

Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the 2010 Review Conference conclusions and recommendations for follow-on actions

Working paper submitted by the European Union

Introduction and principles

1. The Treaty on the Non-Proliferation of Nuclear Weapons remains for the European Union and the international community as a whole the cornerstone of the global nuclear non-proliferation regime, in addition to the essential foundation for the pursuit of nuclear disarmament in accordance with its article VI and for the development of nuclear energy for peaceful purposes. In adopting by consensus the forward-looking action plan set out in the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (see NPT/CONF.2010/50 (Vol. I)), the States parties reaffirmed their commitment to complying with their obligations and to fulfilling the goals of the Treaty with a view to universal accession. The Conference outcome corresponded to the European Union's main objective of strengthening the implementation of the Treaty through the adoption of a set of specific, effective, pragmatic and consensual measures for stepping up international efforts against proliferation, pursuing disarmament, ensuring the responsible development of peaceful uses of nuclear energy and making progress on implementing the 1995 Resolution on the Middle East.

2. With the adoption by consensus of the action plan, which is designed to strengthen the three pillars of the Treaty, the States parties assumed a joint responsibility that also requires individual action. The European Union is actively pursuing, without delay and in a balanced manner, the implementation of the forward-looking action plan and calls upon all States parties to do likewise.

3. The European Union considers that the Preparatory Committee for the 2015 Review Conference should pave the way for a smooth start to the new review cycle by agreeing promptly on procedural matters, reaffirm the commitment of all States parties to implementing the 2010 action plan in a balanced manner, share information on efforts and progress in implementing the action plan, and review relevant developments on issues that are absent from or inadequately reflected in the action plan, such as universal adherence and implementation of article X.



4. Effective multilateralism, prevention and international cooperation are the three main goals of the European Union strategy against the proliferation of weapons of mass destruction. The European Union promotes universal adherence to and full implementation of all non-proliferation and disarmament treaties and conventions, in particular the Non-Proliferation Treaty, not only through diplomatic means and initiatives, but also through practical training and assistance. It is a major donor to international organizations in this field, providing support to dozens of countries. It is dedicated to supporting and reinforcing verification mechanisms, such as the International Atomic Energy Agency (IAEA) safeguards system (including the adoption of an additional protocol to comprehensive safeguards agreements between States and IAEA), so as to ensure full compliance by all IAEA member States and States parties to the Non-Proliferation Treaty with their international obligations. In this respect, the European Union reaffirms that the Security Council is the final arbiter of international peace and security in cases of non-compliance.

5. In line with action 1 of the action plan, the European Union is actively contributing to global efforts to seek a safer world for all and to create conditions for a world without nuclear weapons in accordance with the goals of the Treaty, in a way that promotes international stability and based on the principle of undiminished security for all. In this regard, the European Union welcomes the first meeting of the five permanent members of the Security Council in follow-up to the 2010 Review Conference, held in Paris on 30 June and 1 July 2011, at which they expressed their determination to implement the commitments that they made at the 2010 Review Conference and to make further progress in relation to achieving the objectives of the Treaty, underlining the vital importance of non-proliferation in attaining that goal. The European Union also takes note with appreciation of all initiatives genuinely aimed at promoting the implementation of the action plan in the field of non-proliferation and disarmament, including the Non-Proliferation and Disarmament Initiative.

6. The European Union and its member States are committed to pursuing nuclear disarmament in accordance with article VI of the Treaty and action 2 of the action plan. With regard to actions 3 to 5, the European Union welcomes the significant steps taken by two of its member States. It reaffirms its commitment and stresses the need to continue the overall reduction of the global stockpiles of nuclear weapons, especially by those States with the largest arsenals, recognizing the application of the principles of irreversibility, verifiability and transparency to guide all measures in the field of nuclear disarmament and arms control, as reaffirmed by the 2010 Review Conference, as a contribution to establishing and upholding international peace, security and stability. The European Union therefore welcomes the increased transparency shown by some nuclear-weapon States, in particular its member States, with regard to the nuclear weapons that they possess, and calls upon others to show similar transparency. It also welcomes the entry into force of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START). The implementation of the Treaty and the pursuit of the bilateral disarmament process are the most important issues on the disarmament agenda. The European Union encourages the Russian Federation and the United States to continue negotiations to achieve greater reductions in their nuclear arsenals, including non-strategic weapons.

