



Council of the  
European Union

Brussels, 13 June 2023  
(OR. en)

9636/23

LIMITE

CORLX 522  
CFSP/PESC 751  
COTER 103  
CONOP 41  
CONUN 126  
COARM 121

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism

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**COUNCIL DECISION (CFSP) 2023/...**

**of ...**

**on Union support for the universalisation and effective implementation of  
the International Convention for the Suppression of Acts of Nuclear Terrorism**

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'), which states that non-proliferation, disarmament and arms control can make an essential contribution in the global fight against terrorism by reducing the risk of non-State actors gaining access to weapons of mass destruction, radioactive materials and means of delivery. Chapter III of the Strategy contains a list of measures that need to be taken, both within the Union and in third countries, 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 by working towards the universalisation and, where necessary, strengthening of the main treaties, agreements and verification arrangements on disarmament and non-proliferation, and by releasing financial resources to support specific projects conducted by multilateral institutions such as the UN Office on Drugs and Crime (UNODC) and the UN Office of Counter-Terrorism (UNOCT).
- (3) On 13 April 2005, the UN General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism, which was opened for signature on 14 September 2005.

- (4) In his Agenda for Disarmament entitled ‘Securing our Common Future’, which was launched on 24 May 2018, the UN Secretary-General noted that nuclear risks were unacceptable and that they were growing.
- (5) On 10 December 2018, the Council adopted Decision (CFSP) 2018/1939<sup>1</sup>.
- (6) On 7 June 2021, the Council adopted Decision (CFSP) 2021/919<sup>2</sup>, amending Decision (CFSP) 2018/1939 and extending its implementation until 30 November 2022 in view of the continuing challenges arising from the COVID-19 pandemic.
- (7) On 8 November 2022, the Council adopted Decision (CFSP) 2022/2185<sup>3</sup>, amending Decision (CFSP) 2018/1939 and further extending its implementation until 30 June 2023 in view of the continued delay in the implementation of project activities under Decision (CFSP) 2018/1939 due to the impact of the COVID-19 pandemic.

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<sup>1</sup> Council Decision (CFSP) 2018/1939 of 10 December 2018 on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (OJ L 314, 11.12.2018, p. 41).

<sup>2</sup> Council Decision (CFSP) 2021/919 of 7 June 2021 amending Decision (CFSP) 2018/1939 on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism (OJ L 201, 8.6.2021, p. 27).

<sup>3</sup> Council Decision (CFSP) 2022/2185 of 8 November 2022 amending Decision (CFSP) 2018/1939 on Union support for the universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear terrorism (OJ L 288, 9.11.2022, p. 80).

- (8) 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, and expresses the Union's objective of reinforcing concrete actions in support of the goals of disarmament, non-proliferation and arms control. It also mentions the transnational threat of terrorism as a continuous challenge and the Union's will to strengthen its response to better prevent and counter terrorism.
- (9) The technical implementation of this Decision should be entrusted to the UNODC and the UN Counter-Terrorism Centre (UNCCT) of the UNOCT.
- (10) This Decision should be implemented in accordance with the Financial and Administrative Framework Agreement concluded by the European 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*

1. With a view to the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction, 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 universalisation and effective implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism ('ICSANT') through an operational action.
2. The objectives of the action referred to in paragraph 1 shall be to:
  - (a) increase the number of States initiating processes to become party to ICSANT and heighten awareness and knowledge of ICSANT among beneficiaries, such as national policy- and decision-makers, and in international fora;
  - (b) improve national legislation and the capacity of criminal justice officials and other relevant national stakeholders in beneficiary countries to investigate, prosecute and adjudicate cases in which ICSANT is of relevance;
  - (c) enhance policies, practices and procedures to prevent, detect and respond to the threat of non-State actors, including terrorists, acquiring, possessing and/or using nuclear or other radioactive material;

- (d) improve knowledge and understanding of the threat of radiological and nuclear terrorism and other criminal conduct involving such materials;
  - (e) enhance national and international cooperation, including information exchange, within and among State Parties, in devising and adopting effective and practical measures to effectively implement the Convention.
3. A detailed description of the action referred to in paragraph 1 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 UNODC and the UNOCT.
3. The UNODC and the UNOCT 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 UNODC and the UNOCT.

### *Article 3*

1. The financial reference amount for the implementation of the action to be financed by the Union referred to in Article 1 shall be EUR 4 000 000,82.
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 reference amount referred to in paragraph 1. For that purpose, it shall conclude contribution agreements with the UNODC and the UNOCT. The contribution agreements shall stipulate that the UNODC and the UNOCT are to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the agreements 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 agreements.

*Article 4*

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports by the UNODC and the UNOCT. These regular 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*

This Decision shall enter into force on the date of its adoption.

This Decision shall expire 36 months after the date of the conclusion of the agreements 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*

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