

**Fourth Meeting
Geneva, 10-14 December 2007**

**Meeting of Experts
Geneva, 20-24 August 2007
Items 6 of the agenda
Consideration of regional and
sub-regional cooperation on
implementation of the Convention**

**ENHANCING EU CO-OPERATION WITH THIRD COUNTRIES
IN THE FIELD OF EXPORT CONTROL OF DUAL-USE ITEMS**

Submitted by the Federal Republic of Germany

1. Article III BTWC requires each State Party to the Convention to undertake “not to transfer to any recipient whatsoever, directly or indirectly, ... agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.”
2. The Sixth BTWC Review Conference called “for appropriate measures, including effective national export controls, by all States Parties to implement this Article, in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention.” (BWC/Conf.VI/6)
3. In Council Common Position 2006/242/CFSP of 20 March 2006 relating to the 2006 Review Conference of the Biological and Toxin Weapons Convention (BTWC) the European Union decided that “the European Union shall ... promote effective implementation by all States Parties”, and that respective action shall be taken by the European Union.
4. Council Joint Action 2006/184/CFSP of 27 February 2006 in support of the Biological and Toxin Weapons Convention forms one part of the promotional EU outreach activities for effective implementation of the BTWC. Other promotional activities not specifically designed for national BTWC implementation but also addressing implementation obligations under Article III BTWC cover the area of export controls.
5. The European Union has mandated the Bundesamt für Wirtschaft und Ausfuhrkontrolle – BAFA (Federal Office of Economics and Export Control) with the implementation of two EU-outreach projects aiming at enhancing co-operation with third countries in the field of export control. See Annex.

Annex

EU-Outreach Projects: Enhancing EU co-operation with third countries in the field of export control of Dual-use items - Implemented by BAFA, Germany

Political Background

1. The political background includes:
 - (i) Nexus: Pilot Project and UNSC-Resolution 1540
 - (ii) EU Strategy against the proliferation of WMD
 - (iii) European Security Strategy

EU-Russia Co-operation Programme

2. The programme started in February 2006 and will have a duration of 3 years. It is operated jointly by the European Union and the Russian Federation. There is a project office in Moscow. Core elements of the programme includes:
 - (i) Exchange Seminars
 - (ii) Study Visits to EU-Member States
 - (iii) Legal Review
 - (iv) Institutional Capacity Building
 - (v) Industry Outreach
 - (vi) Reference Guidebook
 - (vii) Internet Information Centre
 - (viii) Feasibility Study on electronic processing
 - (ix) Export Control Conference

Pilot Projects

3. Pilot projects are being held in: Albania, Bosnia and Herzegovina, China, Croatia, FYR of Macedonia, Montenegro, Morocco, Serbia, Ukraine, and the United Arab Emirates.
4. The pilot projects for 2005/06 have a duration of 2 x 24 months. They started in January 2006 or January 2007.

5. The pilot projects are implemented through:
 - (i) Giving the project a structure
 - (ii) Identification of counterparts
 - (iii) Initial visit
 - (iv) Needs analysis with Partner Country
 - (v) Setting up a team of EU experts
 - (vi) Carry out project activities, such as seminars and study visits

6. Elements include:
 - (i) Legal – draft primary legislation
 - (ii) Licensing - Draft rules of procedures, Train Licensing Authorities in the enforcement of laws and regulations
 - (iii) Customs- Train customs officers
 - (iv) Awareness – outreach to industry
 - (v) Sanctions-support to the judicial sector.

Working concepts

7. A three-step approach has been adopted with a special focus on the receiving country:
 - (i) theory /case study
 - (ii) practical training
 - (iii) lessons learnt

8. The approach of the European Union has been best practices as well as dialogue and exchange.

Experience

9. The programme has provided useful experience, including:
 - (i) Working within a partnership
 - (ii) Target countries commitment to the co-operation
 - (iii) Relevant authorities in the target country are willing and able to co-operate
 - (iv) Actors need to be officials

- (v) Very limited number of qualified experts and availability
- (vi) “Tailor made” activities
- (vii) Access to required regulatory and organisational information

Risks

10. The programme has also highlighted a number of risks:
- (i) Frequent government restructuring
 - (ii) Lack of clear delineation of duties and responsibilities between federal agencies
 - (iii) Reorganisation of the industrial complex and related economic difficulties for companies
 - (iv) Industry remains unconvinced of the benefits of an efficient export control system
 - (v) A minimum of functioning administrative and legal structures

Additional information

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