7. With regard to the implementation of action 9, at the first Conference of States Parties to the African Nuclear-Weapon-Free Zone Treaty, held in Addis Ababa on 4 November 2010, the European Union offered to support the implementation of the Treaty and the establishment and work of the African Commission on Nuclear Energy. It has begun work on identifying instruments and means to actively support the Commission, subject to the identification of specific assistance needs.

8. With regard to the implementation of actions 6, 7 and 15, the European Union remains deeply concerned by the continuing stalemate in the Conference on Disarmament, including the persistent failure to agree on a programme of work for the Conference, recent attempts to achieve consensus notwithstanding. The European Union has repeatedly appealed for the immediate launch of negotiations on a fissile material cut-off treaty, which would be an indispensable step towards fulfilment of the obligations and final objective enshrined in article VI of the Treaty. In the meantime, the European Union continues to call upon all concerned States that have not yet done so to declare and then to uphold an immediate moratorium on the production of fissile material for nuclear weapons and to dismantle facilities dedicated to the production of fissile material for nuclear weapons. The European Union and its member States are therefore committed to engaging, in order to make progress on actions 6, 7 and 15, in substantive discussions on all the core issues on the Conference agenda. By the same token, the European Union continues to call upon the Conference to consider the enlargement of its membership.

9. The effective functioning of multilateral disarmament institutions is vital for global security. The European Union deeply regrets that, notwithstanding the clear manifestations of strong political will on the part of the overwhelming majority of Conference members, firm support for negotiations and clear calls from both the Secretary-General and the General Assembly, the Conference has not yet been able to build upon the momentum surrounding global disarmament and non-proliferation. The Conference, in accordance with the mandate that it received from the General Assembly at its first special session devoted to disarmament, in 1978, should be the place to forge multilateral treaties. Given the continuing stalemate in the Conference, however, the international community needs to reflect on options to ensure progress. In this respect, the European Union presented, during the General Assembly debate from 27 to 29 July 2011, options to overcome the deadlock in the Conference in order to take multilateral non-proliferation and disarmament negotiations forward.

10. The Comprehensive Nuclear-Test-Ban Treaty is of crucial importance to nuclear disarmament and non-proliferation, as was underlined during the conference on facilitating its entry into force held in New York on 23 September 2011. This is a top priority for the European Union, which has repeatedly called upon all States that have not yet done so, in particular the remaining Annex 2 States, to ratify the Treaty at an early date, in line with actions 10 to 12. The European Union welcomes the latest ratifications by the Central African Republic, Ghana, Guatemala, Guinea, Indonesia and Trinidad and Tobago. In line with actions 13 and 14, the European Union has continued to provide significant support to the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to strengthen the verification system (contributing more than €10 million over the past five years). Decision 2010/461/CFSP of the Council of the European Union (26 July 2010), provides for a further €5.3 million, and another Council decision is under preparation.

11. With regard to action 19, the European Union has organized several topical conferences, including in May 2011 and February 2012, and supports, through the EU Non-Proliferation Consortium, the establishment and strengthening of a network of independent European think tanks and non-governmental organizations, to which it has contributed over €2 million.

12. In accordance with actions 24 to 34, the European Union fully supports the IAEA system of safeguards as a fundamental component of the nuclear non-proliferation regime that is indispensable for the implementation of the Treaty. Constantly stressing that the measures contained in the Model Additional Protocol form an integral part of the IAEA safeguards system and that comprehensive safeguards agreements accompanied by additional protocols constitute the current IAEA verification standard, the European Union is working towards the universalization of these two essential instruments. The European Union has repeatedly underlined that further measures to improve the effectiveness and efficiency of the IAEA safeguards system are required, including the reinforcement of State and regional systems of accounting for and control of nuclear materials and the adoption of revised small quantities protocols, where relevant. IAEA efforts to develop safeguards that are fully information-driven and objective-based are welcomed by the European Union.

