



**COUNCIL OF
THE EUROPEAN UNION**

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CIVCOM 54
SAN 70
ENV 298
RECH 96
PESC 214
ATO 67
DENLEG 28
ENFOPOL 85
COSDP 161**

"I/A" ITEM NOTE

from : General Secretariat of the Council

to : Coreper II/Council

No. prev. doc. : 9224/02 PROCIV 20 CIVCOM 39 SAN 62 ENV 273 RECH 87 PESC 191
ATO 63 DENLEG 26 ENFOPOL 69 COSDP 142

Subject : Draft programme to improve cooperation in the European Union for **protecting the population against bacteriological, chemical, radiological or nuclear terrorist threats**
– Decision on procedure

Background

1. The European Council of Ghent of 19 October 2001 examined the threats of the use of biological and chemical means in terrorist operations, requested "*increased vigilance and cooperation between the intelligence, police, civil protection and health services*" and asked "*the Council and the Commission to prepare a programme to improve cooperation between the Member States on the evaluation of risks, alerts and intervention, the storage of such means, and in the field of research.*"

The programme should cover the detection and identification of infectious and toxic agents as well as the prevention and treatment of chemical and biological attacks. The appointment of a European coordinator for civil protection will be part of the programme" ¹.

The European Council of Laeken on 13 and 14 December 2001 invited "*the Council and the Commission to move swiftly towards finalising the programme to improve cooperation between Member States with regard to threats of the use of biological and chemical means; the work of the European Civil Protection Agency will provide the framework for such cooperation" ².*

2. At its meeting on 14 November 2001, the Permanent Representatives Committee requested the Civil Protection, Health, Environment and Research Working Parties, as well as the Political and Security Committee, the Committee on Civil Aspects of Crisis Management and the Military Committee, to establish different parts of the programme. The Committee reserved to itself examination of the question of the Civil Protection Coordinator (see doc. 13913/01 CRS/CRP 47 ADDENDUM 3). At its meeting on 24 January 2002, the Committee also kept to itself the question of the Agency, indicating that it would postpone its examination until the moment where it has made up its mind about the contents of the action programme (doc. 5795/02).
3. The Permanent Representatives Committee and the Council will find in:

Annex I: a "Contribution by Civil Protection to a programme to improve cooperation in the European Union for protecting the population against bacteriological, chemical, radiological or nuclear threats", established by the Civil Protection Working Party;

This contribution also concerns radiological and nuclear threats and takes into account the Commission communication of 28 November 2001 on preventive alert against possible emergencies ³, which will be updated in June 2002.

¹ SN 4296/2/01 REV 2, p. 4.

² SN 300/01, p. 5.

³ Doc. 14948/01.

Annex II: a contribution to the consolidated report on bioterrorism by the Working Party on Health;

Annex III: a contribution to the draft EU action plan for the protection of the population against biological and chemical terrorism established by the Environment Working Party;

Annex IV: a contribution on "bioterrorism- research activities" by the Research Working Party;

Doc. 9394/02 CIVCOM 48 PESC 203 COSDP 153 RELEX 99 JAI 106 PROCIV 30:

Draft Council conclusions on the use in crisis management, referred to in Title V of the Treaty of the European Union, of the Community mechanism to facilitate the reinforced co-operation in civil protection assistance interventions, established by the Committee on Civilian Aspects of Crisis Management and soon to be adopted by the Council as a separate I/A-item;

Doc. 15569/01 RESTREINT UE:

Military Advice by the Military Committee regarding military force protection against biological and chemical terrorist attacks in an EU-led crisis management operation;

Doc. 8400/02 RESTREINT UE:

Military advice by the Military Committee on whether, how and under what conditions military forces could assist in protecting the civil population both in the EU and in third countries ⁴.

Proposal for further procedure

4. The Permanent Representatives Committee and the Council are now called upon to decide on further procedure.

⁴ The Political and Security Committee took note of docs 15569/01 and 8400/02 on 21 January and 21 May 2002.

