

DECISIONS

COUNCIL DECISION (CFSP) 2023/1344

of 26 June 2023

in support of enhancing the operational effectiveness of the Organisation for the Prohibition of Chemical Weapons (OPCW)

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').
- (2) The EU Strategy underlines the crucial role of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the 'CWC') and of the Organisation for the Prohibition of Chemical Weapons (the 'OPCW') in creating a world free of chemical weapons. As part of the EU Strategy, the Union has committed itself to working towards universal adherence to key disarmament and non-proliferation treaties and agreements, including the CWC.
- (3) Since 2004, the EU has supported the activities of the OPCW through Council Decisions 2009/569/CFSP ⁽¹⁾, 2012/166/CFSP ⁽²⁾, (CFSP) 2015/259 ⁽³⁾, (CFSP) 2019/538 ⁽⁴⁾, (CFSP) 2021/1026 ⁽⁵⁾, and (CFSP) 2021/2073 ⁽⁶⁾ and Council Joint Actions 2004/797/CFSP ⁽⁷⁾, 2005/913/CFSP ⁽⁸⁾, and 2007/185/CFSP ⁽⁹⁾.

⁽¹⁾ Council Decision 2009/569/CFSP of 27 July 2009 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 197, 29.7.2009, p. 96).

⁽²⁾ Council Decision 2012/166/CFSP of 23 March 2012 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 87, 24.3.2012, p. 49).

⁽³⁾ Council Decision (CFSP) 2015/259 of 17 February 2015 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 43, 18.2.2015, p. 14).

⁽⁴⁾ Council Decision (CFSP) 2019/538 of 1 April 2019 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 93, 2.4.2019, p. 3).

⁽⁵⁾ Council Decision (CFSP) 2021/1026 of 21 June 2021 in support of the Cyber Security and Resilience and Information Assurance Programme of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 224, 24.6.2021, p. 24).

⁽⁶⁾ Council Decision (CFSP) 2021/2073 of 25 November 2021 in support of enhancing the operational effectiveness of the Organisation for the Prohibition of Chemical Weapons (OPCW) through satellite imagery (OJ L 421, 26.11.2021, p. 65).

⁽⁷⁾ Council Joint Action 2004/797/CFSP of 22 November 2004 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 349, 25.11.2004, p. 63).

⁽⁸⁾ Council Joint Action 2005/913/CFSP of 12 December 2005 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 331, 17.12.2005, p. 34).

⁽⁹⁾ Council Joint Action 2007/185/CFSP of 19 March 2007 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 85, 27.3.2007, p. 10).

- (4) The continued provision of intensive and targeted assistance by the Union to the OPCW is necessary in the context of the active implementation of Chapter III of the EU Strategy. In particular, there is a need for further activities to enhance the operational effectiveness of the OPCW and the capacity of States party to the CWC to fulfil their obligations. The Union should therefore adopt this Decision in order to provide that assistance.
- (5) The OPCW Technical Secretariat should be entrusted with the technical implementation of the activities to be carried out under this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction, the EU shall support the implementation and universalisation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the 'CWC') through an operational action.
2. The action referred to in paragraph 1 shall have the following objectives:
 - (a) to verify the elimination of chemical weapons stockpiles and chemical weapons production facilities subject to the verification measures provided for in the CWC;
 - (b) to prevent the re-emergence and reduce the threat of chemical weapons use;
 - (c) to respond effectively and credibly to chemical weapons use and allegations thereof;
 - (d) to ensure preparedness through the provision of assistance and protection against chemical weapons, their use, or threat of use in accordance with the provisions of Article X of the CWC;
 - (e) to promote peaceful uses of chemistry in economic and technological development through international cooperation in the field of chemical activities for purposes not prohibited under the CWC;
 - (f) to work towards universal adherence to the CWC; and
 - (g) to ensure that the Organisation for the Prohibition of Chemical Weapons (the 'OPCW') remains fit for purpose to face the challenges and opportunities generated by progress in science and technology.
3. A detailed description of the action referred to in paragraph 1 is set out in the Annex to this Decision.

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 Technical Secretariat of the OPCW.
3. The OPCW shall perform the task referred to in paragraph 2 under the supervision of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with the OPCW.

Article 3

1. The financial reference amount for the implementation of the action referred to in Article 1 shall be EUR 5 350 000.
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 a contribution agreement with the OPCW. The contribution agreement shall stipulate that the OPCW 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 following 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 High Representative shall report to the Council on the implementation of this Decision on the basis of the regular reports of the OPCW. The reports of the High Representative 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 its entry into force if no agreement has been concluded within that period.

