

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**

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 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 weapons-related material. It also called upon States to present the Committee of the Security Council 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 sub-regional 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), to 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 to 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 to the implementation of UNSCR 1540 (2004), that has since 2006 been channelled through the implementation of Council Joint Actions 2006/419/CFSP ⁽¹⁾ and 2008/368/CFSP ⁽²⁾ and Council Decisions 2013/391/CFSP ⁽³⁾ and (CFSP) 2017/809 ⁽⁴⁾, 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.
- (8) There is a need for continued Union support to the implementation of UNSCR 1540 (2004).
- (9) The Union should therefore adopt this Decision in order to provide the necessary support.
- (10) 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.
- (11) This Decision is guided by the principle of making best use of the experience gained through previous Joint Actions and Council Decisions in support of the implementation of UNSCR 1540 (2004). It takes into account specific needs expressed by States and tailored approaches in support of those needs and encourages national and regional ownership of the activities in order to ensure their long-term sustainability. This Decision is based on the principle of building partnerships between the Union and third parties in the framework of UNSCR 1540 (2004) to ensure synergies and complementarities and focuses on those activities that have brought concrete results in terms of strengthening national implementation, enhanced assistance, awareness raising and engagement on UNSCR 1540 (2004).
- (12) 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 of the EU strategy against the proliferation of weapons of mass destruction:

- (a) thematic capacity-building workshops and trainings for up to five assistance requests from States;
- (b) Regional Points of Contact Training;
- (c) support the development of National Action Plans and provide tailored support;
- (d) Virtual Regional Assistance Conference on UNSCR 1540 (2004) implementation;
- (e) Regional Outreach Conferences;
- (f) Knowledge Generation and Dissemination.

A detailed description of those activities is set out in the Annex to this Decision.

⁽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).

⁽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).

⁽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).

⁽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).

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 that 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 activities referred to in Article 1 shall be EUR 2 368 769,46.
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 that 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 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 on 21 September 2023 if that agreement has not been concluded by that date.

Done at Brussels, 20 March 2023.

For the Council

The President

J. BORRELL FONTELLES

ANNEX

PROJECT DOCUMENT

RELATED TO EU 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

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1. BACKGROUND

In accordance with the European Union (EU) strategy against the proliferation of weapons of mass destruction adopted on 12 December 2003, which sets the objective of fostering the role of the United Nations Security Council and of enhancing its expertise in addressing the challenges of proliferation, the EU has further supported the implementation of UN Security Council Resolution 1540 (2004) ('UNSCR 1540 (2004)') and its subsequent resolutions.

The implementation of Council Joint Action in support of the implementation of UNSCR 1540 (2004) has been delivered by the United Nations Office for Disarmament Affairs (UNODA) through the technical implementation of previous projects, as the Office has been mandated to provide the 1540 Committee and its experts with substantive and logistical support.

2. GENERAL FRAMEWORK

This Council Decision is designed to strengthen the implementation of UNSCR 1540 (2004) and its subsequent resolutions. As applicable, the Council Decision will build upon achievements of EU CD 2017/809 and previous Joint Actions and Council Decisions ⁽¹⁾ in support of the implementation of UNSCR 1540 (2004) being implemented by UNODA, in close cooperation with the Organization for Security and Co-operation in Europe (OSCE).

The implementation of the EU 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 implementation of UNSCR 1540 (2004);
- (b) Taking into account specific needs expressed by States and tailored approaches in support;
- (c) Encouraging national and regional ownership of the projects in order to ensure their long-term sustainability;
- (d) Building partnerships between the EU and third parties in the framework of UNSCR 1540 (2004) to ensure synergies and complementarities; and
- (e) Focusing on those activities that have shown to bring concrete results in terms of strengthening national implementation, enhanced assistance, awareness raising and engagement on UNSCR 1540 (2004).

