

EUROJUST CBRN-E Handbook

Overview of EU and international legislation
applicable to CBRN (Chemical, Biological, Radio-
logical and Nuclear) substances and Explosives

*Supranational entities, systems and databases
active in the field of CBRN-E*



June 2017



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Counter-Terrorism Team

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Introduction

The goal of this Handbook is to provide EU practitioners, in particular prosecutors and police authorities, with an overview of EU and international legislation applicable to CBRN (Chemical, Biological, Radiological and Nuclear) substances and Explosives and with a description of supranational entities, systems and databases active in the field of CBRN-E in support of investigations and prosecutions of transnational crimes involving the use of Chemical, Biological, Radiological and Nuclear substances and Explosives (CBRN-E).

CBRN-E is a dynamic area of research and business; it includes several substances and agents, conceived, synthesized, extracted, processed and eventually produced, distributed and used by different actors and for different purposes. Some of the substances and agents were created by military laboratories for use in non-conventional warfare; others were initially employed for peaceful purposes. Evolution in research and testing resulted in changes, so that some chemical elements were discontinued and others were used in sectors different from the ones they had initially been developed for. Difficulties encountered by lawmakers in composing, implementing and enforcing effective regulation in this area are obvious.

In fact, as a response to the proliferation of CBRN-E, international and EU legislation has been drafted and regularly adapted to technical progress. When new typologies of terrorism deliberately employed “mixtures” of substances for terrorist attacks, a review of the entire legal system was suddenly necessary, starting from preventive and administrative measures to the corresponding laws, criminalising “new acts of terror”.

Nonetheless, criminal organisations and individuals have found alternative ways to use “common” market substances, impossible to ban and difficult to monitor. Organised criminal groups have obtained prohibited substances in situations where regulations could not be easily applied (e.g. the transportation of toxic waste) or where substances were processed in third States with widespread corruption and easy access to resources.

In such a rapidly evolving scenario, where laws try to keep pace with reality, the European practitioner should be supported in performing these tasks, regardless of whether his investigation and/or prosecution concerns the preparation for an event or an actual event.

Preparation and prevention

The first practical objective of this Handbook is to provide an overview of the basic European and international administrative and criminal legislation applicable to CBRN-E substances, including waste. Following the evolution of military and commercial research, several legislative acts have been amended or updated. Although focusing on the same substance, laws are sometimes created for different purposes, serving different political interests, with different operational perspectives and for different goals.

This Handbook is also designed to show how the many assorted supranational systems, databases, actors, bodies and entities were set up, modified, merged, split and changed throughout the years to control, limit or completely ban the production, distribution, exportation and misuse of CBRN-E. The level of coordination and information exchange varies. The quantity and quality of data processed changes depending on resources. Storing records relating to a banned biological substance is relatively easy; managing the movement, distribution, purchase and disposal of chemical substances used legally by industries and consumers worldwide is far more challenging.

Knowledge of CBRN-E before any “real” event (i.e. a terrorist attack) happens is considered an “intelligence” task; however, a practitioner may be required to prosecute, for example, the illegal possession of some substances, or the possession of legal ones for the preparation of criminal or terrorist CBRN-E attacks. If the competent practitioner knows which agency deals with information, or has experience in dealing with gathering evidence, or is familiar with relevant legislation, he may be able to apply criminal procedure laws more smoothly.

Event and response

The same principle is applicable to criminal CBRN-E events. A second practical objective of this Handbook is to show the way many global and EU laws in the prosecutorial field evolved following the same historical and logical “path” as the preventive laws.

What bodies and actors are entitled to visit a crime scene; what are their tasks and powers? What protocols and specific priorities can they apply? The level of cooperation and information-sharing also varies with this type of crime.

Tracking back

No handbook can replace – even in part – the personal and professional capacities of a practitioner. Nonetheless, in a limited and technical sector such as CBRN-E, a handbook listing applicable instruments, existing bodies and rules may provide some assistance. Since criminals employ state-of-the-art technologies, resources and expertise both in planning and executing attacks as well as in hiding and deleting evidence, gathering forensic evidence is *essential*. If the investigation concerns the preparation phase, preserving evidence will provide assistance in finding out how the criminals could plan the event, and help to discover the “facilitators” who supported them.

If the investigation is about an actual CBRN-E event, preserving evidence and being able to use it in different trials, in different countries, will make prosecution easier, regardless of the State where the criminals acted, overcoming difficulties arising from the *national* nature of criminal jurisdictions. Those “technical” activities should not be assigned to the investigator and to the prosecutor without a “technical guide”. Otherwise we risk wasting precious time that should be employed in applying the instruments of criminal law and criminal procedure. Such a risk is even higher when dealing with transnational crimes. Prosecutors are the experts in dealing with national CBRN-E prevention and response legislation and bodies. The correct links to the other involved countries using appropriate EU and international laws, channels and bodies must be made. For these reasons, this Handbook is limited to a European (and, when necessary, international) perspective: laws, regulations, directives and bodies are listed if their applicability and competence are, at a minimum, EU-wide.

In fact, from the initial stages of planning, organisation, recruiting of scientists, purchasing of substances directly or via brokers to the final attack, the “cycle” of a criminal project involves several persons, steps and actions in different countries. If an investigator wants to recreate the entire cycle, he must know to whom he can refer at EU level for information in the hope that, using both specialized channels and judicial cooperation bodies like Eurojust, he can create an investigative network with the national competent authorities (police, prosecutors, etc.) of the other countries where some of the criminal activity took place. At present, national concepts of justice still dominate. The only way to deal with CBRN-E criminal activities is via efficient and effective EU-wide intelligence-gathering, investigation and prosecution.

Sixth version of the Eurojust CBRN-E handbook

The first two versions of the Eurojust CBRN-E Handbook listed in alphabetical order all relevant legal instruments and supranational entities, systems and databases. The third version brought a change in

the structure of the Handbook, while the fourth and fifth version provided an update on relevant legislation dealing with CBRN-E substances.

Following from the structure introduced by the third version, this sixth version of the Eurojust CBRN-E Handbook provides a further update on relevant developments and legislation dealing with CBRN-E substances, namely:

- PIC Convention revised text of 2015;
- The Final Regulatory Action Evaluation Toolkit;
- The eight and ninth amendments to Regulation (EC) No 1272/2008 on the Classification, Labelling and Packaging of Substances and Mixtures (CLP Regulation);
- The Inter-Organization Programme for the Sound Management of Chemicals ;
- A number of relevant United Nations General Assembly and Security Council Resolutions;
- The United Nations Conference on Disarmament;
- The Decision 2014/504/EU implementing Decision No 1082/2013/EU;
- The Vienna Declaration on Nuclear Safety;
- The consolidated version of the Regulation No 98/2013;
- The consolidated version of the Directive 2008/68/EC;
- The Commission Directive 2016/970/EU of 27 May 2016 and the Commission Directive 2017/433/EU of 7 March 2017;
- The Commission Decisions 2014/955/EU and 2014/955/EU.

1. Chemical substances

1.1. Legal instruments

1.1.1. **Chemical Weapons Convention (CWC)** - *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their destruction (1993)*

The CWC aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties. The latter, in turn, must take the steps necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction.

The CWC regulates the destruction of chemical weapons (Article IV) and shut-down of production facilities (Article V). For preventing the spread of precursors and toxic chemicals that may be used as weapons, their development, production, acquisition, retention, transfer and use are subject to limits (Article VI) and inspections. The level of restriction varies depending on the typology. There are three “Schedules” (Article VI, points 3- 5) in which substances must be placed according to guidelines built for the subsequent verification system (Annex A on chemicals - Guidelines for schedules of chemicals), namely:

- Chemicals listed in Schedule 1: prohibition on production, acquisition, retention, transfer and use
- Chemicals listed in Schedule 2: must be subject to data monitoring and on-site verification
- Chemicals listed in Schedule 3: must be subject to data monitoring and on-site verification
- Schedules are divided into part A (chemicals) and B (precursors) (Annex B on chemicals).

The specific regimes for each “schedule” (substances and facilities) are in the “Verification Annex” parts VI (Schedule 1), VII (Schedule 2), and VIII (Schedule 3). Both in case of doubt about States’ compliance (Article IX) and in need of assistance and protection (Article X), including emergency protection, against chemical weapons and riot control agents (Article X, point 8), any investigation procedure is conducted following “Verification Annex” part XI.

Implementation of the CWC is monitored by the Organization for the Prohibition of Chemical Weapons (OPCW).

Text of the CWC:

<http://www.opcw.org/chemical-weapons-convention/download-the-cwc/>

1.1.2. **PIC Convention** - *Rotterdam Convention on the prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)*

The PIC Convention deals with chemicals and severely hazardous pesticide formulations (Article 3, point 1), that have been banned or severely restricted for health or environmental reasons by Parties and which have been notified by Parties for inclusion in the “Prior Informed Consent” (PIC) procedure for import (Article 10) and export (Articles

11-13). Substances listed in Annex III (Articles 5-7) of the PIC Convention are subject to the (PIC) Procedure. The Chemical Review Committee, a scientific advisory body (Articles 5 and 6), recommends listing in Annex III and prepares a “draft decision guidance documents” (Article 7(1)) for the Conference of the Parties.

The PIC Convention entered into force on 24 February 2004. National authorities have been appointed (Designated National Authorities (DNA)) and authorised to act in the performance of the administrative functions required by the PIC Convention (Article 4). The PIC Convention does not cover narcotic drugs, radioactive materials, waste, chemical weapons, pharmaceuticals and food (Article 3 (2)).

In order to assist the DNAs of the states parties a Final Regulatory Action Evaluation Toolkit (FRAE Toolkit) has been developed. The FRAE Toolkit is aimed at assisting and enhancing the efforts by DNAs, especially from developing countries, to take scientifically sound final regulatory decisions on hazardous chemicals. It also aims at leading DNAs toward a chemical that has already been notified by a DNA from another region and where that notification already satisfies the requirements of Annex I of the Convention. That notification would then be awaiting another notification on the chemical from another region that also satisfies Annex I requirements for both notifications to then go forward for consideration by the Chemical Review Committee of the Rotterdam Convention.

Text of the PIC Convention (2015 Version):

<http://www.pic.int/TheConvention/Overview/TextoftheConvention/tabid/1048/language/en-US/Default.aspx>

Designated National Authorities in EU:

<http://www.pic.int/Countries/CountryContacts/tabid/3282/language/en-US/Default.aspx>

The Final Regulatory Action Evaluation Toolkit:

<http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>

See also

Council Decision 2006/730/EC on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade.

Text of the Council Decision 2006/730/EC:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:299:0023:0025:EN:PDF>

- 1.1.3. **REACH Regulation** – *Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.*

The REACH Regulation entered into force on 1 June 2007. It streamlines and improves the legislative framework on chemicals of the European Union (EU).

The main aims of the REACH Regulation are to ensure a high level of protection of human health and the environment from the risks that can be posed by chemicals, the promotion

of alternative test methods, the free circulation of substances on the internal market and enhancing competitiveness and innovation.

The REACH Regulation makes industry responsible for assessing and managing the risks posed by chemicals and providing appropriate safety information to their users. In parallel, the EU can take additional measures on highly dangerous substances, where there is a need for complementing action at EU level.

The REACH Regulation includes the obligation for a review every 5 years to monitor progress in the achievement of its objectives. The second REACH Review, due in 2017, is being carried out in parallel with the fitness check on the most relevant chemicals legislation excluding REACH.

Text of the REACH Regulation:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R1907&from=en>

Overview of EU legislation related to the REACH Regulation:

http://ec.europa.eu/growth/sectors/chemicals/legislation/index_en.htm

- 1.1.4. **CLP Regulation** - *Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006*

The CLP Regulation entered into force on 20 January 2009. The CLP Regulation replaces certain provisions of the directives related to the classification, packaging and labelling of dangerous substances (Directive 67/548/EEC) and preparations (Directive 1999/45/EC) after a transitional period. These Directives were repealed on 1 June 2015.

The CLP Regulation incorporates the classification criteria and labelling rules agreed at UN level, the Globally Harmonised System of Classification and Labelling of Chemicals (GHS). It introduces new classification criteria, hazard symbols (pictograms) and labelling phrases, while taking account of elements which are part of the earlier EU legislation. Its main objectives are to facilitate international trade in chemicals and to maintain the existing level of protection of human health and environment.

Annex VI of the CPL Regulation contains tables 3.1 and 3.2 with classification and labels to identify the substances.