Done at Luxembourg, 26 June 2023.

For the Council

The President

J. BORRELL FONTELLES

ANNEX

European Union Support to Enhance OPCW Operational Effectiveness - EU 2023**1. Background**

In December 2003, the European Union (EU) adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction (EU Strategy), in which it recognised the threat posed by weapons of mass destruction to international peace and security. The EU Strategy underlines the crucial role of the Chemical Weapons Convention (CWC) and of the OPCW in creating a world free of chemical weapons. The objectives of the EU Strategy are complementary to those of the CWC. The EU and the OPCW, since adoption of the EU Strategy, have pursued cooperation including engagement through a series of Joint Actions and Council Decisions. ⁽¹⁾

The OPCW has received consistent support of the EU in the implementation of its mandate, reflecting a continued commitment to the full implementation of the CWC, with 38.2M EUR of voluntary contributions through the Common Foreign and Security Policy ("CFSP") budget provided since 2004. The OPCW welcomes the EU's continued commitment to supporting the OPCW in its efforts to fulfil the goal of the Convention – a world free of chemical weapons, thus contributing to international peace and security. Furthermore, recognising emerging challenges, the OPCW also welcomes the EU's sustained interest in strengthening its support to OPCW's technical teams when providing assistance to States Parties under the Convention, as necessary, in the active implementation of Chapter II and III of the EU Strategy.

A dynamic international security environment makes the OPCW's mission as relevant as ever. The upcoming Fifth Review Conference, the imminent milestone of the complete destruction of declared chemical weapons stockpiles, as well as the opening of the new Centre for Chemistry and Technology (CCT) present opportunities as well as they present challenges to the OPCW. For the Organisation to retain its relevance in the post-destruction phase, strategic engagement is critical. Partnership and support through the EU Common Foreign Security Policy (CFSP) budget has proven instrumental to assisting the OPCW in the promotion and implementation of its core objectives, which also amplifies the impact of OPCW activities.

2. Project Purpose**2.1 Overall Objectives of the Project**

The overall objective of the project is to ensure the Secretariat's capacity to facilitate and improve States Parties' implementation of the Convention. Such support would contribute to peace and international security through effective implementation of OPCW's mandate. It would also assist in the prevention of re-emergence of chemical weapons, while promoting peaceful uses of chemistry. Implementation of the project will, wherever applicable in the proposed activities, give due consideration to gender diversity.

2.2 Specific Objectives

- Verifying the elimination of chemical weapons stockpiles and chemical weapons production facilities subject to the verification measures provided for in the CWC;
- Preventing re-emergence and reducing the threat of usage through the non-proliferation of chemical weapons, through the application of the verification and implementation measures provided for in the Convention, which also serve to build confidence between States Parties;
- Effectively and credibly responding to chemical weapons use and allegations thereof;
- Ensuring preparedness through the provision of assistance and protection against chemical weapons, their use, or threat of use in accordance with the provisions of Article X of the CWC;

⁽¹⁾ Inclusive of Joint Action 2004/797/CFSP (expired); Joint Action 2005/913/CFSP (expired); Joint Action 2007/185/CFSP (expired); Decision 2009/569/CFSP (expired); Joint Action 2012/166/CFSP (expired); Decision 2015/259 (extended with Decision 2018/294 and expired); Decision 2017/2302 (extended with Decision 2019/1092, expired); Decision 2017/2303 (extended with Decision 2018/1943 and Decision 2019/2112, expired); Decision 2019/538 (in force through April 2023); Decision 2021/1026 (in force through August 2023), and Decision 2021/2073 (in force through December 2025).

- Promoting peaceful uses of chemistry in economic and technological development through international cooperation in the field of chemical activities for purposes not prohibited under the CWC, in accordance with the provisions of Article XI of the CWC;
- Working towards universal adherence to the CWC; and
- Ensuring substantive capacity-building efforts, as well as an Organisation that remains fit for purpose to face challenges and opportunities generated by progress in science and technology.

2.3 Intended Outputs

Intended outputs that the Project contributes to are as follows:

- Effective response to developments in science and technology to enhance OPCW's verification regime;
- Prevention of the re-emergence and countering/reducing the threat of chemical weapons use;
- Effective responses to allegations of chemical weapons use;
- Enhanced capacities of States Parties to meet Article X obligations;
- Reinforced OPCW's global leadership and authoritative voice on non-proliferation and disarmament of chemical weapons; and
- Promotion of increased adherence to the CWC.