3. OBJECTIVES

Taking advantage of the progress made through previous Council Decisions and the 2022 Comprehensive Review on the Status of Implementation of UNSCR 1540 (2004), UNODA seeks, to continue to promote the implementation of UNSCR 1540 (2004) and its subsequent resolutions through specific measures with the following aims: to enhance the relevant national and regional efforts and capabilities primarily through capacity-building; strengthened capacity and cooperation between Points of Contact; the facilitation of technical thematic assistance with support through international cooperation; and raising public awareness.

Overall objective (expected impact)

The overall objective of the Project is to contribute to international peace and security and to the implementation of the EU strategy against the proliferation of weapons of mass destruction by contributing to better implementation by States of UNSCR 1540 (2004).

⁽¹⁾ Joint Actions 2006/419/CFSP and 2008/368/CFSP and Council Decisions 2013/391/CFSP and 2017/809/CFSP.

Specific objectives

The specific objectives are:

- To enhance the relevant national and regional efforts and capabilities to implement UNSCR 1540, primarily through training, capacity-building and assistance facilitation.
- To strengthen the capacity of Points of Contact (PoC), cooperation and interaction between States and the UNSCR 1540 Committee, as well as among PoC, to assist in the implementation of the resolution.
- To improve the implementation of voluntary UNSCR 1540 (2004) national implementation action plans by supporting their development upon States' request and subsequent access to support in addressing their needs.
- To enhance sub-regional, regional and international cooperation, contributing to achieving greater synergies in the implementation of UNSCR 1540 (2004).
- To enhance awareness of relevant stakeholders, including civil society on the implementation of UNSCR 1540 (2004).
- To enhance the involvement of relevant stakeholders in international, regional and national UNSCR 1540 (2004) implementation efforts.
- To enhance the practical implementation of specific recommendations of the 2009, 2016 and 2022 Comprehensive Reviews on the status of implementation of UNSCR 1540 (2004).

Expected results

This project aims to achieve the following results:

1. Strengthened capacity of government officials, including Points of Contact, to implement the obligations of Resolution 1540 (2004).
2. Effective and realistic national action plans or road maps for the implementation of the key requirements of UNSCR 1540 (2004) developed and the related effective practice and lessons learnt shared.
3. Awareness of governments and civil society on the importance of fully implementing UNSCR 1540 (2004) promoted.

4. ACTIVITIES

Activity 1A: Thematic Capacity Building Workshops and Trainings

Description: Thematic capacity building workshops and trainings for up to five assistance requests from States will be organised, giving priority to States from Latin America and the Caribbean, Africa, and Asia regions. Such assistance will complement the matchmaking function of the 1540 Committee and will be designed to enable States to take additional, practical steps to implement the obligations of UNSCR 1540 (2004) at a national level.

The activity will increase the capacity of government officials and strengthen inter-agency cooperation, contributing to the enhanced implementation of UNSCR 1540 (2004) by States. International organisations and partners will also be invited to provide training, present existing legislative tools and related assistance.

Contingent on national requests and contexts, the objectives of the workshops will be to:

- Raise awareness among participants of resolution 1540;
- Overview the national legislative framework and enforcement measures to identify remaining gaps and prioritise action on enhancing national legislative framework(s) towards fulfilling obligations under resolution 1540 (2004);
- Address the identified gaps and determine the national entities concerned and action required by each; and
- Provide assistance tailored to the needs of States, necessary to build its national capacity.

Activity 1B: Regional PoC Training

Description: Points of Contact act as a link between the Committee and their Government officials. Some PoC also fulfil the role of national coordinator on issues related to the resolution. The implementation of training programmes for 1540 PoC is a critical contribution to enhancing the understanding of the resolution, its implementation challenges, and building the requisite capacities. Support will therefore be provided for two regional/sub-regional training courses for national points of contact nominated by States.

PoC will be provided with an in-depth knowledge of the resolution, strengthening cooperation and communication between States, the Committee and among the PoC. The training courses will provide the opportunity to exchange experiences and approaches among States in the respective regions.