Text of the consolidated version of the CLP Regulation and amendments:

<http://echa.europa.eu/regulations/clp/legislation>

Further information on classification and labels to identify substances:

<http://echa.europa.eu/regulations/clp>

List of national helpdesks:

<https://echa.europa.eu/support/helpdesks>

Amendments of the CLP Regulation:

- I. First amendment - Commission Regulation (EC) No 790/2009 of 10 August 2009** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the first amendment:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:235:0001:0439:en:PDF>

- II. Second amendment - Commission Regulation (EU) No 286/2011 of 10 March 2011** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the second amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L.2011.083.01.0001.01.ENG>

Corrigendum to the second amendment:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:138:0066:0066:EN:PDF>

- III. Third amendment - Commission Regulation (EU) NO 618/2012 of 10 July 2012** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the third amendment:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:179:0003:0010:EN:PDF>

- IV. Fourth amendment - Commission Regulation (EU) No 487/2013 of 8 May 2013** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the fourth amendment:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:149:0001:0059:EN:PDF>

- V. Fifth amendment - Commission Regulation (EU) No 944/2013 of 2 October 2013** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the fifth amendment:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:261:0005:0022:EN:PDF>

- VI. Sixth amendment – Commission Regulation (EU) No 605/2014 of 5 June 2014** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the sixth amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0605>

- VII. Seventh amendment – Commission Regulation (EU) 2015/1221 of 24 July 2015** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the seventh amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R1221>

- VIII. Eight amendment - Commission Regulation (EU) 2016/918 of 19 May 2016** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the eight amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0918>

- IX. Ninth amendment - Commission Regulation (EU) 2016/1179 of 19 July 2016** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the ninth amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1179>

Adaptation to Technical Progress to the CLP Regulation on requirements for labelling and packaging of liquid laundry detergents in soluble packaging for single use

- **Commission Regulation (EU) No 1297/2014 of 5 December 2014** *amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures*

Text of the amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R1297>

Adaptation of classification-based provisions in other existing EU legislation (“downstream legislation”) to the CLP Regulation:

- **Council Directive 2008/112/EC of the European Parliament and of the Council amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council, in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures**
- **Regulation (EC) No 1336/2008 of the European Parliament and of the Council of 16 December 2008 amending Regulation (EC) No 648/2004, in order to adapt it to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures**
- **Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixture**

Text of the Council Directive 2008/112/EC:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:345:0068:0074:en:PDF>

General Overview:

http://ec.europa.eu/growth/sectors/chemicals/legislation/index_en.htm

Text of the Regulation (EC) No 1336/2008:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:354:0060:0061:en:PDF>

Text of the Directive 2014/27/EU:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32014L0027>

1.1.5. Seveso Directive III (Directive 2012/18/EU of the European Parliament and the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC)

Seveso refers to a major accident that happened in 1976 at a chemical plant in Seveso, Italy, manufacturing pesticides and herbicides. A Seveso Directive I (*Council Directive 82/501/EEC*) was adopted in 1982 obliging Member States to ensure that operators have a policy in place to prevent major accidents. In 1996 it was replaced by Seveso Directive II (*Council Directive 96/82/EC*) and in 2012, by Seveso Directive III to ensure that the existing level of protection is maintained and further improved and that the provisions are more effective and efficient.

Seveso Directive III adapted the rules for the prevention of major accidents that involve dangerous substances. The main changes included technical updates to take account of changes in EU chemicals classification (*i.e.* in 2008, the Council and the European Parliament adopted a Regulation on the Classification, Labelling and Packaging (CLP) of substances and mixtures, adapting the EU system to the new UN international chemicals classification (Globally Harmonised System - GHS)).

The Seveso Directive III 2012/18/EU entered into force on 13 August 2012. Member States had to transpose and implement the Directive by 1 June 2015, which was also the date when the new chemicals classification legislation became fully applicable in the EU.

Text of the Seveso Directive III:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:197:0001:0037:EN:PDF>

1.1.6. **Regulation (EU) No 649/2012 of the European Parliament and the Council of 4 July 2012 concerning the export and import of hazardous chemicals**

The objectives of Regulation (EU) No 649/2012 are: (i) to implement the PIC Convention; (ii) to promote shared responsibility and cooperative efforts in the international movement of hazardous chemicals in order to protect human health and the environment from potential harm; (iii) to contribute to the environmentally sound use of hazardous chemicals.

As of 1 March 2014, Regulation (EU) No 649/2012 replaces Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals.

Regulation (EU) No 649/2012 ensures that the provisions of CLP Regulation relating to classification, labelling and packaging apply to all chemicals when they are exported from the Member States to other Parties or other countries. Particular attention is given to managing an adequate shelf-life of exported chemicals and appropriate storage conditions so that they may be used effectively and safely.

Text of the Regulation (EU) No 649/2012:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:201:0060:0106:en:PDF>

Technical Guidance notes for implementation of Regulation (EC) No 689/2008:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:065:0001:0064:EN:PDF>

Guidance for implementation of Regulation (EU) No 649/2012:

https://echa.europa.eu/documents/10162/21784135/guidance_pic_en.pdf/813e3826-5b6d-4a31-9088-6bb9ceae34b4

1.1.7. **Other relevant legal instruments**

Text of the Stockholm Convention, which focuses on eliminating or reducing releases of Persistent Organic Pollutants (POPs):

<http://chm.pops.int/Home/tabid/2121/mctl/ViewDetails/EventModID/1126/EventID/468/xmid/6921/Default.aspx>

Pharmaceutical legislation - Medicinal Products for Human use:

http://ec.europa.eu/health/documents/eudralex/vol-1/index_en.htm

Pharmaceutical legislation - Medicinal Products for veterinary use:

http://ec.europa.eu/health/documents/eudralex/vol-5/index_en.htm

Information on developing and marketing medicines in the EU:

http://www.ema.europa.eu/ema/index.jsp?curl=pages/regulation/landing/human_medicines_regulatory.jsp&murl=menus/regulations/regulations.jsp&mid=WC0b01ac058001ff89

Genetically Modified Organism legislation:

http://ec.europa.eu/food/plant/gmo/legislation_en

1.2. Supranational entities, systems and databases

- 1.2.1. **ECHA (European Chemicals Agency)** – EU Agency tasked to, *inter alia*, assist companies in implementing the EU's chemicals legislation for the protection of human health and the environment (in particular the REACH Regulation, the CLP Regulation the Biocidal Products Regulation and the law on Prior Informed Consent). ECHA was founded in 2007 and is based in Helsinki, Finland.

Website ECHA:

<http://echa.europa.eu/>

- 1.2.2. **eChemPortal** - Free public web-portal, database and search engine in other participating databases created by the Environment Directorate of the Organization for Economic Cooperation and Development (OECD). It provides access to information on properties of chemicals. It contains information on physical and chemical properties, eco-toxicity and toxicity of the substances.

Website eChemPortal:

http://www.echemportal.org/echemportal/index?pageID=0&request_locale=en

Search Engine:

<http://www.echemportal.org/echemportal/page.action?pageID=9>

Participating Databases:

<http://www.echemportal.org/echemportal/page.action?pageID=2>

- 1.2.3. **ePIC (Prior Informed Consent IT system)** – The new ePIC tool replaced the European Commission tool, EDEXIM, which was used for operations under the Prior Informed Consent Regulation (PIC) until the end of 2014. ePIC enables exporters, importers, Member States, the European Commission, customs and ECHA to play their roles in managing the export and import of very hazardous chemicals. ePIC has three independent interfaces. The first is dedicated to industry users, the second to authority users (ECHA, designated national authorities and the European Commission) and the third is for customs officers. ePIC allows information to be securely exchanged between industry users, authority users and customs users and supports all authorities in the European Union to play their roles in managing and monitoring the export and import of the hazardous chemicals listed in Annex I to the regulation.

Website ePIC:

<http://echa.europa.eu/support/dossier-submission-tools/epic>

- 1.2.4. **ENSEMBLE** - Web-based platform for the inter-comparison and evaluation of atmospheric chemistry transport and dispersion models. In case of a trans-boundary scale nuclear accidents affecting Europe, national long-range dispersion forecasts will inevitably differ because of differences in national models, differences in weather prediction methods, and differences in national emergency management strategies. However, difference in national long-range dispersion forecasts may cause problems at the European level, as national emergency management strategies based solely on national forecasts may not cohere with those in neighbouring countries.

ENSEMBLE addresses the issue of harmonisation and coherence of emergency management and decision-making in relation to long range atmospheric dispersion modelling.

Website ENSEMBLE:

<http://ensemble.jrc.ec.europa.eu/>

- 1.2.5. **GHS (Globally Harmonized System of Classification and Labelling of Chemicals)** - It is a United Nations system set up to identify hazardous chemicals and to inform users about these hazards through standard symbols and phrases on the packaging labels and through safety data sheets (SDS). It aims at ensuring that information on physical hazards and toxicity from chemicals are available in order to enhance the protection of human health and the environment during the handling, transport and use of these chemicals. The GHS also provides a basis for harmonization of rules and regulations on chemicals at national, regional and worldwide level, an important factor also for trade facilitation.

The first edition of the GHS, was approved by the Committee of Experts at its first session and published in 2003. Since then, the GHS has been updated and revised every two years. The latest revision of the GHS took place in 2015.

GHS 2015 revision:

http://www.unece.org/trans/danger/publi/ghs/ghs_rev06/06files_e.html

- 1.2.6. **GHSI (Global Health Security Initiative)** - International information-sharing system to strengthen health preparedness and the global response to threats. In the CBRN area, GHSI works on vaccine/antibiotic availability and medical countermeasures. It has a chemical experts' contact list in the event of a chemical incident.

Website GHSI:

<http://www.ghsi.ca/english/index.asp>

- 1.2.7. **JRC (Joint Research Center)** - It was originally established under the Euratom treaty. Its mission has been extended to fields like health and environment. In the field of CBRN and explosives detection, the JRC provides scientific and technical support to Commission services on measurement and standardisation, based on specific expertise in measurement and testing - in chemistry, physics, analytical sciences, measurement technologies and standardisation.

Website JRC:

<https://ec.europa.eu/jrc/>

- 1.2.8. **OECD Directories and Databases on Chemicals and Biosafety** - It is a portal grouping several databases divided per typology of substance, including:
- eChem Portal (*see* 1.2.2.)
 - OECD Existing Chemicals Database
 - Pollutant Release and Transfer Registers (PRTR) databases
 - BioTrack Product Database
 - OECD List of High Production Volume (HPV) Chemicals
 - EXICHEM (Existing Chemicals) Pointer Database.

Website OECD Directories and Databases for Chemicals and Biosafety:

http://www.oecd.org/document/0/0,3746,en_2649_37465_49353408_1_1_1_37465,00.html

- 1.2.9. **Qsar Toolbox** - Software application developed by the OECD Environment Directorate to be used by public and private actors in assessing the hazardous chemicals.

Website Qsar Toolbox:

<http://www.oecd.org/env/ehs/risk-assessment/theoecdqsartoolbox.htm>

- 1.2.10. **RAS-CHEM** - Rapid alert system linking the various poison centres of the EU and the Ministries of Health, exchanging information on incidents including chemical agents relevant to terrorism and other events leading to a release of chemicals; consultation and coordination of counter-measures.

Access to RAS-CHEM (password protected):

https://webgate.ec.europa.eu/cas/login?service=https%3A%2F%2Fwebgate.ec.europa.eu%2Fras-chem%2Fj_spring_cas_security_check

Text of the European Commission Document explaining the functioning of Ras-Chem (pages 8 and following):

http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

- 1.2.11. **REACH-IT** - Database created under the REACH Regulation to register dossiers on chemicals. Member States' authorities can access the information and review the dossiers.

Website REACH-IT (password protected):

<https://reach-it.echa.europa.eu/reach/public/welcome.faces>

- 1.2.12. **The Inter-Organization Programme for the Sound Management of Chemicals** - The Inter-Organization Programme for the Sound Management of Chemicals (IOMC) was established in 1995 to strengthen cooperation and increase coordination in the field of chemical safety. The IOMC Toolbox for Decision Making In Chemicals Management is a problem solving tool that enables countries to identify the most appropriate and efficient national actions to address specific national problems related to chemicals management.

Website The Inter-Organization Programme for the Sound Management of Chemicals:

<http://www.who.int/iomc/en/>

Website IOMC Toolbox:

<http://iomctoolbox.oecd.org/default.aspx?idExec=cba99ff2-e7be-4148-8882-2ace34e01fcb>

2. Biological substances

2.1. Legal instruments

2.1.1. **BTW Convention (Biological and Toxin Weapons Convention)** - *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on Their Destruction (1972)*

Microbial, biological agents, toxins, unless for peaceful purposes, and weapons, equipment, means of delivery to the agents for hostile purposes (Article I) cannot be developed, produced, stockpiled, acquired or retained by the Parties. They cannot be transferred (Article III), either in the form of assistance to manufacture or acquisition. Parties shall prohibit any actor from doing that (Article IV), while the exchange of equipment and information for the peaceful use of the agents is supported (Article X).

The BTW Convention has a peer complaint reporting system to the UN Security Council in case of a suspected breach (Article VI) with an investigation mechanism.

