

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

**Council Decision to amend Decision 2015/259/CFSP 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 8 February 2018.

SUBJECT MATTER

1. The attached document seeks authorisation to extend the duration of and introduce other amendments to Council Decision 2015/259/CFSP that sets out existing EU sponsored activities to support the OPCW.
2. The OPCW is the implementing body of the Chemical Weapons Convention (CWC). The OPCW has 192 States Parties, who are working together to achieve a world free from chemical weapons. They share the collective goal of preventing chemistry from ever again being used for warfare, thereby strengthening international security.
3. In February 2015, the Council adopted Decision 2015/259/CFSP providing 36-months of support for the OPCW. This mandate expires on 23 March 2018. The OPCW made a formal request in January 2018 to extend the duration of Decision 2015/259/CFSP for 9 months. The OPCW specified that continuing the activities would require no additional funding.
4. Decision 2015/259/CFSP authorised targeted EU support, focused on the following objectives:
 - enhancing the capacities of States Parties to fulfil their obligations under the CWC;
 - enhancing the preparedness of States Parties to prevent and respond to attacks involving toxic chemicals;
 - enhancing international cooperation in the field of chemical activities;
 - supporting the ability of the OPCW to adapt to developments in the field of science and technology;
 - promoting universality by encouraging States not Parties to join the CWC.
5. The key amendments to Decision 2105/259/CFSP are:
 - To extend the duration of the Decision from 36 months to **45 months**, an additional 9 months, until December 2018.

- To change the location of training carried out by the Technical Secretariat's Implementation Support Branch, with technical expertise from the Declarations Branch, from Latin America and the Caribbean to **Africa**.
 - Modifying **other project activities**, including to hold a lessons learned workshop, produce online materials, outreach such as video blogging for younger audiences, outreach to states not yet party to the CWC, supporting NGOs from developing countries to attend annual OPCW meetings, sharing best practice with CWC national authorities from African countries, and implementing training through the National Institute for Research-Physical and Chemical Analysis of Tunisia.
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 scrutiny on 28 January 2015. The document was cleared by the European Scrutiny Committee as “not legally or politically important” (ESC 36625, 32nd report, 2014/15) on 4 February 2015. The House of Lords Select Committee on the European Union cleared the documents on 3 February 2015 at the Chairman’s sift.

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 EU referendum took place and the people of the United Kingdom voted to leave the European Union. The Government respected the result and triggered Article 50 of the Treaty on European Union on 29 March 2017 to begin the process of exit. Until exit negotiations are concluded, the UK remains a full member of the European Union 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). The proposed focus of the project in Africa potentially complements UK support to African CWC states, administered by the Department for Business Energy and Industrial Strategy and the Ministry of Defence.

CONSULTATION

20. Not applicable.

REGULATORY IMPACT ASSESSMENT

21. Not applicable.

FINANCIAL IMPLICATIONS

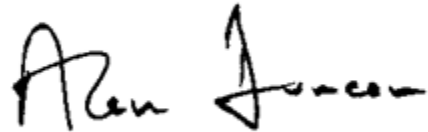
22. The OPCW has confirmed the continuation of the specific activities of Decision 2015/259/CFSP can be performed without any resource implication. Therefore, no additional UK funding is required.

TIMETABLE

23. The Council Decision is expected to be tabled for adoption in March 2018.

OTHER OBSERVATIONS

24. None.

A handwritten signature in black ink that reads "Alan Duncan". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail for the 'n' in Duncan.

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