The objective of the training course will be to:

- Impart detailed knowledge of:
- The risks related to the proliferation of weapons of mass destruction and their means of delivery by non-State actors;
- How resolution 1540 interrelates with international and regional legally binding instruments on disarmament and the non-proliferation of weapons of mass destruction and other related regimes and organisations;
- Resolution 1540 and its follow-up resolutions and the role of a national Point of Contact;
- How the 1540 Committee functions, including its assistance mechanism and the importance and methods of reporting.
- To promote and enhance cooperation between Points of Contact at a regional level.

Activity 2A: Support development of NAPs and provide tailored support

Description: Action plans are considered an important tool in the toolkit to support implementation of resolution 1540. They can help States evaluate gaps, prioritise implementation measures, map national stakeholders, and assess required resources and assistance needs. Action plans can thus enable States to follow a tailored and phased approach towards the full and effective implementation of the resolution.

At least two States will be supported in the development of voluntary national action plans or road maps, including the identification and mapping of assistance needs. Such thematic support will enhance capacity for implementation, evaluating gaps, prioritising implementation measures, and assessing required assistance needs. It will also include tailored support for drafting assistance requests, or analysis of existing national legal framework, as applicable, towards fulfilling obligations under resolution 1540 (2004).

The activity will assist the States to have in place voluntary national action plans or road maps with clear targets, timelines and division of labour, including the identification of capacity gaps to inform the drafting of assistance requests and to establish effective partnerships between States and assistance providers. Tailored assistance will be provided on aspects related to UNSCR 1540, including enforcement, national coordination, and analysis of existing national legal framework conducted to identify potential gaps that can be addressed through drafting new or additional legislation and/or regulations towards fulfilling obligations under resolution 1540 (2004).

Activity 2B: Virtual Regional Assistance Conference on UNSCR 1540 (2004) implementation

Description: A virtual conference bringing together States and relevant international, regional and sub-regional organisations will be convened to promote the sharing of experiences in developing national action plans, identify opportunities, lessons learned and effective practices in the areas covered by resolution 1540 (2004), including raising awareness of non-reporting States and training on the development of reports.

The activity will support the engagement by States on experiences in developing national action plans, taking stock of progress made in the implementation of action plans and resolution 1540, sharing accomplishments, recommendations, identifying effective practices and lessons learned as elements for new iterations of action plans, and dialogues initiated towards report submission as applicable. The Conference will be designed in a manner that allows participants to analyse and capture lessons learned at all stages, including formulation, execution, and review of action plans and reports as applicable. The Conference will aim to cover aspects regarding the scope and structure of plans, prioritisation and phasing, stakeholder engagement and buy-in, interagency coordination, resourcing action plans, and international assistance.

Activity 3A: Regional Outreach Conferences

Description: Outreach and awareness raising remain essential in enhancing knowledge on and building commitment towards 1540 implementation. Two regional outreach conferences will be organised to raise awareness amongst policy-makers, and representatives of civil society regarding the importance of the implementation of UNSCR 1540 (2004), including supporting women to be more systematically and deeply involved, ensuring their meaningful participation in the implementation of UNSCR 1540 (2004).

The activity will increase awareness by policy makers, strengthen the role of civil society and contribute towards addressing key issues, providing diverse perspectives, operationalising women's meaningful participation in implementing UNSCR 1540 (2004), and enhanced sub-regional and regional cooperation regarding the implementation of UNSCR 1540 (2004).

Activity 3B: Knowledge Generation and Dissemination

Description: Two knowledge generating outputs will be produced, including publications and thematic webinars to explore the topic of 1540. Recognising the importance of compiling experiences and effective practices, staying informed about relevant advances and providing a better understanding of the interplay between UNSCR 1540 (2004) and areas that may require further research, dialogue, and policy action.

The activity will enhance knowledge among stakeholders on how best to the implement obligations under UNSCR 1540 (2004) and address relevant potential and emerging threats, as well as sharing effective practices which will benefit the work of the Committee.

The themes of the knowledge products will be informed by observed implementation trends, gaps and needs, including those captured in the 2022 Comprehensive Review. These include among others, intangible technology transfers, reporting, and legislative approaches.