Following the review conferences:

- States have to put in place measures to protect and safeguard biological agents and toxins (VI.III.9), laboratories and facilities (IV.IV.3-4, III.IV.3, II.IV.4), and focal points for the implementation process have to be appointed (VI.IV.18).
- Surveillance and detection of infectious diseases (VI.IV.13) in case of danger (Article 7) should be coordinated by intergovernmental organisations (World Health Organization) (IV.VII.5, III.VII.4). National epidemiological surveillance and data reporting systems should be linked (IV.X.12, III.X.3), supporting programmes for responses (VI.X.53).
- In cases of use of biological/toxic weapons, the UN Secretary-General shall start investigations (UNSC Resolution 620/1988) using its mechanism/guidelinesA/44/561 as endorsed in resolution 45/57 of 1990.

Text of the BTW Convention:

<http://www.opbw.org/convention/documents/btwctext.pdf>

Text of the Resolution adopted by the UN General Assembly on 3 December 2012:

http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/77

Text of the Resolution adopted by the UN General Assembly on 2 December 2014:

http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/69/82

Text of the Resolution adopted by the UN General Assembly on 5 December 2016:

<http://undocs.org/A/RES/71/69>

Text of the Resolution adopted by the UN General Assembly on 5 December 2016:

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/75

Text of the Resolution adopted by the UN General Assembly on 5 December 2016:

<http://undocs.org/A/RES/71/81>

Text of the Resolution adopted by the UN General Assembly on 23 December 2016:

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/259

General Assembly Disarmament Resolutions and Decisions database:

<https://gafc-vote.un.org>

Website United Nations Office for Disarmament Affairs:

<http://www.un.org/disarmament/WMD/Bio/>

Website The United Nations Office at Geneva:

[http://www.unog.ch/80256EE600585943/\(httpPages\)/04FBBDD6315AC720C1257180004B1B2F?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/04FBBDD6315AC720C1257180004B1B2F?OpenDocument)

Website The United Nations Conference on Disarmament:

[http://www.unog.ch/80256EE600585943/\(httpPages\)/BF18ABFEFE5D344DC1256F3100311CE9?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/BF18ABFEFE5D344DC1256F3100311CE9?OpenDocument)

2.1.2. **Cartagena Protocol on Biosafety to the Convention on Biological Diversity (1992)**

Its objects are the living modified organisms (LMOs) (Article 3(g)) obtained via modern biotechnology (Article 3(i)). It focuses on the information (exchange) about LMOs and their risk assessments (Article 15 and Article 20(3)(c)) via the bio-safety clearing house (Article 20). In view of trans-boundary movements, a procedure and handling, transport, packaging identification system (Article 18) is in place, with National Focal Points (CPB-NFPs, BCH-NFPs – Article 19). Unintentional cross-border movements and emergency measures (Article 17) and illegal movements (Article 25) are also regulated, in view of assessing potential adverse effects.

Text of the Cartagena Protocol for Biodiversity (Multilanguage text):

<http://bch.cbd.int/protocol/text/>

National Contact Points and Competent Authorities:

<http://bch.cbd.int/database/compiled-national-contacts/>

Search for Laws and Regulations:

<http://bch.cbd.int/database/laws/>

2.1.3. **Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (notified under document number C (1999) 4015)**

According to Decision No 2119/98/EC, a network at Community level was to be set up to promote cooperation and coordination between the Member States, with the assistance of the Commission, with a view to improving the prevention and control of the categories of communicable diseases specified in the Annex to that Decision. That network is to be used for the epidemiological surveillance of those diseases and for the establishment of an early warning and response system.

Commission Decision 2000/96/EC lists in its first annex the communicable diseases and special health issues covered by epidemiological surveillance in the Community network pursuant to Decision No 2119/98/EC. The surveillance shall be performed in a cost-effective way having regard to the nature of the disease, the existing networks and the Community added value.

Text of the Commission Decision 2000/96/EC: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000D0096&from=EN>

Further legislation on communicable diseases:

http://ec.europa.eu/health/communicable_diseases/early_warning/comm_legislation_en.htm

Amendments of the Commission Decision 2000/96/EC:

- I. First amendment - Commission Decision of 17 July 2003 amending Decision 2000/96/EC as regards the operation of dedicated surveillance networks (notified under document number C(2003) 2522).**

Text of the first amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003D0534>

- II. Second amendment - Commission Decision of 2 April 2009 amending Decision 2000/96/EC as regards dedicated surveillance networks for communicable diseases (notified under document number C(2009) 2351).**

Text of the second amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009D0539>

- III. Third amendment - Commission Decision of 10 July 2009 amending Decision 2000/96/EC on communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (notified under document C(2009) 5457)**

Text of the third amendment:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:180:0022:0023:EN:PDF>

- IV. Fourth amendment - Commission Decision of 3 September 2012 amending Decision 2000/96/EC as regards tick-borne encephalitis and the category of vector-borne communicable diseases (notified under document C(2012) 3241)**

Text of the fourth amendment:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012D0492>

- 2.1.4. Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC**

Decision No 1082/2013/EU entered into force on the 6 November 2013. It significantly strengthens the Health Security Framework in the EU. The Decision was implemented in close cooperation with the Member States as represented in the Health Security Committee and the relevant stakeholders. Four regional training seminars focusing on the implementation aspects of the new Decision were organised in the Member States for risk management and crisis communication, within the current Framework Contract "Scripting, planning, conduction and evaluation of exercises, training and assessment implementing the draft Decision on cross-border threats to health". This strengthens capacities and structures on health security to improve the protection of citizens of the EU from serious cross-border threats that can affect public health.

Text of the Decision No 1082/2013/EU:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013D1082>

Text of the Decision 2014/504/EU implementing Decision No 1082/2013/EU:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L.2014.223.01.0025.01.ENG>

2.2. Supranational entities, systems and databases

- 2.2.1. **EWRS (Early warning and response system)** – Computer network created by Decision 2119/98/EC to allow the EU Commission and the competent national public health authorities in each Member State to send alerts about events with a potential impact on the EU, share information, and coordinate their response. The system has already been successfully used for previous outbreaks of SARS, Pandemic Influenza A (H1N1) and other communicable diseases. EWRS was reshaped by Commission Decision 2000/57/EC.

Website EWRS:

<https://ewrs.ecdc.europa.eu/default.aspx>

Text of the Decision 2119/98/EC of the European Parliament and of the Council:

[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1998D2119:20031120:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1998D2119:20031120:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1998D2119:20031120:EN:PDF)

Text of the Commission Decision 2000/57/EC:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:021:0032:0035:EN:PDF>

Further legislation on communicable diseases:

http://ec.europa.eu/health/communicable_diseases/early_warning/comm_legislation_en.htm

- 2.2.2. **ECDC (European Centre for Disease Prevention and Control)** - EU agency created by Regulation (EC) No 851/2004 with the aim to strengthen Europe's defences against infectious diseases. Its seat is in Stockholm, Sweden. ECDC's role is to identify, assess and communicate current and emerging threat to human health from communicable diseases. It monitors and ensures the integrated operation of "dedicated surveillance networks" on diseases and structures designated under Commission Decision 2000/96/EC, such as the "Community Network". ECDC maintains databases on epidemiological surveillance.

In September 2011, ECDC took over the responsibilities of EUVAC.NET (former European surveillance network for selected vaccine-preventable diseases hosted by Denmark).

Website ECDC:

<http://www.ecdc.europa.eu/en/Pages/home.aspx>

Text of the Regulation (EC) No 851/2004:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R0851:EN:NOT>

Further legislation on communicable diseases:

http://ec.europa.eu/health/communicable_diseases/early_warning/comm_legislation_en.htm

- 2.2.3. **ISU (Implementation Support Unit for the BTW Convention)** - Clearinghouse for the national implementation measures of the BTW Convention, ISU was created during the 2006 review conference (Article XII BTW Convention). It receives information on national legislation, matches requests for assistance from the States and links the national contact points. ISU is housed within the Geneva Branch of the United Nations Office for

Disarmament.

The ISU Website is updated via Confidence Building Measures (“CBMs”). Information is sent by States and contains data on national research centres, biological defence research, outbreaks of infectious diseases caused by toxins, contacts, legislation, vaccine production facilities. It has a restricted access area that contains information for the exclusive use of States Parties.

Website ISU:

[http://www.unog.ch/80256EE600585943/\(httpPages\)/16C37624830EDAE5C12572BC0044DFC1?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/16C37624830EDAE5C12572BC0044DFC1?OpenDocument)

Online tools maintained by ISU:

[http://www.unog.ch/80256EE600585943/\(httpPages\)/855B57E1A5D7D60CC12573A6005334F3?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/855B57E1A5D7D60CC12573A6005334F3?OpenDocument)

3. Radiological and nuclear substances

3.1. Legal instruments

3.1.1. **Treaty on the non-proliferation of nuclear weapons (NPT) (1968)**

The NPT is a landmark international treaty whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. The Treaty represents the only binding commitment in a multilateral treaty to the goal of disarmament by the nuclear-weapon States (China, France, Russia, United Kingdom, and the United States – officially recognised as possessing nuclear weapons by the NPT). Opened for signature in 1968, the Treaty entered into force in 1970. On 11 May 1995, the Treaty was extended indefinitely. A total of 190 Parties have joined the Treaty, including the five nuclear-weapon States. More countries have ratified the NPT than any other arms limitation and disarmament agreement, a testament to the Treaty's significance. It prohibits the transfer of nuclear weapons, nuclear explosive devices, control over them and expertise in acquiring or manufacturing them (Article 1). It regulates the transfer of source or special fissionable material, related equipment for peaceful purposes (Article 3, point 2), following the safeguards concluded with the International Atomic Energy Agency (IAEA (Article 3(1)). Exchange of equipment, material and information for peaceful use of nuclear energy is supported (Article 4).

Text of the NPT:

<http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml>

3.1.2. **IAEA Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (CPPNM) (1979)**

CPPNM was adopted on 26 October 1979 and amended in 2005. It regulates a physical protection regime of “nuclear material used for peaceful purposes in use, storage and transport and nuclear facilities used for peaceful purposes” (Article 2, p. 1). Article 2A obligates the States to set up an adequate protection regime for material and facilities, including a capacity to locate and recover missing or stolen material, and to protect material and facilities against sabotage. Practical and legislative/regulatory duties are given to the States. Concerning material, transport and facilities, the “Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities” have to be followed (Article 2A, p. 3, letters A-L).

The CPPNM requires Parties to:

- Make specific arrangements and meet defined standards of physical protection for international transportation of nuclear material, according to Annex II (dividing nuclear material in three categories) and Annex I, providing for different levels of protection depending on what kind of material must be transported on the basis of Annex II, and distinguishing between storage incidental to international transport (Annex I, p.1) and international transport (Annex I, p. 2);
- Undertake not to export or import nuclear materials or to allow their transit through their territory unless they have received assurances that these materials will be protected during international transport in accordance with the levels of protection determined by the Convention (Article 4);

- Coordinate efforts also via contact points both for protection and for recovery/response in case of unlawful taking of material or threat thereof (new Article 5). The same applies to threat or real sabotage of material or facilities (Article 5, p. 3);
- Criminalize nuclear-related crimes, including misusing or threatening to misuse nuclear materials to harm the public (Article 7 p.1);
- Take measures as may be necessary to establish its jurisdiction (Article 8), prosecute (Article 11) or extradite those accused of committing such acts. Provisions on claims for “political offence” or disguised requests related to extradition (Articles 11A and 11B) are in place. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be concluded between them (Article 11). The Convention sets up systems for the exchange of evidence (Article 13) among Parties, when necessary for criminal proceedings.

The accession of the European Atomic Energy Community (Euratom) to the Convention was made by Commission Decision 2008/99/EC, Euratom.

In July 2005 the States Parties adopted an Amendment to the Convention which took effect on 8 May 2016. The Amendment makes it legally binding for States to establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under their jurisdiction. It also provides for the criminalization of new and extended specified acts, and requires countries to put in place measures to protect nuclear material and nuclear facilities against sabotage.

Furthermore, the Amendment expands the existing offences identified in the CPPNM, including the theft and robbery of nuclear material, and establishes new ones, such as the smuggling of nuclear material and the actual or threatened sabotage of nuclear facilities. A number of the offences were also expanded to include substantial damage to the environment.

Text of the Convention :

http://www.nti.org/media/pdfs/aptcppnm.pdf?_id=1316541378

Text of the Amendment of the Convention:

<http://www.iaea.org/About/Policy/GC/GC49/Documents/gc49inf-6.pdf>

http://www.iaea.org/Publications/Documents/Conventions/cppnm_amend_status.pdf

http://www.iaea.org/Publications/Documents/Conventions/cppnm_amend_reserv.pdf

<https://ola.iaea.org/ola/treaties/documents/FullText.pdf>

Text of the Commission Decision 2008/99/EC, Euratom:

<http://eur-lex.europa.eu/legal->

content/EN/TXT/?qid=1431959746775&uri=OJ:JOL_2008_034_R_0003_01

3.1.3. **IAEA Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency (1986)**

Adopted in 1986 following the Chernobyl nuclear plant accident, the Convention sets out an international framework for cooperation among States Parties and with the IAEA to facilitate prompt assistance and support in the event of nuclear accidents or radiological emergencies. It requires States to notify the IAEA of their available experts, equipment, and other materials for providing assistance. In case of a request, each State Party decides whether it can render the requested assistance, as well as its scope and terms. Assistance may be offered without costs taking into account inter alia the needs of developing

countries and the particular needs of countries without nuclear facilities. The IAEA serves as the focal point for such cooperation by channeling information, supporting efforts, and providing its available services.

