(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2003/805/CFSP

of 17 November 2003

on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union, and in particular Article 15 thereof,

Whereas:

(1) At Thessaloniki, the European Council stated that the proliferation of weapons of mass destruction and means of delivery is a growing threat to international peace and security; the risk that terrorists will acquire chemical, biological, radiological or nuclear materials adds a new dimension to this threat. Therefore, the European Council decided that the EU collective effort would focus, *inter alia*, on working towards the universal ratification of, and adherence to, the key disarmament and non-proliferation treaties and agreements and, when necessary, towards the strengthening thereof.

(2) In its Action Plan for the implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction, the EU and its Member States undertook to promote at political level universal adherence to instruments relating to weapons of mass destruction and their means of delivery.

(3) The restatement of this policy would serve as a yardstick in the negotiations of EU positions in international forums, and it is therefore appropriate to formulate it in a Council Common Position,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objectives of this Common Position are:

(a) to promote the universal ratification of, and adherence to, the following multilateral agreements and, where necessary, to reinforce their provisions, including by ensuring compliance:

(i) Nuclear Non-Proliferation Treaty and Safeguards Agreements (NPT);

(ii) Additional Protocols with the International Atomic Energy Agency (IAEA Additional Protocols);

(iii) Chemical Weapons Convention;

(iv) Biological and Toxin Weapons Convention;

(v) The Hague Code of Conduct against Ballistic Missile Proliferation;

(b) to promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty.

These key instruments provide a basis for the international community's disarmament and non-proliferation efforts, which contribute to international confidence, stability and peace, including the fight against terrorism.

Article 2

In pursuit of the objectives set up in Article 1, the EU and its Member States will pay particular attention to the need to reinforce compliance with the multilateral treaty regime by:

— enhancing the detectability of violations, and

— strengthening the enforcement of obligations established by this treaty regime.

To this end, particular emphasis will be placed on making best use of existing verification mechanisms and, where necessary, establishing additional verification instruments as well as strengthening the role of the UN Security Council which has the primary responsibility for the maintenance of international peace and security.

Article 3

The EU and its Member States will focus their diplomatic action on the pursuance of the objectives referred to in Articles 1 and 2, in accordance with the modalities set out below.

Article 4

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, under Article VI thereof. Achieving universal adherence to the NPT is of crucial importance. To that end, the EU will:

— call on all those States not yet parties to the NPT to accede unconditionally to the NPT as non-nuclear-weapon States and to place all their nuclear facilities and activities under the provisions of the IAEA Comprehensive Safeguards System,

— urge those States not yet having entered into Safeguards Agreements with the IAEA to fulfil their obligations in accordance with Article III of the NPT and to conclude such agreements as a matter of urgency,

— promote all the objectives laid down in the NPT,

— support the Final Document of the 2000 NPT Review Conference and the Decisions and Resolution adopted at the 1995 NPT Review and Extension Conference,

— promote further consideration of security assurances,

— promote measures to ensure that any possible misuse of civilian nuclear programmes for military purposes will be effectively excluded.

Article 5

The EU considers the IAEA Additional Protocols to be an integral part of the IAEA Safeguards System. By raising the standard for compliance and by making it easier to detect violations, the Additional Protocols strengthen the NPT. In order to promote the universal adoption and implementation of the Additional Protocols, the EU will:

— urge the early ratification of the Additional Protocols by the EU Member States and Acceding Countries by the end of 2003,

— urge other regional organisations to do likewise,

— work towards making the Additional Protocols and Safeguards Agreements the standard for the IAEA verification system and work towards universal adherence to the Additional Protocols,

— encourage strong political and financial support for the work of the IAEA.

Article 6

The Chemical Weapons Convention is a unique disarmament and non-proliferation instrument the integrity and strict application of which must be fully guaranteed. Effective national implementation is essential for the effective operation of the Convention. In order to strengthen the Convention, the EU will:

— encourage those countries that have not yet adhered to or ratified the Convention to do so without delay,

— encourage all countries which are parties to the Convention to enact without delay necessary national implementation measures, including penal legislation. Such measures must reflect the comprehensive nature of the Convention's provisions,

— urge those States concerned to ensure compliance with their obligation to destroy chemical weapons and to destroy or convert chemical weapons production facilities within the time limits provided for by the Convention,

— work towards the bans on chemical weapons being declared universally binding rules of international law.

Article 7

The Biological and Toxin Weapons Convention (BTWC) is a cornerstone in the effort to prevent biological agents or toxins from being used as weapons. The EU continues to support the principle of verification of the BTWC.

In order to strengthen the Convention, the EU will:

— make specific efforts to convince States which have not yet adhered to or ratified the Convention to do so without delay,

— work towards identifying effective mechanisms to strengthen and verify compliance within the BTWC,

— work to ensure concrete outcomes from the annual meetings to be held between 2003 and 2005, in preparation for the Sixth Review Conference in 2006,

— put emphasis on, where necessary, strengthening national implementation measures, including penal legislation, and control over pathogenic microorganisms and toxins in the framework of the BTWC,

— work towards the bans on biological and toxin weapons being declared universally binding rules of international law.

Article 8

The Hague Code of Conduct against Ballistic Missile Proliferation is an important tool against the growing proliferation of ballistic missiles capable of carrying weapons of mass destruction. The Code establishes fundamental principles where previously there were none and represents a crucial step towards a possible multilateral arrangement to prevent ballistic missiles proliferation. The EU will:

— convince as many countries as possible to subscribe to it, especially those with ballistic missile capabilities,

— work together with other subscribing States to develop further and implement the Code, in particular the confidence building measures provided for in the Code,

— promote, where possible and appropriate, a closer relationship between the Code and the UN system.

Article 9

The EU will promote the early entry into force of the Comprehensive Nuclear Test-Ban Treaty in accordance with the terms set out in Council Decision 2003/567/CFSP of 21 July 2003 implementing Common Position 1999/533/CFSP relating to the European Union's contribution to the promotion of the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) ([1]).

Article 10

This Common Position shall take effect on the date of its adoption.

Article 11

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 17 November 2003.

For the Council

The President

F. FRATTINI

([1]) OJ L 192, 31.7.2003, p. 53.