5. COORDINATION MECHANISM AND ROLES

UNODA will serve as the implementing organisation that would link the project to the 1540 Committee and its Group of Experts while taking the lead in making use of the UN's convening power to organise activities. As the implementing organisation, UNODA will streamline communications with the donor, organise coordination meetings, compile regular donor reports, and provide political and organisational support to its implementing partners. The project funds will be disbursed and managed in accordance with the rules and regulations of the United Nations.

UNODA will partner with the Organization for Security and Co-operation in Europe (OSCE) on projects implemented in its Participating States, maximising synergies from the participating organisations' strong presence and deep relationships with its Participating States, technical expertise and experience of delivering assistance in the region.

The operational capabilities of UNODA and the OSCE are complementary and UNODA will coordinate regular reporting that will be presented in an annual report on the financial and narrative progress of the project. The reports will be complemented by informal updates via email, videoconference calls and additional ad-hoc meetings as needed.

UNODA will liaise and coordinate with the implementing entities of other relevant programmes and projects funded by the European Union, notably the EU CBRN Centres of Excellence Initiative and the P2P Export Control Programme for Dual-Use Goods of the European Commission as well as projects under the following Council Decisions:

- Council Decision (CFSP) 2019/97 of 21 January 2019 in support of the Biological and Toxin Weapons Convention;
- Council Decision (CFSP) 2019/1296 of 31 July 2019 in support of strengthening biological safety and security in Ukraine in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery;
- Council Decision (CFSP) 2019/2108 of 9 December 2019 in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery;

- Council Decision (CFSP) 2020/732 of 2 June 2020 in support of the UN Secretary-General's Mechanism for investigation of alleged use of chemical and biological or toxin weapons;
- 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.

Through resolution 1977 (2011), the UN Security Council urged the 1540 Committee to continue to engage actively with States and relevant international, regional and sub-regional organisations to promote the sharing of experiences, lessons learned and effective practices, in the area covered by resolution 1540 (2004). In this regard, UNODA has maintained a strong relationship with its regional centres and other international and regional organisations to ensure Member States receive adequate support in their efforts to fully implement the obligations under the resolution.

To further strengthen this effort, UNODA has placed 1540 regional coordinators in Addis Ababa and Bangkok. The regional coordinators focus is on strengthening UNODA's efforts to provide and facilitate assistance to States and foster closer cooperation with regional organisations in the respective regions. Additionally, close coordination between UNODA, its regional centres and partner organisations will ensure that collective efforts avoid duplication and maximise opportunities for synergies.

6. STAFFING

The implementation of this Council Decision will require staffing presence to ensure the coordinated and streamlined implementation of all activities. The following roles are therefore suggested:

- **One Political Affairs Officer based in New York City:** UNODA's 1540 Support Unit, under the Weapons of Mass Destruction Branch, will play the lead implementation role for the project. The Political Affairs Officer of the Unit will be responsible for providing programmatic oversight, project implementation, including coordination with OSCE, project monitoring and evaluation, reporting, and coordinating communications with the donor.
- **One Regional Coordinator based in Addis Ababa, Ethiopia:** the officer (a staff member of UNODA) will be responsible for further heightening awareness amongst African States about UNSCR 1540 (2004) requirements and the means to organise interagency efforts to address them at a national level; improved understanding amongst states with existing implementation capacity and familiarity with UNSCR 1540 (2004) about how to address national implementation gaps. In order to avoid duplications, the Regional Coordinator will work in close coordination notably with the BTWC Africa Coordinator based in Addis Ababa.
- UNODA will strive to secure gender equity in the hiring process to assist beneficiary countries of the project, and will encourage beneficiary countries to meaningfully engage women at all stages of the project. A special effort is always made to incorporate a gender perspective and to position women at the centre of the topics under discussion.

7. DURATION

The total estimated duration of the Projects' implementation is 36 months.

8. EU VISIBILITY

UNODA 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 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 in the context of the implementation of activities under this Decision will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

9. BENEFICIARIES

The beneficiaries of the Project will be UN Member States.