The accession of the European Atomic Energy Community (Euratom) to the Convention was made by Commission Decision 2005/845/Euratom.

Text of the Convention:

<https://www.iaea.org/publications/documents/infircs/convention-assistance-case-nuclear-accident-or-radiological-emergency>

General Overview:

<http://www.iaea.org/Publications/Documents/Conventions/cacnare.html>

Manual for first responders issued by the IAEA:

http://www-pub.iaea.org/MTCD/publications/PDF/epr_Firstresponder_web.pdf

Text of the Commission Decision 2005/845/Euratom:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2005.314.01.0027.01.ENG

3.1.4. **IAEA Convention on Early Notification of a Nuclear Accident (1986)**

Together with the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency it establishes an international framework to facilitate the exchange of information and the prompt provision of assistance in the event of a nuclear accident or radiological emergency. It aims to strengthen international cooperation in order to provide relevant information about nuclear accidents as early as necessary in order that transboundary radiological consequences can be minimized. According to the Convention, in the event of a nuclear accident that may have transboundary radiological consequences, States Parties must notify countries that may be affected and the IAEA, and provide relevant information on the development of the accident. The IAEA in turn forthwith informs States Parties, Member States, other States that may be physically affected and relevant international organizations of a notification received, and promptly provides other information on request. Each State Party and the Agency have identified 24-hour warning points to which a notification can be directed, as well as competent authorities who are authorized to send notifications and verify information provided. The Agency maintains an up-to-date list of such authorities and warning points and provides it to States Parties, Member States and relevant international organizations.

The accession of the European Atomic Energy Community (Euratom) to the Convention was made by Commission Decision 2005/844/Euratom.

Text of the Convention:

<https://www.iaea.org/publications/documents/infircs/convention-early-notification-nuclear-accident>

Text of the Commission Decision 2005/844/Euratom:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2005.314.01.0021.01.ENG

3.1.5. **Council Decision 87/600/Euratom** of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency.

In cases of emergency (Article 1), the State has to provide information about the event that happened in his territory to the Commission and to those Member States that are affected (Article 2 and Article 3). When receiving information under Articles 2 and 3, the other Member States have to react by informing the Commission of the measures taken and recommendations issued and of the levels of radioactivity in foodstuff, feeding stuff, drinking water and the environment (Article 4).

The Commission acts as a hub among the competent national authorities and points of contact of Member States, by immediately forwarding the information received. Likewise, the Commission shall forward to all Member States any information it receives about significant increases in the level of radioactivity or about nuclear accidents in non-Community countries and especially those adjacent to the Community (Article 5).

Text of the Council Decision 87/600/Euratom:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31987D0600:EN:HTML>

3.1.6. **Council Regulation (Euratom) No. 1493/93** of 8 June 1993 on shipments of radioactive substances between Member States

This Regulation applies to shipments, between Member States, of sealed sources and other relevant sources, whenever the quantities and concentrations exceed the levels laid down in Article 3.2 (a) and (b) of Directive 96/29/Euratom. It also applies to shipments of radioactive waste, between Member States, as covered by Council Directive 2006/117/Euratom (Article 1).

A sealed source can be defined as a source whose structure is such as to prevent, under normal conditions of use, any dispersion of the radioactive substance into the environment.

A system of prior declaration is set up: a holder of sealed sources who wishes to carry out a shipment of certain substances must obtain a prior written declaration by the consignee of these substances (natural or legal person to whom such material is shipped). This declaration must be sent by the consignee to the competent authority of the Member State (to be appointed by each state under Article 8) to which the shipment is to be made, which must confirm with a stamp that it has taken note of the declaration. This document must then be sent by the consignee to the holder of the substances.

A post-shipment information procedure (Article 6) involving other relevant sources is also in place (Article 2, paragraph 6).

Text of the Council Regulation (Euratom) No. 1493/93:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993R1493:EN:HTML>

3.1.7. **IAEA Convention on Nuclear Safety (1994)**

The Convention requires States that are operating land-based nuclear power plants to maintain a high level of safety by setting legal benchmarks (Article 7) and regulatory

bodies for their implementation (Article 8). Emergency preparedness plans have to be set up (Article 16).

The Convention is an incentive instrument. It is not designed to ensure fulfillment of obligations by Parties through control and sanction but is based on their common interest to achieve higher levels of safety. The Convention obliges Parties to submit reports on the implementation of their obligations for "peer review" at meetings of the Parties to be held at the IAEA (Article 20).

The Diplomatic Conference to consider a Swiss proposal to amend the Convention was held in 2015 in Vienna, Austria. On the Conference, the Contracting Parties unanimously adopted the Vienna Declaration on Nuclear Safety.

The accession of the European Atomic Energy Community (Euratom) to the Convention was made by Commission Decision 2004/491/Euratom, amending Commission Decision 1999/819/Euratom.

Text of the Convention:

<http://www.iaea.org/Publications/Documents/Conventions/nuclearsafety.html>

Text of the Vienna Declaration on Nuclear Safety:

https://www.iaea.org/sites/default/files/cns_viennadeclaration090215.pdf

Text of the Commission Decision 2004/491/Euratom:

<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32004D0491>

3.1.8. IAEA Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1997)

The IAEA Joint Convention applies to spent fuel (that is nuclear fuel that has been irradiated in and permanently removed from a reactor core, as defined by Article 2 (n)) and radioactive waste resulting from:

- Civilian nuclear reactors and applications, and
- Military or defence programmes if and when such materials are transferred permanently to and managed within exclusively civilian programmes.

The Convention also applies to planned and controlled releases into the environment of liquid or gaseous radioactive materials from regulated nuclear facilities (Article 2 (c)). Each Contracting Party must take the appropriate steps to ensure that at all stages of spent fuel management, individuals, society and the environment are adequately protected against radiological hazards (Article 4).

Each country must designate a regulatory body (Article 20) for the implementation of the legislative and regulatory framework. Emergency plans must be set up (Article 25).

The accession of the European Atomic Energy Community (Euratom) to the Convention was made by Commission Decision 2005/84/Euratom.

Text of the Convention:

<https://www.iaea.org/publications/documents/infircs/joint-convention-safety-spent-fuel-management-and-safety-radioactive-waste-management>

General Overview:

<http://www-ns.iaea.org/conventions/waste-jointconvention.asp>

Text of the Commission Decision 2005/84/Euratom:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1400324698204&uri=CELEX:32005D0084>

3.1.9. **Council Directive 2003/122/Euratom** of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources.

The purpose of this Directive is to prevent exposure of workers and the public to radiation arising from inadequate control of high-activity sealed radioactive sources and orphan sources. According to Article 2 of the Directive, *sealed source* is “a source whose structure is such as to prevent, under normal conditions of use, any dispersion of the radioactive substances into the environment”. Moreover, *orphan sources* is defined as a sealed source, the activity level of which, at the time of its discovery, is above the exemption level referred to in Article 3(2)(a) of Directive 96/29/Euratom, and which is not under regulatory control, either because it has never been under regulatory control or because it has been abandoned, lost, misplaced, stolen or transferred, without proper notification by the competent authority, to a new holder or without informing the recipient.

The Directive:

- Obliges Member States to require the holder to obtain prior authorization for any practice involving a source, including taking possession of a source (Article 3)
- Requires identification and marking of the sources (Article 7) and their traceability (Article 5)
- Regulates the recovery of orphan sources (Article 9)
- Obliges Member States to designate national competent authorities to carry out tasks in accordance with the Directive (Article 13).

Text of the Council Directive 2003/122/Euratom:

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003L0122&from=EN>

As of 6 February 2018, Directive 2003/122/Euratom shall be repealed by **Council Directive 2013/59/Euratom** of 5 December 2013 laying down basic safety standards (BSS) for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.

On 15 January 2016 Council Regulation 2016/52 was adopted, laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency.

Text of the Council Directive 2013/59/Euratom:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1399881394562&uri=CELEX:32013L0059>

Text of the Council Regulation (Euratom) 2016/52:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0052&from=EN>

3.1.10. **International Convention for the Suppression of acts of Nuclear Terrorism (2005)**

Key provisions of the UN Convention include:

- A wider definition (than the Convention on the Protection of Nuclear Materials) on materials and facilities covering both military and peaceful applications,
- The criminalization of planning, threatening, or carrying out acts of nuclear terrorism; it also requires States to criminalize these offenses via national legislation and to establish penalties in line with the gravity of such crimes,
- Conditions under which States may establish jurisdiction for offenses,
- Guidelines for extradition and other measures of punishment,
- The requirement for States to take all practicable measures to prevent and counter preparations for offenses to take place inside or outside of their territories,
- The distinction that the convention does not cover the activities of armed forces during an armed conflict or military exercise.

Text of the Convention:

<http://www.un.org/en/sc/ctc/docs/conventions/Conv13.pdf>

3.1.11. **Commission Regulation (Euratom) No 302/2005 of 8 February 2005 on the application of Euratom safeguards**

It repeals Commission Regulation (Euratom) No 3227/76 and creates a safeguard system to control the use of civil “nuclear materials”, meaning ores, source materials or special fissile materials (Article 2, p. 4), “waste” (Article 2, p. 5) and other “categories” of nuclear material (Article 2, p. 9) during the entire fuel cycle. It has an accounting system (Articles 7-19), rules for exports, imports and shipments (Articles 20–23), and waste (Articles 30–33). The Commission may transmit to the International Atomic Energy Agency (IAEA) information and data obtained pursuant to the regulation (Article 29). On 15 December 2005, the European Commission issued a Recommendation on Guidelines to accompany Commission Regulation (Euratom) 302/2005.

Text of the Regulation (Euratom) No 302/2005:

<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32005R0302&qid=1399879937292>

Text of the Commission Recommendation:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1431962922063&uri=CELEX:32006H0040>

Commission Regulation (Euratom) No 302/2005 was amended by **Commission Regulation (EU) No 519/2013** of 21 February 2013 adapting certain regulations and decisions in different fields, including energy, by reason of the accession of Croatia.

Text of the Commission Regulation (EU) No 519/2013:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1399879937292&uri=CELEX:32013R0519>

3.1.12. **Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel**

The aim of this Directive is laying down a Community system of supervision and control of transboundary shipments of radioactive waste and spent fuel (Article 1, point 1), “whether it is intended for disposal or for reprocessing” (preamble 6), which have a point of departure, transit or destination in an EU Member State. Spent fuel means nuclear fuel that has been irradiated in and permanently removed from a reactor core (Article 5, point 2). The Directive does not apply to the following cases:

- Shipments of sources being returned to a supplier, manufacturer or authorized installation (Article 1, point 3)
- Shipments of radioactive substances recovered through reprocessing and destined for a different use (Article 1, point 4)
- Shipments of natural radioactive substances which do not result from treatment (Article 1, point 5).

Member States have to appoint competent authorities (Article 18) for supervision and control of shipments (Article 5, point 13). The Directive puts in place an authorisation system (Article 6): the competent authorities are entitled to authorise the holder to carry out the shipment. According to Article 5, point 10, a holder is a person who, “before carrying out a shipment of radioactive waste or spent fuel is responsible under the applicable national law for such materials”.

Council Directive 2006/117/Euratom replaced Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and in and out of the Community.

Text of the Council Directive 2006/117/Euratom:

<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006L0117&qid=1399882802055>

Legislation on nuclear transportation:

<http://ec.europa.eu/energy/en/topics/nuclear-energy/radiation-protection/transport-radioactive-materials>

- 3.1.13. **Commission Decision 2008/312/Euratom** of 5 March 2008 establishing the Standard Document for the Supervision and Control of Shipments of Radioactive Waste and Spent Fuel Referred to in Council Directive 2006/117/Euratom.

It was amended by Commission Regulation (EU) No 519/2013 (see 3.1.11.)

