU WMD Strategy". The updated versions of the list of priorities would be adopted by the Council after discussion in the relevant Working Groups and endorsement by the PSC. This List of priorities would give additional guidelines for the WMD-MC in implementing its mandate.

9. The tasks of the WMD-MC would cover:

i) day-to-day implementation of the WMD Strategy

- monitor the consistent implementation of the EU WMD Strategy
- Ensure continuity of implementation throughout rotation of EU Presidencies
- Support to relevant Council fora (Working Groups, PSC, Coreper, Council)
- Support and ensure continuity in political dialogue with third parties, in particular concerning strategic/security dialogue with partner countries.

ii) Further development of the WMD Strategy

- update regularly WMD threat assessments, in close coordination with the Situation Centre, in order to guide EU action in implementing the EU WMD Strategy.
- preparations of proposals for updating the List of priorities for a coherent implementation of the EU WMD Strategy
- suggestions for revision of WMD Strategy
- work towards consistency of policy papers, action plans, legislative acts in relation to WMD non-proliferation issues

iii) Coherence of assistance programmes (Joint Actions and Community programmes)

- The Council Secretariat/HR and the Commission working together in the WMD-MC could ensure coherence of the planning of activities under CFSP (Joint Actions) and Community Programmes, in particular Cooperative Threat Reduction programmes
- Monitor project definition and implementation

iv) **Contacts with third countries and organisations**

- participation in, and support to the Presidency in the coordination of EU political dialogue with third countries as far as non-proliferation issues are concerned.
- Serve as a focal point for implementation of the EU WMD Strategy for third countries and national, international and multinational organisations, in particular UN, IAEA, OPCW, CTBTO, G8 and NATO as appropriate.

IV. INVOLVEMENT OF ALL RELEVANT EU ACTORS

10. It will be important to maximise the output of the WMD-MC through an inclusive and flexible cooperation involving all relevant actors within the EU. This means that there should be a focal point (Office of the Personal Representative) with a core of permanent staff from the Council Secretariat. In addition, an active involvement of Member States in the work of the WMD-MC is crucial. Member States are encouraged to ensure an optimal coverage of all thematic and country-related WMD-related non-proliferation and disarmament issues and to make expertise available to the WMD-MC. It might be useful, specifically, to set up ad-hoc task forces and/or networks/rosters of experts to be made available by Member States, in particular for outreach activities. This would not imply a secondment of these experts to the Office of the Personal Representative of the HR.

Ad hoc Task Forces: an EU task force has already been put in place in the preparations for the upcoming BTWC Review Conference. This model could be used, where appropriate, in other areas and for other specific challenges (e.g. UNSCR 1540, nuclear terrorism). It can require specific meetings and can also rely on e-network.

Rosters of experts: specific cooperation initiatives by the EU rely extensively on Member States' expertise and human resources. Ongoing experience in outreach activities on Export Controls (EU workshops, Pilot Project) has shown that national experts are required in particular for the conduct of cooperation and assistance programmes. The same goes now for the implementation of EU Joint Actions which foresee assistance to third countries in drafting legislation and capacity-building (e.g. Joint Action in support of BTWC and possible future follow-up Joint Actions in support of UNSCR 1540).

11. The Working Groups CODUN and CONOP would continue to serve as the framework for interaction between Member States and the WMD-MC respectively. Member States should ensure to be well prepared for focussed discussions in the Working Groups in order to be able to finalise the proposals, before they are put forward to PSC and Council. The WMD-MC would brief the relevant Working Groups regularly on its activities, projects, and contacts with countries and other relevant aspects of its work. The Working Groups would decide, following a suggestion by the Presidency and /or the WMD-MC, on a case by case basis on making use of the new instruments proposed under 10. (Ad-hoc task forces/rosters of experts). The Member States would be invited to designate a point of contact as a regular interlocutor for the WMD-MC in order to facilitate interaction regarding i.a. exchange of information and organizational questions between Member States and the WMD-MC.

12. The full association of the Commission to the work of the Centre is essential. The WMD-MC would be an opportunity for the Council and the Commission to step up cooperation and better exploit synergies. This liaison function with the WMD MC would be performed by DG Relex which would in turn use existing inter-service formats inside the Commission services in order to facilitate coordination with the WMD-MC. Through this liaison function, the Council and the Commission, working together within the WMD MC, would be in a position to present to the outside world a perfectly unified EU position on all matters related to WMD.

In addition, a more substantial dialogue at early stages of planning between Council Secretariat and Commission services will help Council Secretariat/HR to design draft CFSP Joint Actions and Commission services to mainstream non-proliferation objectives into its planning and programming of relevant Community instruments (e.g. Stability Instrument, New Neighbourhood Instrument and Country programmes), so as to better ensure complementarity and synergy between 1st and 2nd pillar actions in the fight against WMD proliferation. The Commission cooperation with the WMD Centre is without prejudice to the Commission prerogatives as provided for by the Treaties, in particular the right of initiative of the Commission. The internal Commission decision - making procedures would in no-way be modified. However the preliminary work carried out within the WMD Centre could provide the Commission useful elements from which the internal process would benefit.

13. Among the tasks mentioned by the European Council (WMD Strategy) is the "collection of information and intelligence". Intelligence would indeed be an important element for the work of the WMD-MC, in order to create a solid basis for the overall monitoring of non-proliferation issues, the development and implementation of EU actions and the preparation of policy decisions by the EU. The EU Situation Centre, which comprises a team of officials focusing on non- proliferation, is already devoting its efforts to collect information and intelligence within the EU. Therefore the WMD-MC would benefit from the work of the Sitcen and could task the SitCen to establish threat assessments. It follows therefore that Member States develop further their intelligence exchange with the SITCEN to assist it in supporting the WMD-MC.

The WMD-MC will continue to work in close co-operation with the EU Situation Centre and with the Coordinator for Counter-Terrorism, as well as with the other relevant departments of the Council Secretariat.

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This concept paper has been elaborated in such a way as not to imply any increase in terms of staff and budget. Should a permanent strengthening of expertise within the WMD -MC, especially through the secondment of Detached National Experts (DNE), be envisaged at a later stage, that would require a decision of the Authority Responsible for Concluding Contracts of Employment and an agreement in COREPER.