5. The Working Party on Civil Protection proposes that, under "I/A"-items of their agenda:
- the Permanent Representatives Committee and the Council:
 - (a) take note of the contribution by Civil Protection to a programme to improve cooperation in the European Union for protecting the population against bacteriological, chemical, radiological or nuclear threats contained in Annex I as well as of the other contributions referred to in point 3 above;
 - (b) agree that the joint Council/Commission programme requested by the European Council of Ghent should be ready in time for the European Council in Copenhagen on 12-13 December 2002;
 - (c) agree to broaden the scope of the programme so as to cover nuclear and radiological terrorism as well;
 - the Permanent Representatives Committee:
 - (d) invite the present and future Presidencies (ES/DK) and the Commission to prepare, in collaboration with interested delegations and in the light of relevant Council and Commission documents, a first draft which will cover all sectors, include basic principles for the input from the relevant Working Parties, and ensure that all relevant sectors are covered in the programme;
 - (e) instruct the Working Parties on Civil Protection, Health, Environment and Research, as well as the Committee on Civilian Aspects of Crisis Management and the Military Committee acting through the Political and Security Committee to examine that draft so as to update their earlier contributions where necessary and before 30 September 2002;

- (f) instruct the Working Parties on:
- Atomic Question: to examine security of nuclear plants and products,
 - Energy: to examine security of energy facilities and transport,
 - Pharmaceuticals: to examine the availability of vaccines and antidotes,
 - Telecommunications: to examine the security of communication infrastructures,
 - Terrorism: to examine intelligence gathering,
 - Transport: to examine the security of transport vehicles and infrastructures,
 - Veterinary experts (animal welfare): to examine security of animals,
 - Friends of the Presidency (Food safety): to examine food security,

and to prepare their contributions by 30 September 2002;

- (g) instruct the Civil Protection Working Party to consolidate all the contributions in an overall draft programme and to report to Coreper by 20 October 2002.

CONTRIBUTION BY THE CIVIL PROTECTION WORKING PARTY ¹

**CONTRIBUTION BY CIVIL PROTECTION TO A PROGRAMME TO IMPROVE
COOPERATION IN THE EUROPEAN UNION FOR PROTECTING THE POPULATION
AGAINST BACTERIOLOGICAL, CHEMICAL, RADIOLOGICAL OR NUCLEAR THREATS**

1. THE COUNCIL,

HAVING REGARD TO:

- (a) the conclusions of the European Council of Ghent of 19 October 2001, in particular point 5, which, having examined the threats of the use of biological and chemical means in terrorist operations, requested increased vigilance and cooperation between the intelligence, police, civil protection and health services and asked the Council and the Commission to prepare a programme to improve cooperation between the Member States on the evaluation of risks, alerts and intervention, the storage of such means, and in the field of research. The programme should cover the detection and identification of infectious and toxic agents as well as the prevention and treatment of chemical and biological attacks;
- (b) the conclusions of the European Council of Laeken on 13 and 14 December 2001, which invited the Council and the Commission to move swiftly towards finalising the programme to improve cooperation between Member States with regard to threats of the use of biological and chemical means;

¹ The changes to doc. 9224/02 are in bold.

TAKING INTO ACCOUNT:

- (c) the Council Resolution of 8 July 1991 on improving mutual aid between Member States in the event of natural or technological disaster ²;
- (d) Council Decision 87/600/EEC of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency (ECURIE) ³;
- (e) Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency ⁴;
- (f) Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation ⁵;
- (g) the conclusions of the extraordinary meeting of Directors-General for Civil Protection in Knokke on 11 and 12 October 2001 ⁶;
- (h) the Council Decision of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions ⁷ (hereinafter called "the Mechanism");
- (i) the Communication of 28 November 2001 from the Commission to the Council and the European Parliament on civil protection – State of preventive alert against possible emergencies ⁸;
- (j) the conclusions of the Workshop "Response of Civil Protection authorities to major terrorist attacks", held at Florival on 17-19 December 2001 and organised by the Presidency of the Council and the Commission;
- (k) the Council Resolution of 28 January 2002 on reinforcing cooperation in the field of civil protection training ⁹,

² OJ C 198, 27.2.1991, p. 1.

³ OJ L 371, 30.12.1987, p. 76.

⁴ OJ L 357, 7.12.1989, p. 31.

⁵ OJ L159, 29.6.1996, p. 1.

⁶ 14633/01 PROCIV 71 PESC 499.

⁷ OJ L 297, 15.11.2001, p. 7.

⁸ 14948/01.

⁹ OJ C 43, 16.2.2002, p. 1.

HAS AGREED to establish the present contribution of Civil Protection to a future programme to improve cooperation in the European Union for protecting the population against bacteriological, chemical, radiological or nuclear (BCRN) threats.