Text of the Commission Decision 2008/312/Euratom:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0312:EN:NOT>

Corrigendum:

[http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008D0312R\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008D0312R(01))

- 3.1.14. **Council Regulation (EC) No 428/2009** of 5 May 2009 setting up a Community regime for the control of exports, transfers, brokering and transit of dual-use items and technology

The object of this Regulation are dual-use items, usable both for civil and military purposes, either non-explosive or supporting the manufacture of nuclear weapons or devices (Article 2). The Regulation imposes the following obligations:

- *Export* - An authorisation is necessary in order to export dual-use items listed in Annex I (Article 3), but it can also be required for the export to all or certain destinations of certain items not listed in Annex I (Article 4 and Article 8).
- *Transit* - The transit of non-Community dual-use items listed in Annex I may be prohibited by the competent authorities of the Member State where the transit occurs, under certain circumstances (Article 6). National competent authorities, identified by Member States, are empowered to grant export authorisations and decide to prohibit the transit of non-Community dual-use items (Article 9).
- *Brokering* - Brokering services consist in negotiations or arrangement of transactions for the purchase, sale or supply of dual-use items from a third country to any other third country, or in the selling or buying of dual-use items that are located in third countries for their transfer to another third country. They are held by brokers resident or established in a Member State of the Community who carry them out from the Community into third country (Article 2, point 5). An authorisation might be required for brokering services of dual-use items listed in Annex I under certain circumstances (Article 5). The authorisation is granted by the competent authorities of the Member State where the broker is resident or established (Article 10).
- *Transfer* - An authorisation can be required for intra-Community transfers of dual-use items listed in Annex IV. A Member State may impose an authorisation for the transfer from its territory to another Member State in certain cases listed in Article 22.
- *Evaluating Criteria* - The core criteria in deciding whether or not to grant an export or brokering services authorisation are the intended end and risk of diversion (Article 12, point 1 d). The final destination of the items is among the relevant elements that can justify a Member State transfer authorisation, *i.e.* it is known that the final destination of the item concerned is outside the Community (Article 22, point 2). A Dual Use Coordination Group (Article 23) and a secure system for information exchange (Article 19, point 4) have been set up.

Council Regulation (EC) No 428/2009 substituted Council Regulation (EC) No 1334/2000.

Since its adoption there have been numerous amendments to Council Regulation (EC) 428/2009, the last one replacing Annex IId (Commission Delegated Regulation (EU) 2015/2420).

Text of the Council Regulation (EC) No 428/2009 (consolidated version):
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02009R0428-20161116>

3.1.15. **Council Directive 2009/71/Euratom** of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations

The objective of the Directive is to maintain and promote the continuous improvement of nuclear safety. Member States shall provide for appropriate national arrangements for a high level of nuclear safety to protect workers and the general public against the dangers arising from ionizing radiation from nuclear installations (Article 1).

This Directive shall apply to any civilian nuclear installation operating under a licence as defined in Article 3(4) at all stages covered by this licence, that is any legal document granted under the jurisdiction of a Member State to confer responsibility for the siting, design, construction, commissioning and operation or decommissioning of a nuclear installation. The Directive comprises provisions relating to the establishment of a national

legislative and regulatory framework for nuclear safety of nuclear installations. Member States have to:

- Establish a national legislative, regulatory and organisational framework for nuclear safety (Article 4, point 1),
- Establish national regulatory authorities or a system of authorities (Article 5),
- Ensure that the national framework in place requires licence holders conduct periodical self-assessments on the nuclear safety of their nuclear installations (Article 6),
- Ensure that the national framework in place requires arrangements for education and training on nuclear safety to be made by all parties for their staff (Article 7),
- Ensure that information in relation to the regulation of nuclear safety is made available to the workers and the general public (Article 8),
- Arrange at least every ten years a periodic self-assessment of their national framework and competent regulatory authorities and invite an international peer review of relevant segments of their national framework and/or authorities. Outcomes of any peer review shall be reported to the Member States and the Commission (Article 9, point 3).

This Directive does not amend Directive 96/29/Euratom (see *infra*). The Directive has been amended several times (last by Council Directive 2014/87/EURATOM of 8 July 2014).

Text of the Directive 2009/71/Euratom:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0071:EN:NOT>

Text of the Directive 2009/71/Euratom (consolidated version):

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009L0071-20140814&from=EN>

General overview:

<http://osha.europa.eu/it/legislation/directives/exposure-to-physical-hazards/osh-related-aspects/council-directive-2009-71-euratom>

3.2. Supranational entities, systems and databases

- 3.2.1. **ECURIE (European Community Urgent Radiological Information Exchange)** – System for early notification and exchange of information in case of radiological or nuclear emergency. ECURIE is the technical implementation of Council Decision 87/600/Euratom that requires from the Member States that they promptly notify the European Commission (EC) and all the Member States potentially affected when they intend to take counter-measures in order to protect their population against the effects of a radiological or nuclear accident. The Commission will immediately forward this notification to all Member States. Following this first notification, all Member States are required to inform the European Commission at appropriate intervals about the measures they take and the radioactivity levels they have measured. All EU Member States, as well as Switzerland, have signed the ECURIE agreement. The ECURIE system consists of three major parts:
1. The data-format Convention Information Structure (CIS) which describes in detail what type of information may be sent, as well as the format in which it has to be sent;
 2. Dedicated ECURIE software (called CoDecS) in order to create, send and receive notifications in the CIS format using Internet and ISDN;
 3. A network of Contact Points (CPs) and Competent Authorities (CAs) officially nominated by each Member State and by the EC to operate the ECURIE system.

There is an agreement with the IAEA to exchange notifications by fax with their early notification system ENATOM. In future it is foreseen to harmonize the ECURIE and ENATOM data-formats and to achieve automatic exchange of relevant notifications between the two notification systems.

Text of the Council Decision 87/600/Euratom:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31987D0600:EN:HTML>

Website ECURIE:

<http://rem.jrc.ec.europa.eu/RemWeb/activities/Ecurie.aspx>

- 3.2.2. **EURDEP (European Radiological Data Exchange Platform)** – It is both a standard data-format for radiological data and a network for the exchange of automatic monitoring data. EURDEP makes unvalidated radiological monitoring data from most European countries available in nearly real-time. Frequency of exchange depends on the presence of an emergency. The participation of EU Member States is regulated by Council Decision 87/600 and Recommendation 2000/473/Euratom. The participation of non-EU countries is possible on a voluntary basis. EURDEP is managed by the Radioactivity Environmental Monitoring (REM) group of the Institute for Environment and Sustainability (IES) of DG Joint Research Centre (JRC).

Website EURDEP:

<https://eurdep.jrc.ec.europa.eu/Entry/Default.aspx>

Website JRC:

<https://ec.europa.eu/jrc/>

- 3.2.3. **IAEA (International Atomic Energy Agency)** – International organization created in 1957 as the world's "Atoms for Peace" organization within the United Nations family. It

seeks to promote the peaceful use of nuclear energy, and to inhibit its use for any military purpose, including nuclear weapons. According to IAEA Statute, the Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

Website IAEA:

<http://www.iaea.org>

Treaties, Conventions and Agreements under IAEA Auspices:

<http://www.iaea.org/Publications/Documents/Conventions/>

3.2.4. **IACRNE (Inter-Agency Committee on Radiological and Nuclear Emergencies)** - It is an Inter-Agency Committee created by IAEA to coordinate the protocols of relevant international intergovernmental organisations in preparing and responding to nuclear and radiological emergencies. It develops the Joint Radiation Emergency Management Plan (JPLAN), a protocol of common understanding about the way each organisation will act during a response and in making preparedness arrangements. It describes:

- The objectives of response;
- The organisations involved in response, their roles and responsibilities, and the interfaces among them and between them and States;
- Operational concepts; and
- Preparedness arrangements.

Website IACRNE:

<http://www-ns.iaea.org/tech-areas/emergency/inter-agency-matters.asp?s=1&l=4>

JPLAN 2013:

http://www-pub.iaea.org/MTCD/Publications/PDF/EPRjplan2013_web.pdf

3.2.5. **NEA (OECD Nuclear Energy Agency)** - is a specialised intergovernmental agency within the OECD that facilitates cooperation among countries with advanced nuclear technology infrastructures to seek excellence in nuclear safety, technology, science, environment, and law. The NEA works as a forum for sharing information and experience and promoting international co-operation; a centre of excellence which helps member countries to pool and maintain their technical expertise and a vehicle for facilitating policy analyses and developing consensus based on its technical work.

Website NEA:

<http://www.oecd-nea.org/>

3.2.6. **CTBTO (Comprehensive Nuclear-Test-Ban Treaty Organization)** - The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization was set up in 1996 with its headquarters in Vienna, Austria. It is an interim organization tasked with building up the verification regime of the Comprehensive Nuclear-Test-Ban Treaty in preparation for the Treaty's entry into force as well as promoting the Treaty's universality.

Website CTBTO:

<http://www.ctbto.org/>

Text of the Comprehensive Nuclear-Test-Ban Treaty:

<http://www.ctbto.org/fileadmin/content/treaty/treatytext.tt.html>

3.2.7. **International response system** – It is a system developed by IAEA and its scope includes, but is not limited to, nuclear or radiological incidents and emergencies of actual, potential or perceived radiological significance for more than one State.

The Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency and the Convention on Early Notification of a Nuclear Accident are the prime legal instruments that establish an international framework to facilitate the exchange of information and the prompt provision of assistance in the event of a nuclear accident or radiological emergency.

Website International response system:

<http://www-ns.iaea.org/tech-areas/emergency/international-response-system.asp?s=1&l=4>

Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency:

<https://www.iaea.org/sites/default/files/infcirc335.pdf>

Convention on Early Notification of a Nuclear Accident:

<https://www.iaea.org/sites/default/files/infcirc335.pdf>

3.2.8. **REM (Radioactivity Environmental Monitoring) Group** - Since 1987, REM provides information to the European Commission, the European Parliament and the Member States on the levels of radioactive contamination of the various compartments of the environment. A REM database contains qualified environmental radioactivity data from all EU Member States for the most relevant compartments in the EU environment since 1984. EURDEP (see 3.2.2.) is another system used in routine for collecting daily gamma dose-rates provided by European countries.

In the case of a nuclear or radiological emergency, REM provides support for the exchange of essential data and information, namely:

- Messages notifying that an accident has happened, as well as all subsequent official information which are sent through the official EC emergency network ECURIE;
- Real-time monitoring of information collected from national automatic surveillance systems by the EURDEP system which further redistributes the data to the national and international competent authorities;
- Atmospheric dispersion forecasts model results that are exchanged and inter-compared within ENSEMBLE.

Website REM:

<http://rem.jrc.ec.europa.eu/RemWeb/Index.aspx>

3.2.9. **Nuclear Suppliers Group (NSG) and Guidelines** – NSG is an international inter-governmental body concerned with controlling the export and re-transfer of materials that may be applicable to nuclear weapon development and with improving safeguards and protection of existing materials.

The NSG Guidelines aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices. Two sets of Guidelines exist:

- Guidelines for Nuclear Transfers (INFCIRC/254, Part 1) and

- Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology ([INFCIRC/254, Part 2](#))

The Guidelines concern:

- The export of items that are especially designed or prepared for nuclear use. These include: nuclear material; nuclear reactors and equipment therefore; non-nuclear material for reactors; plant and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and technology associated with each of the above items
- The export of items that are especially designed or prepared for nuclear use. These include: nuclear material; nuclear reactors and equipment therefore; non-nuclear material for reactors; plant and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and technology associated with each of the above items.

Website Nuclear Suppliers Group (NSG):

<http://www.nuclearsuppliersgroup.org/en/>

4. Explosives

4.1. Legal instruments

4.1.1. **Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)**

This Convention, deposited with the Secretary-General of the International Civil Aviation Organization (ICAO), requires each State Party to prohibit and prevent the manufacture in its territory of unmarked plastic explosives. Plastic explosives will be marked by introducing during the manufacturing process any one of the four detection agents agreed upon by the Conference and defined in the Technical Annex to the Convention. The Convention also requires each State Party to prohibit and prevent the movement into or out of its territory of unmarked explosives and to exercise strict and effective control over the possession of any existing stocks of unmarked explosives. Stocks of plastic explosives not held by authorities performing military and police functions are to be destroyed or consumed for purposes not inconsistent with the objectives of the Convention, marked or rendered permanently ineffective, within a period of three years from the entry into force of the Convention in respect of the State concerned.

Text of the Convention:

<http://www.un.org/en/sc/ctc/docs/conventions/Conv10.pdf>

Website ICAO:

<http://www.icao.int/Pages/default.aspx>

4.1.2. **Commission Decision 2010/347 of 19 June 2010 amending Decision 2004/388/EC on an Intra-Community transfer of explosives document**

The system for transferring explosives within the territory of the EU established by Directive 93/15/EEC provides for the approval of the different competent authorities responsible for the zones of origin, transit and destination of the explosives.

A model document to be used for the transfer of explosives has been established by Commission Decision 2004/388/EC of 15 April 2004 on an Intra-Community transfer of explosives document in order to facilitate transfers of explosives between Member States. Commission Decision 2010/347 introduces the following **procedure** for the approval of the transfer of explosives within the Union:

- The consignee shall submit the intra-Community transfer of explosives document in paper version or in an electronic version with sections 1 to 4 completed only to the competent authority of the recipient Member State for approval.
- After giving its own approval, the recipient Member State shall send the approval to the Member State of origin using the common electronic system.
- After giving its own approval, the competent authority of the Member State of origin shall seek the approval from the competent authorities of all transit Member States using the common electronic system.
- After having received all approvals, the competent authority of the Member State of origin shall issue the intra-Community transfer of explosives document indicating the agreement of all Member States concerned to the supplier on securely identifiable

paper and in the language(s) of the Member State of origin, the Member State(s) of transit (if applicable), the recipient Member State and in English.