13. In line with action 26, the European Union has actively dealt with the major proliferation and non-compliance challenges, which must be addressed resolutely to maintain the credibility and effectiveness of the Treaty regime. The nuclear programme of the Islamic Republic of Iran, in particular its possible military dimension, and the testing by the Democratic People's Republic of Korea of a nuclear explosive device and delivery mechanisms and recent information on a uranium enrichment programme are the two most worrying examples in this regard. The European Union supported a resolution by the IAEA Board of Governors in June 2011 to report non-compliance by the Syrian Arab Republic with its safeguards agreement to the Security Council.

14. These issues raise grave concerns and have led the European Union, in particular in the case of the Islamic Republic of Iran, to engage in renewed efforts to find a negotiated solution. The Union's objective remains to reach a comprehensive long-term settlement that would restore international confidence in the exclusively peaceful nature of the Iranian nuclear programme, ensuring that all obligations under the Treaty are met by the State party while fully respecting its right to the peaceful use of nuclear energy. The most recent meeting of representatives of China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America with the Islamic Republic of Iran, which was led by the High Representative of the European Union for Foreign Affairs and Security Policy and held on 14 April 2012 in Istanbul, Turkey, is a clear example of the Union's determination to work towards achieving a diplomatic solution involving the full implementation of all relevant resolutions of the Security Council and the IAEA Board of Governors. The Union hopes that, by launching a sustained process of serious dialogue with the Islamic Republic of Iran, it will be possible to achieve specific results at an early stage. The Islamic Republic of Iran has to engage in meaningful discussions on practical confidence-building steps in order to address the international community's concerns with regard to its nuclear programme. The European Union calls upon all Member States to support these efforts by fully implementing relevant Security Council resolutions.

15. The European Union strongly condemns the launch conducted on 13 April 2012 by the Democratic People's Republic of Korea, which constitutes a serious violation of Security Council resolutions 1695 (2006), 1718 (2006) and 1874 (2009). The European Union strongly urges the Democratic People's Republic of Korea to abandon all its existing nuclear and ballistic missile programmes in a complete, verifiable and irreversible manner, calling upon it to return to full compliance with the Treaty and IAEA safeguards obligations and to provide IAEA with the requested access to individuals, documentation, equipment and facilities.

16. With regard to the implementation of action 33, the European Union's regional system of accounting and control, the European Atomic Energy Community, has continued to develop its partnership arrangements with IAEA to promote transparency and mutual confidence. Close cooperation and coordination of inspection activities at European Union installations by the European Atomic Energy Community and IAEA constitute an effective and efficient tool with which to apply safeguards in European Union member States in respect of their international non-proliferation obligations. The European Union actively supports the IAEA safeguards system through, among others, the European Commission safeguards support programme, which is becoming one of the largest support programmes in this field. The European Union has contributed €5 million towards modernizing the IAEA Safeguards Analytical Laboratory, with further contributions envisaged.

17. By means of IAEA programmes to support member States, the European Union provides the Agency with technology and expertise from the European Commission Joint Research Centre and its institutes in Ispra (Italy), Geel (Belgium) and Karlsruhe (Germany) in many technical areas related to the effective implementation of safeguards verification measures, which are necessary for allowing peaceful uses of nuclear energy.

18. The European Union fully supports the activities of the international export control regimes, mainly the Nuclear Suppliers Group, the Zangger Committee, the Australia Group, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the Missile Technology Control Regime. With regard to the implementation of action 36, the European Union welcomes the strengthening of the Nuclear Suppliers Group's guidelines agreed at the most recent plenary meeting, held in Noordwijk, the Netherlands, on 23 and 24 June 2011, and emphasizes the need for accession to additional protocols to become, within the Nuclear Suppliers Group, a condition for nuclear supply. The Zangger Committee and the Nuclear Suppliers Group continue to be important forums in which to share experience and work effectively towards efficient export controls, thus contributing specifically to efforts to combat proliferation. The European Union calls upon all States to draw on those bodies' work when drafting and implementing export control legislation.