3. Description of Activities

Activities related to Output 1 – Effective response to developments in science and technology to enhance OPCW's verification regime

These activities will focus on operationalising the Secretariat's activities through the use of a fit-for-purpose and integrated Centre for Chemistry and Technology (CCT); providing a platform for broader engagement on capacities and peaceful uses of chemistry such as inter alia laboratory twinning, laboratory trainings, scientific research (e.g. developing forensic lab methodologies); enhancing OPCW's readiness to address progress in science and technology including through the implementation of selected priority recommendations from the OPCW Scientific and Advisory Board; and enhancing OPCW's operational capacities for mission preparations and deployments such as testing, validation and training of new technologies/equipment.

Activities related to Output 2 – Prevention of the re-emergence and countering/reducing the threat of chemical weapons use

These activities will concentrate on strengthening States-Parties' and other relevant stakeholders' capacities to respond to the threat of chemical weapons through dedicated trainings and workshops related inter alia to first response capacities and border control; enabling implementation of selected priority recommendations from inter alia the Open-Ended Working Group on Terrorism, including through table top exercises; and expanding engagement with chemical industry and trade via coordination mechanisms such as working groups and IUPAC committees.

Activities related to Output 3 – Effective responses to allegations of chemical weapons use

These activities will be centred on strengthening relevant verification measures and implementation of applicable decisions (inter alia EC-M-33/DEC.1; UNSC-R2118 (2013), C-SS-4/DEC.3, EC-94/DEC.2, and C-25/DEC.9) on addressing the threat from chemical weapons use; as well as further developing capabilities to respond to States Parties' requests for assistance related to allegations of use.

Activities related to Output 4 –Enhanced capacities of States Parties to meet Article X obligations

These activities will aim, under relevant Article X requirements on Assistance and Protection, at increasing States Parties' response capabilities; improving national protection planning; and intensifying deterrence effects such as through support to CBRNE preparations for major public events.

Activities related to Output 5 – Reinforced OPCW's global leadership and authoritative voice on non-proliferation and disarmament of chemical weapons

These activities will enhance OPCW's role in promoting the peaceful and authorised uses of chemistry to growing diverse audiences via dedicated online tools; expanding engagement with external stakeholders such as women, youth, and executives; targeting audiences for specialised capacity building efforts inter alia civil society and NGOs; and further developing and implementing a more in-depth OPCW-EU partnership.

Activities related to Output 6 – Promotion of increased adherence to the CWC

These activities will support OPCW efforts to work towards full membership of any or all of the remaining four States not Party to the Convention. Further ensure OPCW capacity and preparations through scenarios generation, and enhancement of the capacities and tools of the Secretariat to strengthen implementation of the Convention verification regime in case of accession of a possessor state.

4. Beneficiaries

Beneficiaries of activities under Output 1:

OPCW Secretariat personnel and teams; and CWC stakeholders including inter alia States Parties, National Authorities, Civil Society, Civilian Protection Units, Universities, Partner Laboratories, International and Intergovernmental Organisations, public.

Beneficiaries of activities under Output 2

OPCW Secretariat personnel and teams; and CWC stakeholders including inter alia States Parties, National Authorities, Industry, International and Intergovernmental Organisations and public.

Beneficiaries of activities under Output 3

OPCW Secretariat personnel and teams; and CWC stakeholders including inter alia States Parties, National Authorities, International and Intergovernmental Organisations, and public.

Beneficiaries of activities under Output 4

CWC stakeholders including inter alia States Parties, National Authorities, Civilian Protection Units, and public.

Beneficiaries of activities under Output 5

OPCW Secretariat personnel and teams; and CWC stakeholders including inter alia States Parties, National Authorities, Civil Society, Universities, and public.

Beneficiaries of activities under Output 6

OPCW Secretariat personnel and teams; and CWC stakeholders including States Parties and *States not Party to the Convention*.

5. Duration

The Action will be implemented during a 36-month period, except Activities under Output 3, which will be implemented within a 12-month period.

6. Implementing Entity

Technical implementation of the proposed activities above shall be carried out by the OPCW Secretariat. Ultimate responsibility regarding implementation of these activities vis-à-vis the Commission shall lie with the OPCW.