Text of the Commission Decision 2010/347/EU:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1400331888734&uri=CELEX:32010D0347>

4.1.3. **Directive 2014/28/EU of the European Parliament and of the Council** of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (recast)

The scope of the Directive covers ammunition but only as regards the rules governing controls on transfers and the associated agreements. The Directive applies to all forms of supply, including selling. Definitions of the explosives covered by this legal instrument should be based on the definition of such products as set out in the UN recommendations on the transport of dangerous goods. The purpose of the Directive is to ensure the free movement of explosives through harmonization of the laws relating to making of explosives available on the market. Pyrotechnic activities are left outside the scope of the Directive.

Text of the Directive 2014/28/EU:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0028>

Some measures are already in place, including:

- **EU Action Plan on Enhancing the Security of Explosives** (2008)

Text of the EU Action Plan on Enhancing Security of Explosives:

<http://data.consilium.europa.eu/doc/document/ST-8311-2008-INIT/en/pdf>

General information on Security in the EU regarding Explosives:

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/explosives/index_en.htm

Commission Directive 2008/43/EC of 4 April 2008 setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil use and amended by Directive 2012/4/EU (following priority n.4, point 2.4.2, p. 9 of the Action Plan's "Prevention measures" section).

It was amended by **Commission Directive 2012/4/EU** of 22 February 2012.

Text of the Commission Directive 2008/43/EC:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0043&from=EN>

Text of the Directive 2012/4/EU:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:050:0018:0020:EN:PDF>

- Lists of competent National Authorities responsible for explosives are available.

List of National Authorities (latest version of 27 February 2013):

<http://ec.europa.eu/DocsRoom/documents/14143/attachments/1/translations/en/renditions/pdf>

4.1.4. **Regulation (EU) No 98/2013** of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors

This Regulation aims at ensuring an increased level of security in the EU by creating a common framework for the access to certain explosives precursors. The Regulation is limited to a short list of chemical substances and mixtures thereof that are the sources of greatest concern. It provides for a general prohibition for members of the general public to acquire, possess or use the chemical substances listed in an annex to the Regulation in concentrations higher than those laid down in the annex.

As an exception to this rule, Member States may create systems that allow members of the general public that have legitimate reasons to acquire these substances if they obtain a licence valid for one or more of the substances and present this license to the economic operator that makes the substance available.

Member States may also create systems through which members of the general public will be able to acquire and use three of the restricted substances (hydrogen peroxide, nitric acid and nitromethane) that are widely used for legitimate purposes in a concentration interval specified in the Regulation, provided that the purchase is registered by the economic operator making the substance available. The Regulation also creates a system for reporting suspicious transactions for the explosives precursors listed in the annexes to the regulation as well as mixtures or other substances containing these explosives precursors.

Text of the Regulation No 98/2013 (consolidated version):

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R0098-20170301>

Text of the Guidelines by the European Commission and the Standing Committee on Precursors relating to Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors:

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/explosives/explosives-precursors/docs/guidelines_on_the_marketing_and_use_of_explosives_precursors_en.pdf

4.2. Supranational entities, systems and databases

- 4.2.1. **AFEMS (Association of European Manufacturers of Sporting Ammunition)** - A non-profit organisation set up in 1951 to continue the work started in 1898 by the International Ammunition Convention. AFEMS is a Europe-wide association. Founded on the principles of cooperation and dialogue, it provides a forum for its network of members, a hub of information on sporting ammunition and a means of responding effectively to technical, scientific and legislative challenges. AFEMS' membership includes 52 companies and 8 affiliates from 23 European countries. It represents a network of manufacturers and distributors of ammunition, components, clay targets and machinery, each boasting vast experience and a long history in the industry. AFEMS is regarded as the sole spokesperson and representative for the entire European ammunition industry. AFEMS works actively with the European Commission and the European Parliament to discuss drafting and implementation of legislation on the production, classification and distribution of related products.

Website AFEMS:

http://www.afems.org/what_is.html

- 4.2.2. **EEODN (European Explosive Ordnance Disposal Network)** – Created in the framework of the 2007 EU Action Plan on Enhancing the Security of Explosives (preparedness and response measures), the Network is one of the European Union's main tools in the fight against terrorism. EEODN was established in May 2008 by Europol. Since then, specialists on explosives and CBRN have met twice a year to discuss and understand the existing threats from the illicit use of explosives and CBRN agents, receiving additional training on their respective specialties.

Website Europol:

<https://www.europol.europa.eu/content/european-union-experts-explosives-and-chemical-biological-radiological-nuclear-cbrn-security>

- 4.2.3. **EWS (Early Warning System on Explosives)** - Created in 2010 in the framework of the 2007 EU Action Plan on Enhancing the Security of Explosives, it aims to link public security authorities of the Member States and Europol. It can provide for early warnings on such issues as:

- Immediate threats;
- Theft of explosives (any kind);
- Theft of detonators;
- Theft of precursors; (to be discussed)
- Suspicious transactions;
- Discovery of new modi operandi.

Currently, only a limited number of Member States are connected to EWS.

Progress report on the implementation of the EU Action Plan on Enhancing the Security of Explosives including the EWS:

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/explosives/docs/progress_report_on_explosives_security_2012_en.pdf

- 4.2.4. **EBDB (The European Bomb Data System)** - A common EU database with trusted information on explosives and CBRN related incidents, accessible for experts within the relevant EU authorities. It provides a unique and effective platform for the exchange of technical information and intelligence in this field. EBDS is a dual system, made up of two powerful databases. One covers incidents related to explosives, and the other CBRN incidents.

The system contains specialised libraries where experts can share intelligence documents in most common file formats, as well as specialised discussion forums where experts can interact directly, ask questions, and share thoughts, experiences and best practices.

The EU authorities competent in explosives and/or CBRN were the initial target audience, but the system could be extended to non-EU countries with EU cooperation agreements.

Information on the EBDB:

<http://www.amita.com/wp-content/uploads/2013/06/EBDS-Europol-2011.pdf>

- 4.2.5. **SCEPYLT** – Pan-European information system on explosives control. SCEPYLT is aimed at facilitating approvals to transfer explosives across borders within the EU through electronically issuing transfer permits, and is based on Commission Decision 2010/347. The information system is currently used by a limited number of Member States.

Information on SCEPYLT:

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/explosives/docs/progress_report_on_explosives_security_2012_en.pdf

5. CBRN substances including waste

5.1. Legal instruments

- 5.1.1. **ADR** (*European Agreement Concerning the International Carriage of Dangerous Goods by Road*) (1957) **and** **ADN** (*European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways*) (2000).

ADR was signed at Geneva on 30 September 1957 under the auspices of the UNECE, and it entered into force on 29 January 1968. The Agreement was amended in 1975 by a Protocol that entered into force on 19 April 1985. The key article of the ADR is Article 2, which states that apart from some excessively dangerous goods, other dangerous goods may be carried internationally in road vehicles subject to compliance with:

- The conditions laid down in Annex A for the goods in question, in particular as regards their packaging and labelling; and
- The conditions laid down in Annex B, in particular as regards the construction, equipment and operation of the vehicle carrying the goods in question.

Annexes A and B have been regularly amended and updated since the entry into force of ADR. The latest amendments of the two annexes entered into force on 1 January 2013. Consequently, a revised consolidated version of the ADR has been published as "ADR 2013".

ADN ensures a high level of safety via provisions on substances' carriage either in packages or in bulk. It entered into force only in 2008 and it was amended in 2009. The Regulations annexed to the ADN contain provisions concerning dangerous substances and articles, provisions concerning their carriage in packages and in bulk on board inland navigation vessels or tank vessels, as well as provisions concerning the construction and operation of such vessels. They also address requirements and procedures for inspections, the issue of certificates of approval, recognition of classification societies, monitoring, and training and examination of experts.

See also:

- *Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods.*
- *Directive 95/50/EC of 6 October 1995 on uniform procedures for checking the transport of dangerous goods by road.*

Text of the ADR applicable as of 1 January 2015:

<http://www.unece.org/trans/danger/publi/adr/adr2015/15contentse.html>

Text of the ADN applicable as of 1 January 2015:

http://www.unece.org/trans/danger/publi/adn/adn2015/15files_e.html

Text of the Directive 2008/68/EC (consolidated version):

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02008L0068-20170109>

Text of the Directive 95/50/EC:

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31995L0050&from=EN>

5.1.2. **The London Convention** (*Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter*) (1972) and its Protocol (1996)

The Convention entered into force in 1975 and prohibits the dumping of certain hazardous materials. In addition, a special permit is required prior to dumping of a number of other identified materials and a general permit for other wastes or matter. "Dumping" has been defined as the deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures, as well as the deliberate disposal of these vessels or platforms themselves. Amendments adopted in 1993 (which entered into force in 1994) banned the dumping into sea of low-level radioactive wastes.

In 1996, Parties adopted a Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (known as the London Protocol) which entered into force in 2006.

The Protocol, which is meant to eventually replace the 1972 Convention, represents a major change of approach to the question of how to regulate the use of the sea as a depository for waste materials. Rather than stating which materials may not be dumped, it prohibits all dumping, except for possibly acceptable wastes on the so-called "reverse list", contained in an annex to the Protocol. It stresses the "precautionary approach" which requires that "appropriate preventative measures are taken when there is reason to believe that wastes or other matter introduced into the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects".

Text of the Convention:

<http://www.imo.org/OurWork/Environment/LCLP/Documents/LC1972.pdf>

Text of the Protocol:

http://www.imo.org/blast/blastData.asp?doc_id=13203&filename=PROTOCOL%20Amended%202006.doc

5.1.3. **MARPOL 73/78** (*International Convention for the Prevention of Pollution From Ships*) (1973), as modified by its Protocol (1978)

MARPOL is an International Maritime Organization (IMO) legal instrument initially created to limit sea pollution. The Convention includes regulations aimed at preventing and minimizing pollution from ships - both accidental pollution and that from routine operations - and currently includes six technical Annexes. Special Areas with strict controls on operational discharges are included in most Annexes.

Two annexes concern CBRN: Annex II (1987) refers to transport of chemicals in bulk. Annex III refers to packed harmful substances (1992). Any country visited by a vessel can make an examination to verify compliance with the prescribed standards; if an infringement is found, the ship can be stopped. If an incident occurs outside a verifiable jurisdiction, the country refers cases to the flag States.

Text of the MARPOL 73/78:

[http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx)

5.1.4. **SUA Convention** (*Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*) (1988) and its Protocols (2005)

The SUA Convention has been deposited with the Secretary-General of the International Maritime Organization. Its main purpose is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship that are likely to destroy or damage it.

Important amendments to the SUA Convention and its related Protocol (*Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf*) were adopted in 2005. The amendments were adopted in the form of Protocols (the 2005 Protocols). Following the 2005 update, the use of Biological, Chemical, Nuclear weapons (BCN), meaning biological substances, chemicals and precursors, nuclear devices, as well as other toxic chemicals and their precursors, is finally included in the blacklist. The 2005 Protocols came into force on 28 July.

Namely, the following acts are criminalised:

- The use against or on a ship or discharging from a ship any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage
- The transportation on board a ship of any BCN weapon, knowing it to be a BCN weapon
- The transportation on board a ship of any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.

The transportation of nuclear material is not considered an offence if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons. Rules on jurisdiction and on judicial co-operation including the exchange of evidence are part of the Convention.

Text of the SUA Convention and its 2005 Protocol (consolidated version):

<https://www.unodc.org/tldb/pdf/Convention&Protocol%20Maritime%20Navigation%20EN.pdf>

5.1.5. **Basel Convention** (*Basel convention on the control of cross-border movements of hazardous waste and their disposal*) (1989)

Basel Convention regulates the "environmentally sound management" (ESM) of hazardous waste and other waste during the entire life-cycle. Parties must be prepared to dispose properly of waste and inform each other of trans-boundary movements via their Competent Authorities. Movements are subject to many limitations. Accidents must be communicated using the national focal points – the entity responsible for receiving and submitting information and illegal traffic shall be criminalised. The Convention is not applicable to radioactive waste.

In 1995, the Amendment to the Basel Convention ("the Ban Amendment") was adopted by the Conference of the Parties. The Ban Amendment provides for the prohibition by each Party included in a new annex to the Convention (Annex VII "Parties and other States which are members of the OECD, EC, Liechtenstein") of:

- All transboundary movements to States not included in Annex VII of hazardous wastes covered by the Convention that are intended for final disposal, and

- All transboundary movements to States not included in Annex VII of hazardous wastes covered by paragraph 1 (a) of Article 1 of the Convention that are destined for reuse, recycling or recovery operations.

In 1998, Annexes VIII and IX were added to the Convention to provide further elaboration as to the wastes regulated by the Convention as listed in Annexes I and III. Since then, the Conference of the Parties has adopted various changes to Annexes VIII and IX.

Text of the Basel Convention:

<http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>

5.1.6. **Espoo Convention (Convention on the Effects of Industrial Accidents) (1991)**

The Espoo Convention entered into force in 1997 and aims to prevent accidents from occurring, or to reduce their frequency and severity and to mitigate their effects if required. It applies in case of an industrial accident in an installation or during transportation and involving hazardous activity that is neither radiological nor nuclear.