2. The programme is based on the following fundamental PRINCIPLES:
 - (a) Civil Protection basically prepares for consequence management to limit the consequences of the spreading of BCRN-agents.
 - (b) The responsibility for protecting the population, property and the environment against BCRN-threats lies primarily with the Member States subject to existing Community competences; This concerns especially the measures aimed at preparing for such threats, reducing their consequences and facilitating the return to normal conditions. Measures to prepare for and reduce the consequences of a BCRN-threat must be based on the procedures that exist in each Member State for dealing with the various types of emergency.
 - (c) The efficiency of the measures will be increased by establishing means of coordination and information-sharing between Member States and between the Member States and the Commission.
 - (d) The Mechanism is available in case of emergency in order to support the Member States as regards the assessment and coordination tasks and support interventions.
3. It is noted that THE MEMBER STATES have carried out, or are in the process of carrying out the following actions where necessary:
 - (a) reviewing and/or completing national preparedness measures, identifying weaknesses, needs for reinforcing structures and needs for supplementary resources;
 - (b) information to the public so that the citizens can rightly behave in any situation.
4. It is also noted that following actions have been carried out at COMMUNITY level:
 - (a) Under the Council Resolution of 8 July 1991 on improving mutual aid between Member States in the event of natural or technological disaster, the Member States will endeavour to assist each others upon request in case of BCRN-threats;
 - (b) The following instruments are in place under the Mechanism, which is to be considered to be an appropriate framework for a coordinated Community response in the area of Civil Protection to the consequences of possible terrorist attacks:

- (i) The 24/24 h Monitoring and Information Center may be used in order to:
 - establish emergency communications between the civil protection authorities of the Member States and the relevant departments of the Commission,
 - follow the situation at all times,
 - know what resources are available at any given time within the civil protection services or other emergency services,
 - exchange information about serums and vaccines,
 - in case of request to mobilise assessment and coordination teams and to support interventions;
- (ii) A training programme is being set up to reinforce the capacity to react to events and to improve cooperation and spread of expertise between intervention teams;
- (iii) A 24 h network of national contact points, including BCRN expertise, dealing with requests for assistance has been set up.

5. It is agreed that the following actions should be further developed at Community level:

- (a) The experts from the Member States and from the Commission will, within the framework of the Civil Protection Action Programme and the Mechanism, consider several BCNR-threats and the most appropriate response and identify in particular where mutual help may be possible;
- (b) Regarding training and exercises, specific initiatives concerning BCNR-threats should be taken, such as:
 - (i) The Commission is invited to devise a specific system of training within the Mechanism with a view to sending selected experts on training schemes in different Member States;
 - (ii) The Commission is invited to continue organizing within the Mechanism joint simulation exercises for the intervention units;
 - (iii) A Common Training Strategy should be drawn up that takes into account the different administrative and social circumstances of the Member States and thereby ensures an appropriate degree of preparation at the various levels of intervention especially the first-line intervention levels; This Common Training Strategy will be based on the cooperation of the various civil protection training centres in the Member States. The definition of the strategy will take into account the concepts included in the Council Resolution of 28 January 2002 on reinforcing cooperation in the field of civil protection training;
 - (iv) The Commission is invited to organise an annual Community Exercise with no actual mobilisation of personnel;

- (c) The Commission is called upon to ensure the implementation of the research activities on issues related to civil protection, including biosecurity, as foreseen under the section "Providing health, security and opportunity to the people of Europe" of the next Research and Development Framework Programme, with particular attention to combining national research capabilities and those of the Joint Research Centre;
- (d) Contacts and cooperation between the existing national and Community networks and resources should be reinforced in all areas concerned (civil protection, crisis management, energy, environment, food safety, health, nuclear safety, research, animal protection, etc.), i.a. through the use of the Mechanism. This in particular applies to the mechanisms for early warning, consultation, joint research, information on laboratories, pharmaceuticals and risk management, cooperation and coordination.

6. In line with the above, the Council:

- invites the Member States and the Commission to formulate jointly the action needed to ensure that the above recommendations are implemented effectively;
- invites the Commission and the Member States to insert, also taking into account the Commission communication on the state of preventive alert against emergencies, the present conclusions into a wider programme covering other sectors of activity of the European Union and referring to the measures to protect the population and indicating the links with the different programs and plans in areas such as Health, Research, Environment etc.

Health Division, 21/12/01

CONTRIBUTION BY THE WORKING PARTY ON HEALTH
TO THE CONSOLIDATED REPORT "BIOTERRORISM"

1. The Working Party on Health reconfirms its support for the conclusions on bioterrorism drawn up by the Presidency at the "Health" Council on 15 November 2001, as regards the following elements:
 - noting the cardinal role of public health bodies in the fight against bioterrorism,
 - desiring a strengthening of the EU's response capacity by means of more effective cooperation and coordination between Member States with the support of the Commission, in particular on the basis of the declaration adopted by the Heads of State and Government at Ghent on 19 October 2001, in cooperation with the relevant international organisations,
 - welcoming the concrete steps already taken to strengthen the European communicable diseases network and the early warning system (Decision 2119/98/EC), and inviting the Member States and the Commission to develop a comprehensive programme of cooperation,
 - indicating that the following guidelines could be followed:
 - Develop a mechanism for consultation in the event of a crisis linked to the bioterrorist risk and a capacity for the deployment of joint investigation teams;
 - Set up a mechanism for information on the capacities of European laboratories with respect to the prevention of and fight against bioterrorism;
 - Set up a mechanism for information on the availability of serums, vaccines and antibiotics, including concerted strategies for developing and using those resources;
 - Set up a European network of experts responsible in the Member States for evaluating, managing and communicating risks;
 - Promote the development of vaccines, medicines and treatments,

