

DECISIONS

COUNCIL DECISION (CFSP) 2021/2072

of 25 November 2021

in support of building resilience in biosafety and biosecurity through the Biological and Toxin Weapons Convention

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 'EU Strategy'), Chapter III of which contains a list of measures to combat such proliferation.
- (2) The Union is actively implementing the EU Strategy and is giving effect to the measures listed in Chapter III thereof, in particular those measures related to reinforcement, implementation and universalisation of the Biological and Toxin Weapons Convention (BTWC).
- (3) On 20 March 2006, the Council adopted the EU Action Plan on biological and toxin weapons, complementary to Joint Action 2006/184/CFSP ⁽¹⁾ in support of the BTWC.
- (4) On 16 November 2015, the Council adopted Decision (CFSP) 2015/2096 ⁽²⁾ on the position of the Union at the Eighth Review Conference of the States Parties to the BTWC.
- (5) The Eighth Review Conference of the BTWC decided to renew the mandate of the Implementation Support Unit (ISU) established within the Geneva Branch of the UN Office for Disarmament Affairs (UNODA) and agreed to at the Seventh Review Conference of the BTWC, for the period from 2017 to 2021.
- (6) On 21 January 2019, the Council adopted Decision (CFSP) 2019/97 ⁽³⁾ in support of the BTWC, in the framework of the EU Strategy. This Decision complements Decision (CFSP) 2019/97 by further strengthening biosafety and biosecurity at the national, regional, and international levels against the backdrop of the ongoing COVID-19 pandemic.
- (7) Considering the lessons learnt from the COVID-19 pandemic, there is a need to step up efforts to improve biosafety and biosecurity at the international, regional and national levels,

⁽¹⁾ Council Joint Action 2006/184/CFSP of 27 February 2006 in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 65, 7.3.2006, p. 51).

⁽²⁾ Council Decision (CFSP) 2015/2096 of 16 November 2015 on the position of the European Union relating to the Eighth Review Conference of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) (OJ L 303, 20.11.2015, p. 13).

⁽³⁾ Council Decision (CFSP) 2019/97 of 21 January 2019 in support of the Biological and Toxin Weapons Convention in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 19, 22.1.2019, p. 11).

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision is guided by the following principles:
 - (a) making best use of the experience gained through previous Joint Actions and Council Decisions in support of the BTWC;
 - (b) taking into account specific needs expressed by States Parties as well as by States not party to the BTWC with respect to strengthening biosafety and biosecurity at the national, regional and international levels through the BTWC;
 - (c) encouraging local and regional ownership of the projects, in order to ensure their long-term sustainability and to build a partnership between the Union and third parties in the framework of the BTWC;
 - (d) focusing on those activities that have brought concrete results in terms of strengthening national, regional and international assistance, response and preparedness capabilities;
 - (e) contributing to the advancement of the peace and security- and health-related objectives through the effective implementation of the BTWC by States Parties.
2. The Union shall support the following projects corresponding to measures of the EU Strategy:
 - (a) strengthening biosafety and biosecurity capabilities in Africa through increased regional coordination;
 - (b) capacity building for BTWC National Contact Points;
 - (c) facilitating the review of developments in science and technology of relevance to the BTWC by also involving academia and industry;
 - (d) broadening the support for voluntary transparency exercises.

A detailed description of these projects is set out in the Project Document set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (HR) 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 this task under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with UNODA.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 2 147 443,52.
2. The expenditure financed by the 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 1. 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 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 conclusion of the agreement.

Article 4

The HR 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 projects referred to in Article 1(2).

Article 5

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 24 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 Brussels, 25 November 2021.

For the Council

The President

Z. POČIVALŠEK

ANNEX

Project in support of Resilience in Biosafety and Biosecurity through the Biological and Toxin Weapons Convention (BTWC)**1. BACKGROUND**

The COVID-19 pandemic has demonstrated the global disruption, which can be caused by infectious diseases and has highlighted the lack of preparedness at national, regional, and international levels to respond to biological events. If such a disease was deliberately manipulated to be more virulent, or intentionally released in multiple places at once, it could lead to an even greater global crisis. At the same time, advances in biotechnology also need to be considered as they can lead to multiple benefits with a positive impact on sustainable development but bear multiple risks with potentially catastrophic consequences. In these circumstances, there is a need to step up efforts to address biosafety and biosecurity issues in the context of the Biological and Toxin Weapons Convention.