The Espoo Convention imposes a number of obligations on the State Parties, including:

- To take appropriate measures to establish and maintain adequate emergency preparedness to respond to industrial accidents by creating a response system including mutual legal assistance, exchange of information and technology.
- To reduce the risk and prevent industrial accidents to the extent possible by identifying the hazardous operations taking place within their borders but could have an effect abroad, by making policies concerning the location of these activities and by notifying accidents.
- To designate competent authorities, to which industrial accident notifications and requests for assistance must be addressed.

Amendments to the Espoo Convention were adopted in 2001 and 2004.

See also **Council Decision 98/685/EC of 23 March 1998 concerning the conclusion of the Convention on the Transboundary Effects of Industrial Accidents**. By this Decision the Espoo Convention is approved on behalf of the European Community subject to the reservations appearing in Annex I, concerning thresholds quantities mentioned in Annex I of the Espoo Convention.

Text of the Convention and amendments:

http://www.unece.org/env/eia/about/eia_text.htm

Text of the Council Decision 98/685/EC:

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31998D0685&qid=1432814060209&from=EN>

5.1.7. **International Convention for the Suppression of Terrorist Bombings (1997)**

This UN Convention provides a broad interpretation of “explosive or lethal device” (Article 1 (3)), including everything capable of releasing toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material (Article 1, point 3b). The goal of the Convention is to criminalise any action or contribution connected to the

bombing, whatever the consequences (Article 2), excluding those cases in which the offence involves only one State (Article 3). The Convention pushes States to set up legislative and other measures to prevent the activity of criminal organisations that might finance or support activities under Article 2 (Article 15(a)). Rules on jurisdiction, prosecution and extradition are set up (Articles 6–9). Assistance in intelligence exchange (Article 15b), investigation and evidence exchange are included (Article 10).

Text of the Convention:

<http://treaties.un.org/doc/db/Terrorism/english-18-9.pdf>

5.1.8. **Aarhus Convention** (*UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*) (1998)

Aarhus Convention entered into force in October 2001 granting public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and transboundary environment. It focuses on interactions between the public and public authorities. Parties have to provide access to administrative or judicial procedures.

Through decision II/1 adopted at its second session (Almaty, 25-27 May 2005), the Meeting of the Parties adopted an amendment to the Convention on genetically modified organisms which will enter into force once the necessary number of ratifications has been reached.

Text of the Aarhus Convention:

<http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

Text of the Amendment to the Aarhus Convention:

<http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/about-the-convention/amendments/gmo-amendment.html>

5.1.9. **UNTOC (United Nations Convention against Transnational Organized Crime) (2000)**

The Convention allows the judicial and law enforcement authorities of the States Parties to investigate and combat properly all phases of a CBRNE trans-national criminal scheme. The Convention contains several tools such as measures against corruption, and liability of legal persons that allow prosecutors and police officers to have a *deep global insight* into the grey areas where all the CBRNE actors (legal “producers”, intermediaries, brokers, terrorists etc.) are found together.

Regarding materials, instruments and connected economic gain/equivalent, the Convention defines as “*proceeds of crime*” any property derived from or obtained, directly or indirectly, through the commission of an offence and may cover, other than the assets connected to the criminal activity, CBRN materials. The setting up of JITs and the employment of special investigative techniques are permitted by UNTOC.

It is recommended that UNTOC is read together with the Third Protocol against Illicit Manufacturing and Trafficking in Firearms, their parts and ammunition.

Text of the UNTOC:

<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

5.1.10. **Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC**

This Directive is related to notification of dangerous or polluting goods on board ships (Article 13) and monitoring of hazardous ships and intervention in the event of incidents and accidents at sea (Articles 17 and 19).

It was amended by Commission Directive 2011/15/EU of 23 February 2011 to update the carriage requirements concerning the automatic identification Systems (AIS) and voyage data recorders (VDR) in line with the modifications to the International Convention for the Safety of Life at Sea (SOLAS) and should take account of the development of simplified VDRs, as approved by the International Maritime Organisation (IMO).

Another amendment was made by Commission Directive 2014/100/EU of 28 October 2014 which replaced Annex III of Directive 2002/59/EC by a new Annex III, laying out the structures of the “Electronic Messages and the Union Maritime Information and Exchange System (Safeseanet)”. Member States had to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 18 November 2015 (Article 2).

Text of the Directive 2002/59/EC:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:208:0010:0027:EN:PDF>

Text of the Directive 2011/15/EU:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1400432817314&uri=CELEX:32011L0015>

Text of the Directive 2014/100/EU:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0100>

5.1.11. **United Nations Security Council Resolution 1540 (2004)**

This Resolution addresses the non-proliferation of weapons of mass destruction (WMD) and requires all UN Member States to impede the development, acquisition, manufacture, possession, transport, transfer or use of nuclear, chemical or biological *weapons* and the *means of delivery* by non-State actors.

This aim can be reached acting on several critical areas. Firstly, States “shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials” (Article 3). States must also “develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items (Article 3(c)).

Finally, States have to “establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations” (Article 3(d)). States must maintain lists of items subject to controls (Article 6). The existing anti-WMD proliferation instruments (Article 8(a)) and multi-lateral co-operation bodies (Article 8(c)) must be used. A 1540 Committee has been established to supervise the implementation of the Resolution.

Text of the UNSCR 1540:

[http://www.un.org/en/documents/view.asp?symbol=S/RES/1540\(2004\)](http://www.un.org/en/documents/view.asp?symbol=S/RES/1540(2004))

Website 1540 Committee:

<http://www.un.org/sc/1540/>

Security Council Resolutions on Non-proliferation of weapons of mass destruction:

<http://www.un.org/en/sc/1540/resolutions-committee-reports-and-SC-briefings/security-council-resolutions.shtml>

5.1.12. **International Health Regulations (IHR)(2005)**

In response to the exponential increase in international travel and trade, and emergence and reemergence of international disease threats and other health risks, 194 countries across the globe have agreed to implement the International Health Regulations (2005) (IHR).

This binding instrument of international law entered into force in 2007. It requires members of the World Health Organisation (WHO) to report disease outbreaks. Their aim is to provide a public health response to emergencies.

Multi-language link to IHR:

<http://www.who.int/ihr/9789241596664/en/index.html>

5.1.13. **Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste**

The Regulation concerns almost all types of waste shipped. Only radioactive waste and a few other types of waste do not fall within its application, insofar as they are subject to separate control regimes. It aims at strengthening, simplifying and specifying the procedures for controlling waste shipments to improve environmental protection. It also seeks to include into Community legislation the provisions of the Basel Convention.

Text of the Regulation (EC) No 1013/2006:

<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R1013>

General information on waste shipments by the Commission:

<http://ec.europa.eu/environment/waste/shipments/links.htm>

Important amendments of Regulation (EC) No 1013/2006:

- I. **Commission Regulation (EU) No 135/2012** of 16 February 2012 amending Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste to include certain unclassified wastes in Annex IIIB thereto

Text of the Commission Regulation (EU) No 135/2012:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R0135>

- II. **Commission Regulation (EU) No 255/2013** of 20 March 2013 amending, for the purposes of adaptation to scientific and technical progress, Annexes IC, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste

Text of the Commission Regulation (EU) No 255/2013:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0255>

- III. **Regulation (EU) No 1257/2013 of the European Parliament and of the Council** of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC

Text of the Regulation (EU) No 1257/2013:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R1257>

- IV. **Regulation (EU) No 660/2014 of the European Parliament and of the Council** of 15 May 2014 amending Regulation (EC) No 1013/2006 on shipments of waste

Text of the Regulation (EU) No 660/2014:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.189.01.0135.01.ENG

- V. **Commission Regulation (EU) 2015/2002 of the 10 November 2015** of 10 November 2015 amending Annexes IC and V to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste

Text of the Commission Regulation (EU) 2015/2002:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015R2002>

- 5.1.14. **Prüm Decision** (Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime).

Adopted in order to improve police cooperation among Member States, the Prüm Decision can also apply in cases of CBRN events. Article 18 of the Decision (“Assistance in connection with mass gatherings, disasters and serious accidents”) establishes that national authorities provide each other with mutual assistance, in compliance with national law, if, inter alia, “disasters and serious accidents” do happen. Several preventive and response measures can be undertaken, such as:

- Notifying other Member States of such situations with cross-border impact and exchanging relevant information (Article 18 (a));

- Taking and coordinating the necessary policing measures (Article 18 (b)); and
- Dispatching officers, specialists and advisers and supplying equipment, at the request of the Member State within whose territory the situation has arisen (Article 18 (c)).

Text of the Prüm Decision:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0615:EN:NOT>

Text of the Council Decision 2008/616/JHA, implementing the Prüm Decision:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:210:0012:0072:EN:PDF>

5.1.15. **Waste Framework Directive** (*Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives*)

The Waste Framework Directive sets the basic concepts and definitions related to waste management, such as definitions of waste, recycling, recovery. It explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products.

The Directive introduces the "polluter pays principle" and the "extended producer responsibility". It incorporates provisions on hazardous waste and waste oils, and includes two new recycling and recovery targets to be achieved by 2020: 50% preparing for re-use and recycling of certain waste materials from households and other origins similar to households, and 70% preparing for re-use, recycling and other recovery of construction and demolition waste. The Directive requires that Member States adopt waste management plans and waste prevention programmes. Old Directives (Directive 2006/12/EC, Directive 91/689/EEC, Directive 75/439/EEC) on hazardous waste and waste oils being repealed with the effect from 12 December 2010. The European List of Waste is amended, while hazardous waste, mixing and labelling are covered by Articles 17-19. Waste oils are included, while radioactive waste and decommissioned explosives are not.

Text of the Waste Framework Directive:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0098>

European Waste related legislation:

http://ec.europa.eu/environment/waste/framework/framework_directive.htm

5.1.16. **Directive 2009/43/EC** *of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community*

The Directive is aimed at creating a more competitive market for defence equipment across the EU. The European defence market has traditionally been very fragmented due to differing national approaches. A common issue, for instance, is that some Member States do not distinguish between exports to third countries (*i.e.* outside the EU) and transfers between Member States. The Directive aims to address these obstacles. It concerns simplifying the terms and conditions of transfers of defence-related products within the EU. The Directive only applies to military goods listed on the EU Common Military List (CMLEU).

The CMLEU includes biological agents and radioactive material adapted for use in war, as well as chemical warfare agent, precursors and key precursors. The Council has regularly updated the CMLEU. After each update, the Commission adopted subsequent amendments

of the list of defence-related products contained in the Annex to Directive 2009/43/EC, respectively:

- Commission Directive 2010/80/EU of 22 November 2010
- Commission Directive 2012/10/EU of 22 March 2012
- Commission Directive 2012/47/EU of 14 December 2012
- Commission Directive 2014/18/EU of 29 January 2014
- Commission Directive 2014/108/EU of 12 December 2014
- Commission Directive 2016/970/EU of 27 May 2016
- Commission Directive 2017/433/EU of 7 March 2017

Text of the Directive 2009/43/EC:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:146:0001:0036:EN:PDF>

Common Military List of the European Union:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:069:0019:0051:EN:PDF>

Text of the Commission Directive 2010/80/EU of November 2010:

<http://www.bits.de/public/documents/Ruestungsexport/defence-related-goods2010.pdf>

Text of the Commission Directive 2012/10/EU of 22 March 2012:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:085:0003:0034:EN:PDF>

Text of the Commission Directive 2012/47/EU of 14 December 2012:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:031:0043:0074:EN:PDF>

Text of the Commission Directive 2014/18/EU of 29 January 2014:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=uriserv:OJ.L .2014.040.01.0020.01.ENG>

Text of the Commission Directive 2014/108/EU of 12 December 2014:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0108>

Text of the Commission Directive 2016/970/EU of 27 May 2016:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016L0970>

Text of the Commission Directive 2017/433/EU of 7 March 2017:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017L0433&from=EN>

- 5.1.17. **Resolution WHA58.1 of the World Health Organization (2005)** – It addressed health action in relation to crises and disasters, with particular emphasis on the earthquakes and tsunamis of 26 December 2004. It represents the basis of the World Health Organization’s collaboration with other international agencies (United Nations Development Programme (UNDP), the UN Office for the Coordination of Humanitarian Affairs (OCHA), the International Strategy for Disaster Reduction (ISDR), UNICEF, WFP, international and regional financial institutions) for reducing the public health impact of emergencies, disasters and other crises, with broad-spectrum cooperation (medical care, law and order, transport, search and rescue and fire services, social services and others).

Text of the Resolution WHA58.1:

http://apps.who.int/gb/ebwha/pdf_files/WHA58-REC1/english/A58_2005_REC1-en.pdf

5.2. Supranational entities, systems and databases

- 5.2.1. **ARGUS** –General rapid alert system of the European Commission. It consists of an internal communication network and a specific coordination process to be activated in case of multi-sectoral crises. The Directorates General of the Commission can exchange information, and a Crisis Coordination Committee (CCC) can be activated. It uses the Commission RAS (Rapid Alert Systems) and existing networks.