19. The European Union remains committed to the objectives contained in actions 38 to 46, so as to ensure the best safety, security and non-proliferation conditions by countries wishing to responsibly develop their capacity in terms of peaceful uses of nuclear energy. The European Union fully supports the key role of IAEA in this regard. It also stresses the importance of the action plan on nuclear safety adopted by the IAEA General Conference at its fifty-fifth regular session, held in Vienna from 19 to 23 September 2011 and the outcome of the IAEA Ministerial Conference

on Nuclear Safety, held in Vienna from 20 to 24 June 2011, and of the High-level Meeting on Nuclear Safety and Security convened by the Secretary-General on 22 September 2011 in New York. The European Union has joined the international call to elevate the safety of nuclear power plants to the highest level and to strengthen nuclear safety measures worldwide as part of the lessons to be learned from the accident at the Fukushima Daiichi nuclear power plant.

20. In the light of that accident, the European Union reviewed, as a matter of priority, the safety of all the nuclear power plants in its member States on the basis of a comprehensive and transparent risk and safety assessment (known as a “stress test”). Neighbouring and other countries were invited to participate in the tests, which were overseen by independent national regulatory authorities. Reports will be evaluated through a subsequent peer review process, and the outcome and any subsequent measures made public. As the priority of ensuring the safety of nuclear power plants obviously cannot stop at borders, the European Union has called for similar stress tests to be carried out in neighbouring countries and worldwide, for both existing and planned nuclear facilities, with the involvement of IAEA and other relevant international organizations. In parallel with the stress tests, the European Union will review, by mid-2012, the existing European legal and regulatory framework for the safety of nuclear installations.

21. With regard to the call in action 42 for all States parties to the Convention on the Physical Protection of Nuclear Material to ratify the amendment to the Convention as soon as possible, all European Union member States and the European Commission have ratified the Convention and are in the process of ratifying the amendment.

22. In line with actions 40 to 45, the European Union has continuously stressed the need to do everything possible to prevent risks associated with weapons of mass destruction falling into the hands of terrorists, in particular that of nuclear terrorism. In this context, the European Union has supported Security Council resolutions 1540 (2004) and 1887 (2009), including financially (contributing some €700,000 to date, with further support to come), and called for improved nuclear security for highly radioactive sources. Resolution 1540 (2004) is fundamental to the development of effective mechanisms to prevent any proliferation by non-State actors of weapons of mass destruction and their means of delivery. It requires all States to 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. To this end, States are also to establish transit and brokering controls. The European Union dual-use export control regime was strengthened through Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. Since its entry into force on 27 August 2009, the regulation has been applied in all 27 European Union member States. The European Union has provided and will continue to provide significant support to third countries to ensure the full implementation of resolution 1540 (2004). It has been assisting several countries in complying with their obligations under the resolution, including through regional outreach activities, and is currently elaborating a new Council decision that would continue to provide support to the Security Council Committee established pursuant to resolution 1540 (2004) in promoting the full implementation of the resolution.

23. The European Union also participates in and/or supports other international mechanisms and relevant initiatives, such as the Nuclear Security Summit, the Proliferation Security Initiative, the Global Partnership against the Spread of Weapons and Materials of Mass Destruction and the Global Initiative to Combat Nuclear Terrorism. It actively contributed to the outcome of the nuclear security summits held in Washington, D.C., and Seoul. The European Union supports IAEA activities in the areas of nuclear security in the framework of the implementation of the European Union strategy against the proliferation of weapons of mass destruction. It is one of the main contributors to the Nuclear Security Fund, having provided funding of nearly €31 million since 2004, complemented by the contributions of individual member States. To date, more than 50 countries have benefited from assistance financed through European Union joint actions and Council decisions, with the number continuing to grow. Through the Instrument for Stability, during the period 2007-2013 nearly €300 million is being dedicated to chemical, biological, radiological and nuclear risk mitigation, of which about one third will be allocated to a European Union initiative on regional chemical, biological, radiological and nuclear centres of excellence with a view to strengthening institutional capacity to combat chemical, biological, radiological and nuclear risks worldwide.