2. OBJECTIVES

This Council Decision is designed to specifically strengthen biosafety and biosecurity at the national, regional, and international levels against the backdrop of the ongoing COVID-19 pandemic. This Decision will complement Council Decision (CFSP) 2019/97 of 21 January 2019 ⁽¹⁾ in support of the BTWC. Decision 2019/97 is being implemented by the United Nations Office for Disarmament Affairs (UNODA) Geneva Branch, in close cooperation with the BTWC Implementation Support Unit (ISU). As applicable, this Decision will build upon achievements of Decision 2019/97 and previous Joint Actions and Council Decisions in support of the BTWC, without duplicating any ongoing activities ⁽²⁾. During the implementation phase of this Decision, best use will be made of possible synergies with Decision 2019/97.

This Council Decision will be guided by the following principles:

- (a) making best use of the experience gained through previous Joint Actions and Council Decisions in support of the BTWC;
- (b) taking into account specific needs expressed by States Parties as well as States not party to the BTWC with respect to strengthening biosafety and biosecurity at the national, regional and international levels through the BTWC;
- (c) encouraging local and regional ownership of the projects in order to ensure their long-term sustainability and to build a partnership between the European Union and third parties in the framework of the BTWC;
- (d) focusing on those activities that have shown to bring concrete results in terms of strengthening national, regional and international assistance, response and preparedness capabilities;
- (e) contributing to the advancement of the peace and security- and health-related objectives through the effective implementation of BTWC by States Parties.

3. PROJECTS**3.1. Project 1 – Strengthening biosafety and biosecurity capabilities in Africa through increased regional coordination****3.1.1. Project Purpose**

This project focuses on strengthening the implementation of the BTWC and advancing its universalization on the African continent, by increasing the capacities of national authorities and regional entities and organizations dealing with biosafety and biosecurity issues in Africa. The project also aims at increasing cooperation and coordination among these actors.

⁽¹⁾ The main workstreams of EU CD 2019/97 are universalization, assistance programs to strengthen the implementation of the BTWC at national levels, creation of biosecurity networks among young scientist from the Global South, support of the intersessional programme and the 9th Review Conference as well as the development of outreach and educational materials.

⁽²⁾ Joint Actions 2006/184/CFSP and 2008/858/CFSP and Council Decisions 2012/421/CFSP and 2016/51/CFSP.

Presently 14 States – four signatory and ten non-signatory States – have not yet ratified or acceded to the BTWC. Eight of these States are in Africa: Chad, Comoros, Djibouti, Egypt, Eritrea, Namibia, Somalia and South Sudan. Two of these States, Egypt and Somalia, are signatories to the BTWC, while the other six States have not signed the Convention. The African continent is therefore a priority area in terms of the universalization of the BTWC. Furthermore, the implementation of the Convention could be considerably strengthened by increasing the biosafety and biosecurity capacities of its African States Parties.

3.1.2. Project Description

This project will include the creation of a P3 Political Affairs Officer position based in Addis Ababa to work specifically towards the universalization and strengthened implementation of the Convention on the African continent and explore opportunities for synergies with regional frameworks on peace and security, health security and development. Concretely, the Political Affairs Officer would be responsible for the following tasks:

- (a) provide legislative assistance to States parties wishing to improve their BTWC related legislation as well as to States interested in joining the Convention and intending to review and adjust their existing legislation;
- (b) provide specific trainings to States Parties on the elaboration and submission of BTWC Confidence-Building Measures (CBM) reports;
- (c) assist African BTWC States Parties with queries related to CBMs. This additional assistance, which would reinforce the support already provided by the BTWC ISU, aims at achieving a higher number and quality of CBM reports being submitted by African States Parties;
- (d) liaise closely with African States not party to the BTWC, including through their Permanent Missions to the African Union in Addis Ababa, to identify specific national challenges to the accession to or ratification of the Convention and facilitate respective accession/ratification processes by providing related technical and legislative assistance as required;
- (e) liaise closely and coordinate activities with relevant stakeholders, sub-regional groupings and partner organizations based in Africa ^(?); and
- (f) support the implementation of all other activities under this EU Council Decision in Africa.

