

EXPLANATORY MEMORANDUM ON THE EUROPEAN UNION'S COMMON FOREIGN AND SECURITY POLICY

Council Decision to support 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

Submitted by the Foreign and Commonwealth Office on 08 January 2019.

SUBJECT MATTER

1. This proposal (annex A) seeks authorisation to continue intensive and targeted assistance from the EU in support of core OPCW activities intended to promote the full implementation of the CWC (Chemical Weapons Convention), enhance preparedness of States Parties to prevent and respond to attacks involving toxic chemicals, international cooperation in the field of chemical activities, and the ability of the OPCW to adapt to developments in the field of science and technology.
2. In February 2015, the Council adopted Decision 2015/259/CFSP providing 36-months of support for the OPCW. This mandate expired in March 2018 but was extended by Decision 2018/294/CFSP.
3. The duration of the new action will be 36 months. It will start once the financing agreement between the European Commission and the OPCW has been concluded. The OPCW proposes that the process, modalities and the general purpose of the support outlined within this Decision should be governed by terms similar to those of the current EU Council Decision 2015/259/CFSP (annex A), extended by 2018/294/CFSP (annex B) until 31 December 2018.
4. This new proposal seeks to support activities of the OPCW, with the following objectives:
 - to enhance the capacities of States Parties in fulfilling their obligations under the CWC,
 - to enhance the preparedness of States Parties to prevent and respond to attacks involving toxic chemicals,
 - to enhance international cooperation in the field of chemical activities,
 - to support the ability of the OPCW to adapt to developments in the field of science and technology,
 - to enhance the capacity of the OPCW to address the threat of chemical weapons use,
 - to promote universality by encouraging States not Parties to join the CWC.

5. In this context, the planned project activities of the OPCW that this proposal supports are as follows:
 - Project I: Upgrading the OPCW Centre for Chemistry and Technology and Decision on Addressing the Threat from Chemical Weapons Use ('C-SS-4/DEC.3')
 - Project II: Chemical demilitarisation and non-proliferation
 - Project III: Assistance and protection in African States Parties
 - Project IV: International cooperation
 - Project V: Universality and outreach
 - Project VI: National implementation
 - Project VII: Science and Technology
6. In line with the 2003 EU Strategy against proliferation of Weapons of Mass Destruction, the EU is a firm supporter of the OPCW. As part of the Strategy, the EU has committed itself to working towards universal adherence to key disarmament and non-proliferation treaties and agreements, including the CWC. The UK is an Executive Council member of the OPCW, works closely with the OPCW Secretariat and is a strong supporter of its work.

SCRUTINY HISTORY

7. An explanatory memorandum on this issue was last submitted for Parliamentary scrutiny on 8 February 2018. The document was cleared at the House of Lords Chairman's sift on 23 February 2018. The House of Commons European Scrutiny Committee cleared the document as "not legally or politically important" on 28 February 2018 (ESC 39490, 14th Report, Session 2017-19).

MINISTERIAL RESPONSIBILITY

8. The Secretary of State for Foreign and Commonwealth Affairs is the Minister with overall responsibility for UK policy on the EU's Common Foreign and Security Policy.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

9. The UK's Foreign Affairs policy is a reserved matter under the UK's devolution settlements and no devolved administration interests arise. The devolved administrations have therefore not been consulted in the preparation of this EM.

LEGAL AND PROCEDURAL ISSUES

10. This project supports the implementation of the EU Strategy (EU Strategy) against Proliferation of Weapons of Mass Destruction adopted

on 12 December 2003, and in particular gives effect to the measures listed in Chapter III of the Strategy through releasing financial resources to support specific projects conducted by multilateral institutions, such as the OPCW Technical Secretariat.

11. Legal Basis: Articles 28(1) and 31(1) of the Treaty on European Union.
12. Voting Procedures: Unanimity.
13. Impact on UK Law: The Decision will be binding on the UK (but this is not a proposal for legislation).
14. Application to Gibraltar: Yes (but this is not a proposal for legislation).
15. Fundamental rights analysis: No fundamental rights issues apply.

APPLICATION TO THE EUROPEAN ECONOMIC AREA

16. None.

SUBSIDIARITY

17. The EU and its Member States make an important contribution to implementation of EU Strategy. The support provided by EU institutions and Member States is complementary and coordinated through various international fora, including the Council of the EU Working Party on Non-Proliferation.

POLICY IMPLICATIONS (including Exit implications where appropriate)

18. On 23 June 2016, the UK voted to leave the EU. On 29 March 2017, the Government triggered Article 50 of the TEU to begin the process of exit. Until 29 March 2019, the UK remains a full member of the EU and all the rights and obligations of EU membership remain in force. During this period, the Government will also continue to negotiate, implement, and apply EU legislation.
19. Support for this project and the EU Strategy is in line with the UK National Security Strategy and Strategic Defence and Security Review (2015), The National Counter Proliferation Strategy (2016), and the EU Strategy against the Proliferation of Weapons of Mass Destruction (2003). It also contributes to UK policy to work with the international community to identify and hold to account those responsible for using chemical weapons in Syria, and to uphold the CWC and support its implementation more widely.
20. After the UK leaves the EU, the UK will continue to have a strong interest in upholding the CWC, supporting its implementation, and preventing the use of chemical weapons in Syria, including by actively supporting activity to identify and hold to account those who develop, possess or use chemical weapons in Syria. The activities supported by

this Council Decision will therefore continue to contribute to UK objectives to counter the proliferation and use of chemical weapons in Syria and elsewhere after the UK leaves the EU. We do not as yet know if the UK will be expected to contribute to EU assistance in this area beyond 29 March.

CONSULTATION

21. Not applicable.

REGULATORY IMPACT ASSESSMENT

22. Not applicable.

FINANCIAL IMPLICATIONS

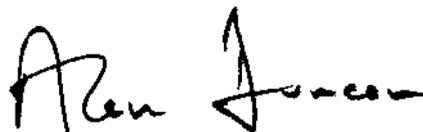
23. The EU has yet to agree a budget for this Council Decision so we will update Parliament once a budget has been approved and funding information becomes available. However, the EU has confirmed the costs for this decision will be funded through the CFSP budget for 2019, and additional co-funding of the activities under this Decision from EU member states is not foreseen.

TIMETABLE

24. The Council Decision is expected to be tabled for adoption in January 2019.

OTHER OBSERVATIONS

25. None.

A handwritten signature in black ink that reads "Alan Duncan". The signature is written in a cursive, slightly stylized font.

Rt Hon Sir Alan Duncan MP
Minister for Europe and the Americas
Foreign and Commonwealth Office