24. In line with actions 49 and 52 to 56, the European Union has always been a strong supporter of the IAEA technical cooperation programme as a vehicle to ensure responsible development of peaceful applications of nuclear technology in the areas of human health, food and agriculture, water resources, environment and nuclear energy, among others, laying emphasis on nuclear and radiation safety in participating member States. The European Union uses several of its financial instruments to support both IAEA and cooperation with third countries in the safety and security of peaceful uses of nuclear energy and technology, contributing at least €150 million per year. Part of this funding is put to use in third countries through the IAEA Technical Cooperation Fund, to which the European Union is the primary contributor, including through individual contributions from its member States. Through the Instrument for Nuclear Safety Cooperation, up to €24 million has been committed over the period 2007-2013 to finance safety projects in the Commonwealth of Independent States, Latin America, South-East Asia, North Africa and the Middle East. Projects include support for third country nuclear regulators and operators, safety improvements in the design, operation and maintenance of nuclear installations, safety of nuclear material and radioactive waste management and measures to promote international cooperation. The European Union's seventh framework programme of the European Atomic Energy Community for nuclear research and training activities (2007-2011) has supported research activities launched under nuclear cooperation agreements with other countries, some in coordination with the Generation IV International Forum. The current framework programme 2012-2013 focuses research on safety aspects. To date, partner countries have included Argentina, Australia, Brazil, China, India, Kazakhstan, the Republic of Korea, the Russian Federation and Ukraine. The European Atomic Energy Community has negotiated nuclear cooperation agreements with 14 countries, covering in particular safe and transparent nuclear trade and research activities in nuclear safety and fusion energy. The Council of the European Union has agreed on a general approach for extending the seventh framework programme.

25. Ensuring fair access to technical cooperation funds by all IAEA member States and further elaborating policies to facilitate the increased participation of least developed countries in the technical cooperation programme is of great importance. The commitment of the beneficiary countries is key to the success of all technical cooperation projects. The European Union has therefore repeatedly stressed the importance of timely payment of national participation costs and the signature of revised supplementary agreements for all States receiving technical assistance from IAEA. It has also underscored the importance of consistent application of safety, security and safeguards measures.

26. In line with action 58, the European Union remains firmly convinced of the benefits of multilateral approaches to the nuclear fuel cycle, and therefore welcomes the steps taken by IAEA to establish a reserve of low-enriched uranium. The European Union is committed to contributing up to €25 million to that reserve (€20 million from the Instrument for Stability, with the prospect of a further €5 million from the budget for the common foreign and security policy), of which €10 million has already been paid to IAEA.

27. In line with part IV of the action plan, the European Union strongly supports the mechanism for implementing the 1995 Resolution on the Middle East, which includes in particular the holding of a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction. It has contributed to this process by sponsoring a two-day seminar in July 2011 that was characterized by an extremely high level of participation and discussion (some 200 experts from Governments, non-governmental organizations and academic institutions). The European Union is preparing possible follow-up initiatives to the seminar, in close coordination with the facilitator of the 2012 conference.

Way forward

28. The European Union is committed to working together with all States parties during the new review cycle to implement, without delay and in a balanced manner, the forward-looking actions adopted by the 2010 Review Conference. On the basis of Council decision CFSP/212/2010, the European Union will continue to work to achieve tangible and realistic progress towards the goals enshrined in the Treaty, beyond the 2010 action plan. The European Union will in particular work towards strengthening the effectiveness and comprehensiveness of the non-proliferation regime by making the conclusion of a comprehensive safeguards agreement together with an additional protocol the verification standard, pursuant to article III of the Treaty. The European Union continues to see that there is a need to arrive at a common understanding among States parties of how to respond effectively to a State party's withdrawal from the Treaty. Lastly, the European Union reiterates that it is a priority to uphold the Treaty, bearing in mind the current major proliferation challenges, in particular in the Democratic People's Republic of Korea and the Islamic Republic of Iran, through a common understanding among States parties of how to respond resolutely and effectively to cases of non-compliance.