The Political Affairs Officer will be supported by external consultants for specific substantive assignments (e.g. the provision of legislative support and technical assistance), as necessary. UNODA's presence in Africa through its Regional Centre for Peace and Disarmament in Africa (UNREC) will be used to facilitate and support aspects of the activities as appropriate.

All activities of the Political Affairs Officer will be coordinated closely with the BTWC ISU and the EU Council Decision project staff based in Geneva. The Political Affairs Officer will work closely with UNODA's UN Security Council 1540 (2004) ^(*) Regional Coordinator for Africa and will be based in the United Nations Economic Commission for Africa (UN ECA) building in Addis Ababa.

3.1.3. Expected Results of the Project

This Project is expected to advance the universalization and to improve national implementation of the Convention on the African continent. It also aims at increasing cooperation and coordination among national authorities and regional entities and organizations dealing with biosafety and biosecurity issues in Africa.

^(?) Such as the Africa Centre for Disease Control and Prevention (Africa CDC) with regard to its *Biosafety and Biosecurity Initiative*, the African Union Commission's Peace and Security Department, the AU Development Agency – African Biosafety Network of Expertise (AUDA-NEPAD), Regional Economic Communities (RECs) and other relevant AU entities, as well as the Global Partnership Biological Security Working Group's Signature Initiative.

^(*) In resolution 1540 (2004), the Security Council decided that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes.

With the anchoring of the Political Affairs Officer position in Addis Ababa it is expected that the greater proximity to national authorities in Africa, relevant embassies in Addis Ababa and regional policy-making platforms will contribute decisively to advancing the implementation of the BTWC and universalization of the Convention in Africa as outlined above.

3.2. Project 2 – Capacity building for BTWC National Contact Points

3.2.1. Project Purpose

This project aims at creating training materials and providing dedicated training to BTWC National Contact Points (NCPs) on national implementation of the BTWC. It also intends to create means and opportunities for dialogue and exchange of information on the national implementation of the BTWC among the NCPs, including the sharing of best practices. The objective of this project is to strengthen the implementation of the BTWC by providing dedicated capacity-building to NCPs and engendering greater exchange and cooperation among them at the regional and international levels.

The Sixth Review Conference in 2006 decided that each State Party should designate a national point of contact for:

- Coordinating national implementation and communicating with other States Parties and relevant international organizations;
- Preparing and submitting the annual Confidence-Building Measures (CBM) reports;
- Exchanging information on universalization efforts.

Out of the current 183 States Parties, only 134 States have to date nominated NCPs. The NCPs are embedded in different entities at the domestic level, have different backgrounds and varying levels of prior knowledge on the BTWC. To date, trainings for BTWC NCPs are only available on an ad hoc basis and preconditioned by the provision of funding by donors.

3.2.2. Project Description

This project includes the elaboration of a standardized training course, made available to all NCPs. The training course will either be provided online or in-person in the different regions (depending on the evolution of the COVID-19 pandemic) for national representatives serving as BTWC NCPs. The training course will involve information on all aspects of national implementation of the BTWC, including the elaboration of BTWC Confidence-Building Measures reports and addressing legislative issues. The training will build upon the *Guide on Implementing the BTWC*, which is being developed under EU Council Decision 2019/97.

While the BTWC ISU makes the contact details of all designated NCPs available to all States Parties on a separate, restricted access page, there exist no formalized ways for the NCPs to interact with each other. The present project therefore foresees the holding of a series of informal - virtual or in-person - regional dialogue fora for BTWC NCPs in order to facilitate information exchange and sharing of best practices.

Furthermore, an event will be held in Geneva bringing together all BTWC NCPs, for example before the BTWC Meeting of States Parties, to allow for the exchange of information and networking among the NCPs across regions, similar to the OPCW's Annual Meeting of National Authorities under the Chemical Weapons Convention. The restricted access page will also be further expanded to serve as a repository of relevant information for NCPs, including all relevant training materials, and as an interactive platform allowing the NCPs to interact with each other and the BTWC ISU. The restricted access page will be maintained and administered by the BTWC ISU to ensure a continued facilitated exchange among NCPs beyond the conclusion of this Council Decision.