Website ARGUS:

http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/argus_en.htm

5.2.2. **CBRN Glossary of the Commission**

This glossary contains a list of relevant terms and concepts commonly encountered in the CBRN domain, compiled by the Commission (DG Home).

Text of the Glossary:

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/securing-dangerous-material/docs/cbrn_glossary_en.pdf

Online version of a Glossary developed by the Joint Research Centre of the European Commission and DG HOME:

<http://opencbrne.jrc.ec.europa.eu/main>

- 5.2.3. **CIS (Customs Information System)** - Joint information system to facilitate cooperation among Member States' custom authorities with the aim of combating custom related crimes, *e.g.* smuggling. Located in Brussels and managed by the European Anti-fraud Office (OLAF), it was established under Council Act 95/C316/02. Due to the different customs systems, a standardised customs declaration standard is foreseen in the e-Customs (electronic customs) module. Within e-Customs, the Commission intends to create a common ECS (Export Control System) for national authorities. The Union Customs Code (UCC) was adopted on 9 October 2013 as Regulation (EU) No 952/2013 of the European Parliament and of the Council. It entered into force on 30 October 2013 and repealed the Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code. The UCC is part of the modernisation of customs and will serve as the new framework Regulation on the rules and procedures for customs throughout the EU. The UCC and the related delegated and implementing acts will, amongst others, complete the shift by Customs to a paperless and fully electronic environment. The substantive provisions of the UCC, however, apply only from 1 May 2016.

Text of the Council Act 95/C316/02:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:1995:316:FULL&from=EN>

Legislation related to the electronic customs initiative:

http://ec.europa.eu/taxation_customs/customs/policy_issues/electronic_customs_initiative/electronic_customs_legislation/index_en.htm

- 5.2.4. **Community Mechanism for Civil Protection** - Its main role is to facilitate cooperation in civil protection assistance interventions in the event of major emergencies which may require urgent response actions. This applies also to situations where there may be an imminent threat of such major emergencies. It is therefore an EU tool that enhances community cooperation in civil protection matters and was established by the Council Decision of 23 October 2001. A Recast of this Council Decision was adopted on 8 November 2007.

Website Community Mechanism:

http://ec.europa.eu/echo/what/civil-protection/mechanism_en

- 5.2.5. **ERCC (Emergency Response Coordination Centre)** – ERCC is the former Monitoring and Information Centre (MIC), a tool of the Community Mechanism for Civil Protection (see 5.2.4.). ERCC is a 24/7 communication hub that facilitates Member States' cooperation in civil protection assistance. The ERCC works in close cooperation with national crisis centres throughout the 32 countries participating in the Mechanism (EU 28, the former Yugoslav Republic of Macedonia, Iceland, Liechtenstein and Norway). Communications between the ERCC and National Authorities are made using the “Common Emergency Communication and Information System” (CECIS), making responses to disasters faster.

Website ERCC:

<http://ec.europa.eu/echo/node/402>

Website CECIS:

<http://erccportal.jrc.ec.europa.eu/Open-Cecis>

List of Country Profiles:

<http://erccportal.jrc.ec.europa.eu/Countries>

- 5.2.6. **HEDIS (Health Emergency & Diseases Information System)** - Web-based portal with restricted access for disease outbreaks and health emergencies. For each new crisis, a dedicated sub-portal is generated with information related to the threat (actors, maps, actions). It has an **Interactive Disaster Analysis System and Hospitals database**, providing analysis of the surroundings of a given event (population, activities, hospitals, etc.).

Website HEDIS:

http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/hedis_en.htm

- 5.2.7. **HEOF (Commission Health Emergency Operations Facility)** – Is a public health emergency management structure set up as part of DG SANTE (EU Commission's Directorate-General for Health and Food Safety). It provides coordination amongst the EU Commission, Member States, EU Agencies (*i.e.* the European Centre for Disease Prevention and Control, the European Food Safety Agency and the European Medicines Agency), and international organisations (*e.g.* WHO) during an emergency disease situation. It is located in Luxembourg and Brussels.

Website HEOF:

http://ec.europa.eu/health/archive/ph_threats/bioterrorisme/bioterrorism01_en.pdf

- 5.2.8. **HSC (Health Security Committee)** - Key mechanism for coordinating health security efforts. Informal co-operation and co-ordination body concentrating on health-related threats from terrorism or any deliberate release of biological or other agents, as well as raising levels of preparedness for cross-border threats. It operates in three core areas: generic preparedness, influenza, and chemical, biological and radio-nuclear threats. It has a communication system linking Member States.

Website HSC:

http://ec.europa.eu/health/preparedness_response/risk_management/hsc/index_en.htm

- 5.2.9. **LoW (The European List of Waste)** - It has been set up by Commission Decision 2000/532/EC and it is meant to be a reference nomenclature providing a common terminology throughout the EU. Its purpose is to improve the efficiency of waste management activities. This List replaces the previous European Waste Catalogue (EWC). The LoW serves as a common encoding of waste characteristics in a broad variety of aims such as classification of hazardous wastes, transport of waste, installation permits, decisions about recyclability of the waste or as a basis for waste statistics.

According to Decision 2000/532/EG, LoW should be revised regularly on the basis of new knowledge and, in particular, of research results. LoW has been amended by Commission Decisions 2001/118/EU, 2001/119/EU, 2001/573/EU, 2014/955/EU and 2014/955/EU.

Text of the LOW (consolidated version):

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02000D0532-20150601&from=EN>

Further information on the LoW by DG Environment:

<http://ec.europa.eu/environment/waste/framework/list.htm>

- 5.2.10. **MedISys (Medical Intelligence System)** - Internet monitoring and analysis system developed by the Commission's Joint Research Centre (JRC) to identify potential public health threats using information from the internet. These "threats" include both communicable diseases and chemical, biological, radiological and nuclear threats.

Website MedISys:

http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/medical_intelligence_en.htm

- 5.2.11. **MECR (Multilateral Export Control Regimes)** - non-binding systems for coordinating national policies on export controls:

- *Australia Group (AG)* - 1985: creating common lists for dual use chemical manufacturing facilities, equipment, technology; dual use biological equipment, chemical weapon precursors and biological agents. The European Commission is a member.
- *Missile Technology Control Regime (MTCR)* - 1987: for controls on items contained in the Equipment, Software and Technology annex to the MCTR guidelines.
- *Nuclear Suppliers Group (NSG)* - 1975: for nuclear and nuclear-related exports. The European Commission is a member.
- *Wassenaar Arrangement (WA)* - 1995: for transfer of armaments and dual use goods and technologies.

- *Zangger Committee (NPT Exporters Committee)* – 1974: for the interpretation of Article 3, paragraph 2 of the NPT.

The EU list of controlled items is based on control lists adopted by these international export control regimes.

Websites MECR:

<http://www.australiagroup.net/en/index.html>

<http://www.mtcr.info/>

<http://www.nuclearsuppliersgroup.org/en/nsg-documents>

<http://www.wassenaar.org/>

<http://www.zanggercommittee.org>

- 5.2.12. **NCTS (New Computerized Transit System)** – System based upon electronic declaration and processing. It is designed to provide better management and a more secure Community and Common transit system. The Community Transit is the procedure used for the movement of goods between the EU Member States (and Andorra and San Marino). The Common Transit is an agreement providing a mutual system for Customs transportation between the EU Community and the EFTA countries. Unless approved by the customs authorities to do otherwise, all transit declarations must be submitted electronically via the NCTS. The NCTS will process the declaration and control the transit movement. It is used by all Member States of the European Union and the EFTA countries.

Text of the NCTS:

http://ec.europa.eu/taxation_customs/customs/procedural_aspects/transit/common_community/index_en.htm

- 5.2.13. **OECD (Organisation for Economic Co-operation and Development)** - It helps governments to foster prosperity and fight poverty through economic growth and financial stability. It helps ensure that the environmental implications of economic and social development are taken into account. OECD's work is based on continued monitoring of and regular projections of short and medium-term economic developments. The OECD Secretariat collects and analyses data, after which committees discuss policy regarding this information, the Council makes decisions, and then governments implement recommendations.

Website OECD:

<http://www.oecd.org>

- 5.2.14. **OECD - International Directory for Emergency Response Centres** - Joint publication made by OECD, United Nations Environment Programme - Division of Technology, Industry and Economics (UNEP-DTIE) - and the Joint Office for the Co-ordination of Humanitarian Affairs (UNEP/OCHA) Environment Unit. It contains a detailed list of specialised contact points in the response area, organised by country.

Website OECD - International Directory for Emergency Response Centres:

<http://helid.digicollection.org/pdf/s13467e/s13467e.pdf>

- 5.2.15. **Orange notice (Interpol)** – It is a tool used by Interpol to warn police and other relevant actors about an event, a person, an object or a process representing a serious and imminent threat to public safety.

General Overview:

<http://www.interpol.int/INTERPOL-expertise/Notices/>

- 5.2.16. **Ras-Bichat (Rapid Alert System-Taskforce on Biological and Chemical Agent Attack)** – It is a programme for cooperation on preparedness and response. It sets up a mechanism for information exchange, consultation and coordination for the handling of health-related issues related to attacks in which biological and chemical agents might be used or have been used.

Health Emergency Operations Facility information on Ras-Bichat:

http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

- 5.2.17. **SitCen (EU Joint Situation Centre)** – It is an intelligence body of the European Union which has become a provider of intelligence analysis and strategic assessments to EU decision-makers. Monitors the proliferation of weapons of mass destruction, provides assessments of terrorist threats, chemical, biological, radiological or nuclear (CBRN) terrorism, whether in the EU or in a third country. Since 2010 is part of the European External Action Service (EEAS) set up by Council Decision 2010/427/EU. It lists all the administrative entities to be transferred *en bloc* to the EEAS.

NATO has also a “Sitcen” (Situation Centre) established in 1969 as a central focus for Crisis Management.

General Overview:

<http://www.consilium.europa.eu/uedocs/cmsUpload/WEB15106.pdf>

Text of the Council Decision 2010/427/EU:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:201:0030:0040:EN:PDF>

Website EEAS:

<http://www.eeas.europa.eu/>

Website NATO “SitCen”:

http://www.nato.int/cps/en/natohq/topics_57954.htm

- 5.2.18. **UNECE (United Nations Economic Commission for Europe)** - It was set up in 1947 by the United Nations Economic and Social Council (ECOSOC). It is one of five regional Commissions of the United Nations, along with Commission for Africa, Asia and the Pacific, Latin America and the Caribbean and Western Asia. As a multilateral platform, UNECE facilitates greater economic integration and cooperation among its member countries and promotes sustainable development and economic prosperity through: policy dialogue, negotiation of international legal instruments, development of regulations and norms, exchange and application of best practices as well as economic and technical expertise and technical cooperation for countries with economies in transition.

UNECE has negotiated five environmental treaties, all of which are now in force:

- Convention on Long-range Transboundary Air Pollution;
- Convention on Environmental Impact Assessment in a Transboundary Context;

- Convention on the Protection and Use of Transboundary Watercourses and International Lakes;
- Convention on the Transboundary Effects of Industrial Accidents; and
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Website UNECE:

<http://www.unece.org/info/ece-homepage.html>

- 5.2.19. **UNECE IAN System (Industrial Accidents Notification System)** - Web-based system created under the UNECE Convention on the Transboundary Effects of Industrial Accidents. Reports are listed under three categories: Early Warning, Information and Request for Assistance. A notification of an industrial accident is made by completing and submitting an online form based on early-warning/information or request for assistance reports. The notification is then sent by e-mail to relevant Points of Contact (designated according to Article 17 of the Convention).

Website IAN System:

<https://www2.unece.org/ian/login.shtml>

- 5.2.20. **WMD Monitoring Centre (Weapons of Mass Destruction Monitoring Center)** - Global coordination centre for EU actions against trafficking and proliferation of weapons of mass destruction. CBRN-based. Created by the “EU Action Plan for the Implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction” (EU WMD Action Plan – June 2003).

In December 2006, the Council approved a [concept paper](#) (Doc. 16694/06) on monitoring and enhancing consistent implementation of the EU strategy against the proliferation of WMD through a WMD Monitoring Centre. The document aims at establishing a cooperative working method which allows the Council Secretariat, the Commission services and Member States to work together effectively to combat WMD proliferation.

See also the ESS European Security Strategy (December 2003) and the EU Strategy against the proliferation of weapons of mass destruction (EU WMD Strategy December 2003).

Text of the WMD Strategy:

http://trade.ec.europa.eu/doclib/docs/2004/august/tradoc_118532.en03.pdf

Text of the ESS:

<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>



Eurojust, Johan de Wittlaan 9, 2517 JR The Hague, Netherlands
Phone: +31 70 412 5000 - E-mail: info@eurojust.europa.eu - Website: www.eurojust.europa.eu

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