- considering that these initiatives, which are already underway, must be closely coordinated with those linked to the setting up of a Community coordination mechanism for civil protection measures and must take account of confidentiality requirements in the case of sensitive data.

2. It welcomes the fact that the Commission's Communication on civil protection of 28 November 2001 takes full account of the above indications.

CONTRIBUTION BY THE ENVIRONMENT WORKING PARTY

**TO THE DRAFT EU ACTION PLAN FOR THE PROTECTION OF THE POPULATION
AGAINST BIOLOGICAL AND CHEMICAL TERRORISM**

1. Environmental policy may contribute effectively to the protection of the environment and of human health against acts of biological and chemical terrorism.

2. The following Community instruments in the field of Environment could, amongst others, be of relevance in this respect:
 - *Directive 96/82/EC on the control of major accident hazards involving dangerous substances ("SEVESO" Directive):* This Directive provides for operators of establishments handling dangerous substances above a certain threshold to establish accident prevention policies and emergency plans. It also requires the public authorities to draw up external emergency plans;

 - *Directives 80/778/EC and 98/83/EC on the quality of drinking water and Directive 75/440/EC on the quality of surface waters used for drinking water abstraction:* These Directives provide for constant monitoring of drinking water;

 - *Decision 2000/2850/EC establishing a framework for cooperation in the field of marine pollution:* This Decision strengthens in particular Community co-operation in the case of accidental pollution by oil and other substances, whatever the cause of such event;

 - *Directive 98/81/EC on the contained use of genetically modified micro-organisms:* This Directive requires the operators to inform immediately the competent authorities and the competent authorities to draw up emergency plans. It provides for consultations with other involved Member States and information of the Commission;

 - *Regulation (EEC) No 93/259 on the supervision and control of shipments of waste within, into and out of the European Community:* This Regulation establishes a notification system for the transboundary movement of waste;

 - *Regulation (EEC) No 2455/92 concerning the export and import of certain dangerous chemicals:* This Regulation requires that a chemical which is banned or severely restricted in order to protect human health or the environment should not be transported internationally without prior notification to and agreement from the designated authority of the importing country.

3. Member States and the Community should be encouraged to examine whether the above instruments and any other appropriate monitoring and early warning systems and the existing expertise on chemicals, air and water, can be used in order to better detect biological and chemical threats at an early stage.
4. Existing coordination, exchange of information and cooperation mechanisms in the field of the environment, existing within and between Member States should be expanded and sped up if appropriate, in order to re-inforce the Community's capacity of reaction towards biological and chemical terrorist attacks.
5. As a matter of priority, an assessment should be made of the instruments available under the existing legislation, in the light of concerns raised by biological and chemical threats, and of any need to adapt that legislation accordingly.
6. The Community should work in close cooperation with other relevant international organisations in order to establish adequate information exchange and rapid alert systems. In this respect, the UNECE Convention on the transboundary effects of industrial accidents, and the Basle Convention on the control of Transboundary Movements of Hazardous Wastes and their Disposal are of particular importance.

CONTRIBUTION BY THE RESEARCH WORKING PARTY

BIOTERRORISM – RESEARCH ACTIVITIES

Following the Commission's initiative to set up a group of national experts to compile an inventory of research efforts in the field of BC-terrorism to determine gaps and define needs and opportunities, the Commission has kept the Council fully informed of the work under way, notably at the last meeting of the (Research) Council held on 11 March 2002. The group of national experts has met three times since then to carry out this work. A Commission staff working document aiming at presenting the findings of the expert group and at responding to their recommendations is currently under preparation with a view to being presented at the Research Council on 18 June 2002.

In relation to the 6th EC Research and Development Framework Programme, on which a formal decision by the Council in co-decision with the European Parliament will be taken in the near future, this includes areas such as civil protection, crisis management etc. It also covers genomics and biotechnology for health, food quality and safety and support for Community policies including public health issues.

Under the chapter of specific activities covering a wider field of research (8th Priority), the section dealing with health and security has been expanded to include "issues related to civil protection (including biosecurity and protection against risks arising from terrorist attacks) and crisis management".