Both the training course as well as the dialogue fora have a strong networking component, as the NCPs would get an opportunity to get to know and liaise with each other.

3.2.3. Expected Results of the Project

As a positive consequence of this training course, it is expected that through the provision of the training programme more States Parties will nominate NCPs. It is also expected that the provided training will result in higher numbers and quality of annually submitted Confidence-Building Measures reports, which will provide additional information on the status of the implementation of the Convention globally. In order to ensure sustainability, the training materials will be conceptualized in a way to be usable and accessible to NCPs for future trainings after the conclusion of this Council Decision. This Project is furthermore expected to facilitate information exchange and sharing of best practices between NCPs.

3.3. Project 3 – Facilitating the review of developments in Science & Technology of relevance to the BTWC by also involving academia and industry

3.3.1. Project Purpose

This project aims at facilitating the review of science and technology (S&T) of relevance to the Convention. States Parties to the BTWC have repeatedly recognized the importance of staying informed about relevant advances in science and technology. Such advances could on the one hand pose risks which could lead to potential breaches of the Convention and on the other hand can be of benefit to the Convention by, for example, improving vaccines and the diagnosis of diseases. As the technology surrounding the BTWC is inherently dual-use, the constant involvement of and exchange with academia and industry is of great importance.

3.3.2. Project Description

This project consists of holding of an international science and technology conference in preparation for the Ninth Review Conference, targeting mainly experts from academia, governments and industry to incorporate their views into the discussions that will feed into the programme of the Ninth Review Conference. The conference will, as applicable, take into account and build upon the outcomes of the five regional S&T workshops held in the framework of EU Council Decision (CFSP) 2016/51 in support of the BTWC. The conference will also address S&T-related proposals of BTWC States Parties, such as the introduction of a code of conduct for bio-scientists and efforts to establish a S&T review mechanism, which will be subjects of renewed discussions during the Ninth Review Conference. The conference will be held in a country of the Global South, for example in one of the sponsors ⁽ⁱ⁾ of the UNGA resolution on the “Role of science and technology in the context of international security and disarmament”. In case the holding of the conference in an in-person setting is not feasible due to the COVID-19 pandemic, a virtual format will be applied. For the organization and holding of the conference, an external consultant with a relevant background and close ties with academia and/or industry will be engaged. The external consultant will also be tasked to work on the development of a longer-term strategy for greater multi-stakeholder engagement under the BTWC.

The S&T conference will be complemented by the creation of a “Science for Diplomats” initiative which aims at ensuring that policy makers are aware of how technological and scientific advances can both benefit and challenge the Convention. The “Science for Diplomats” initiative will consist of the organization of a series of events focusing on technological developments of particular importance to the Convention. The external consultant will also be responsible for the organization of the “Science for Diplomats” events.

3.3.3. Expected Results of the Project

The S&T conference is expected to inform and feed into the substantive discussions that will take place during the Ninth Review Conference. The discussion of relevant S&T-related proposals of BTWC States Parties, such as the introduction of a code of conduct for bio-scientists and efforts to establish a S&T review mechanism, aims at facilitating the formulation of national and/or regional positions as well as the discussion and negotiation of these proposals at the Ninth Review Conference.

The “Science for Diplomats” initiative aims at familiarizing policy makers with key technological and scientific advances of relevance to the Convention.

⁽ⁱ⁾ See <https://undocs.org/en/A/RES/73/32>

3.4. Project 4 – Broadening support for voluntary transparency exercises

3.4.1. Project Purpose

The project has the objective of promoting transparency and building confidence under the Convention. It builds upon past voluntary transparency exercises carried out by States Parties since 2011 and aims at further enhancing the support for such initiatives through the establishment of an exchange platform for voluntary transparency exercises. It also includes, inter alia, the conduct of a comprehensive analysis to identify lessons from those activities as well as a set of practical activities in support of the concept.

