

ANNEX

EU support to the Hague Code of Conduct against Ballistic Missile Proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

1. Objectives

The European Union has strongly supported the Code from its inception. The European Union considers the Code as an important multilateral instrument which aims at curbing the proliferation of ballistic missiles systems and related technologies through transparency and confidence building measures. All the European Union Member States have subscribed to the Code and are implementing the Code in good faith.

In the past, the European Union tried to overcome remaining loopholes in the implementation of the Code and its universality by organising a workshop of subscribing and non-subscribing States to the Code in the margins of the 2007 Annual Meeting. Encouraged by the outcome of the workshop, the European Union wishes to pursue this initiative and support three aspects of the Code as follows:

- Universality of the Code,
- Implementation of the Code,
- Enhancement and improved functioning of the Code.

2. Description of the projects

2.1. Project 1: Promotion of the universality of the Code

2.1.1. Purpose of the project

While the number of subscribing States has attained the level of two thirds of all UN Member States, more needs to be done to achieve universality of the Code. At the Annual Meetings, the subscribing States noted that the reasons behind the reluctance of non-subscribing States to subscribe to the Code vary extensively, from general lack of awareness and understanding of the Code to more political reasons.

2.1.2. Results of the project

- increase awareness about, understanding and support of the Code,
- enhance interaction among subscribing and non-subscribing States to the Code,
- increase the number of subscribing States to the Code.

2.1.3. Description of the project

The project provides for the organisation of two workshops:

- an awareness raising workshop for the region with the greatest number of non-subscribing States.

In Africa, the following countries have not subscribed to the Code: Algeria, Angola, Botswana, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Lesotho, Namibia, Republic of Congo, Somalia, Swaziland, Togo and Zimbabwe.

- a general workshop, following the model of the workshop that was organised in the margins of the 2007 Annual Meeting of subscribing States with focused and structured exchanges on technical and politico-security considerations related to ballistic missile proliferation and the relevance of the Code.

Changes to legislation: There are currently no known outstanding effects for the Council Decision 2008/974/CFSP, ANNEX. (See end of Document for details)

2.2. Project 2: Support for the implementation of the Code among subscribing States

2.2.1. Purpose of the project

While the Code represents an important instrument for curbing the proliferation of ballistic missiles and related technologies through confidence-building and transparency measures, more needs to be done to promote better exchanges among subscribing States. The project will focus on those aspects of exchanges where tangible results can be achieved.

2.2.2. Results of the project

- creation of a prototype of a secure internet-based information and communication mechanism (e-ICC), which could enable faster, easier and securitized exchange of information among subscribing States and provide for the electronic distribution of documents,
- in the event that the subscribing States decide to establish an e-ICC at their Annual Meeting, such a prototype could be made operational,
- greater support for a visit by observers to SLV testing launch sites.

2.2.3. Description of the project

The project provides for two types of measures:

- (a) Facilitation of the exchange of information and communication among subscribing States through the creation of an e-ICC. The experience of France with the Missile Technology Control Regime (MTCR) e-POC system is of particular relevance to this project.

Given the fact that it is for the subscribing States of the Code at the Annual Meeting to decide whether to establish such a system, the project will be implemented in two phases. The implementation of the second phase will be subject to prior deliberation by the subscribing States on the e-ICC at the Annual Meeting.

Phase 1: Proposal of the EU to the subscribing States of the Code to create an e-ICC

A prototype of an e-ICC will be prepared with a view to presenting it to the subscribing States, possibly in 2009 and to receiving feedback on its operation from the subscribing States.

Phase 2: Operationalisation of the e-ICC prototype

In the event that the subscribing States decide to establish an e-ICC at the Annual Meeting, such a prototype could be made operational. To that end, the know-how and material aspects of the prototype would be transferred to the ICC/Executive secretariat for management and training would be provided to the ICC and the subscribing States;

- (b) Providing financial means for a visit of international observers to SLVs' testing launch sites of the EU Member States.

2.3. Project 3: Promotion of the further enhancement and improved functioning of the Code

2.3.1. Purpose of the project

The security environment is evolving constantly, including in the area of proliferation of the means capable to deliver Weapons of Mass Destruction. The subscribing States meet annually and assess the implementation of the Code as well as the new trends in the proliferation of ballistic missiles and related technologies.

The project will promote more in-depth discussion among subscribing States, and, when appropriate, include non-subscribing States in a more informal setting and will provide for access to technical expertise concerning ballistic missile proliferation outside governmental circles. The outcomes of the project could be submitted as a food-for-thought paper at the Annual Meeting of subscribing States.

2.3.2. Results of the project

- better understanding of current trends in ballistic missile proliferation and SLV programmes with recommendations for the subscribing States,
- analysis of options how to motivate the subscribing States to undergo the Ballistic Missile and SLV programmes,
- better understanding of the interface between the Code, the MTCR and bilateral and regional arrangements concerning confidence building measures in pursuit of the goal of missile non-proliferation and a definition of policy recommendations,
- working papers or other forms of documentation from the workshops, which could be submitted by the EU to the HCoC Annual Meeting.

2.3.3. Description of the project

The project will provide for two types of activities:

- (a) Financing of a study on the current trends in ballistic missiles and the dynamics in their proliferation, as well as SLV programmes, which could be submitted as a food-for-thought paper at the Annual Meeting of the subscribing States. In conducting this study, FRS will ensure that there is no duplication of work with the UN Group of Governmental Experts;
- (b) Financing of workshops of experts from the subscribing and non-subscribing States, both from the governmental and non-governmental sectors. The workshops could be organised in the margins of the Annual Meetings. The outcomes could be submitted as a working paper to the Annual Meeting of the subscribing States. The workshops will address the following issues:
 - The interface between the Code, the MTCR and bilateral and regional confidence building measure arrangements in pursuit of the goal of missile non-proliferation as well as between the Code and the UN system (UNGA),
 - How to motivate the subscribing States to undergo the ballistic missile and SLV programmes.

3. Duration

The total estimated duration of the implementation of the projects is 24 months.

4. Beneficiaries

The beneficiaries of the projects in this Decision are both subscribing and non-subscribing States to the Code.

The final choice of the beneficiary States will be made in consultation between the implementing entity and the Presidency, assisted by the SG/HR in close consultation with Member States and the Commission in the framework of the competent Council Working Party. The final decision will be based on proposals by the implementing entity in accordance with Article 2(2).

5. Implementing entity

FRS will be entrusted with the technical implementation of the projects. The projects will be implemented directly by staff of the FRS or of its cooperative partners, the Institute of Peace

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Research and Security Policy of Hamburg University and the Polish Space Research Centre in Warsaw.

The implementing entity will prepare:

- (a) Quarterly reports on the implementation of the projects;
- (b) A final report not later than one month after the end of the implementation of the projects.

Reports will be sent to the Presidency, assisted by the SG/HR.

The FRS will ensure the visibility of the EU contribution, appropriate to its size.

6. Third party participants

The projects will be financed in their entirety by the Decision. Experts from subscribing States to the Code or non-subscribing States may be considered as third party participants. They will work in accordance with the standard rules of the FRS.

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