3.4.2. Project Description

Since 2011, 15 States Parties have undertaken voluntary initiatives to host different types of transparency exercises under the Convention. These exercises brought together 35 countries from all regional groups. While previous activities have differed in their specific aims and objectives, format, level of participation and duration, they build upon one common understanding: all are voluntarily agreed either bilaterally, multilaterally or by a process open to all States Parties that are interested to make use of the peer review opportunities. This approach allows the tailoring of various key parameters according to the preferences of the organizing/participating States Parties. Voluntary transparency exercises can address various aspects such as national implementation, international assistance and cooperation, preparedness and response, export control, biosafety and biosecurity legislation, or the preparation of Confidence-Building Measures reports.

The project foresees the establishment of an online compendium of all transparency exercises in the form of a searchable database on all activities conducted so far and the compilation of a comprehensive study on past transparency exercises, including lessons identified from the various activities. The study will be carried out in close collaboration with UNIDIR. In addition, UNODA will seek to partner with interested regional and international organizations, including the EU CBRN Centres of Excellence, in the implementation of the project. The establishment of the online compendium and the elaboration of the study on past exercises will be assigned to external consultants.

3.4.3. Expected Results of the Project

The project is expected to strengthen the implementation of the Convention through the sharing of information and best practices among States Parties on voluntary transparency exercises and to help identify needs for assistance and cooperation under Article X of the BTWC. It will also help to create a dialogue forum on such initiatives among interested States Parties.

4. STAFFING ISSUES

The implementation of this Council Decision will require staffing presence in Geneva to ensure the coordinated and streamlined implementation of all activities under this Council Decision. It is therefore necessary to have a P2 Political Affairs Officer and a GS4 Administrative Assistant based in the UNODA Geneva Branch. As outlined above, a P3 Political Affairs Officer will be based in Addis Ababa. The P2 and P3 Political Affairs Officers and GS4 Administrative Assistant will report to the P3 Political Affairs Officer overseeing the implementation of Decision Council 2019/97 in order to ensure a streamlined and coordinated implementation of both Council Decisions.

Given the high degree of specialization required for the provision of legislative and technical assistance in Africa, the modernization of the NCP website and elaboration of training materials for NCPs, the organization of the S&T Conference and realization of the “Science for Diplomats” initiative, the establishment of the online compendium on the voluntary transparency exercises and the elaboration of the study of past exercises and best practices, it will be necessary to engage external consultants to those ends.

5. REPORTING

The UNODA/BTWC-ISU will submit to the HR six-monthly progress reports on the implementation of the projects.

6. DURATION

The total estimated duration of the projects' implementation is 24 months.

7. EU VISIBILITY

UNODA/BTWC-ISU will take all appropriate measures to publicise the fact that the activities conducted have been funded by the Union. Such measures will be carried out in accordance with the Commission Communication and Visibility Manual for EU External Actions laid down and published by the European Commission. UNODA/BTWC-ISU will thus ensure the visibility of the Union contribution with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of its actions, and raising awareness of the reasons for this Decision as well as awareness of Union support for this Decision and the results of that support. Material produced by the projects will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

8. BENEFICIARIES

The beneficiaries of Project 1 will be States Parties to the BTWC with regard to the provision of legal and technical assistance and States non-Parties (both signatory States and non-signatory States) to the BTWC with regard to universalization activities, including relevant stakeholders from the private sector, academia and NGOs as well as sub-regional groupings and partner organizations based in Africa ⁽⁶⁾, where appropriate.

The beneficiaries of Project 2 in relation to capacity building for BTWC National Contact Points are States Parties to the BTWC, particularly officials designated as national contact points.

The beneficiaries of Project 3 on facilitating the review of developments in Science & Technology of relevance to the Convention will be officials, scientists, academics and industry representatives from BTWC States Parties.

The beneficiaries of Project 4 in relation to broadening support for voluntary transparency exercises will be States Parties to the BTWC.

⁽⁶⁾ Such as the Africa Centre for Disease Control and Prevention (Africa CDC) with regard to its *Biosafety and Biosecurity Initiative*, the African Union Commission's Peace and Security Department, the AU Development Agency – African Biosafety Network of Expertise (AUDA-NEPAD), Regional Economic Communities (RECs) and other relevant AU entities, as well as the Global Partnership Biological Security Working Group's Signature Initiative.