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on strengthening chemical, biological, radiological and nuclear security in the European Union – an EU CBRN Action Plan
(2010/2114(INI))

Committee on Civil Liberties, Justice and Home Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on strengthening chemical, biological, radiological and nuclear security in the European Union – an EU CBRN Action Plan (2010/2114(INI))

The European Parliament,

- having regard to Article 3 TEU and Articles 2(5), 67, 74, 196 and 222 TFEU,
- having regard to the Charter of Fundamental Rights of the European Union¹,
- having regard to the Programme of the Council and the Commission of 20 December 2002 to improve cooperation in the European Union for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats (2002 CBRN Programme)²,
- having regard to Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism³, as amended by Council Framework Decision 2008/919/JHA⁴,
- having regard to the 2003 EU Strategy against Proliferation of Weapons of Mass Destruction and their Means of Delivery,
- having regard to the 2003 European Security Strategy - A Secure Europe in a Better World, as adopted by the European Council held in Brussels on 12 December 2003, as well as the 2010 EU Internal Security Strategy⁵ and the Commission Communication on it (COM(2010)0673),
- having regard to the 2004 EU Solidarity Programme on the consequences of terrorist threats and attacks⁶,
- having regard to the 2005 EU Counter-Terrorism Strategy, as adopted by the Brussels European Council on 1 December 2005⁷, and the implementing Action Plan⁸,
- having regard to the Hyogo Framework for Action 2005-2015⁹ as adopted by the World Conference on Disaster Reduction held from 18 to 22 January 2005 in Japan,
- having regard to the Seventh Framework Programme for Research and Technological

¹ OJ C 83, 30.3.2010, p. 389.

² 14627/02.

³ OJ L 164, 22.6.2002, p. 3.

⁴ OJ L 330, 9.12.2008, p. 21.

⁵ 5842/2/10.

⁶ 15480/04.

⁷ 14469/4/05.

⁸ 5771/1/06.

⁹ <http://www.unisdr.org/eng/hfa/hfa.htm>.

Development¹, in particular its funding of the CBRN Emap project²,

- having regard to Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument³,
- having regard to Council Decision 2007/779/EC, Euratom of 8 November 2007 establishing a Community Civil Protection Mechanism (recast)⁴,
- having regard to 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 items⁵,
- having regard to Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection⁶, specifically in the case of actions with a cross-border impact, which, inter alia, lays down guidelines for an integrated approach to increasing capabilities for critical infrastructure protection at EU level, including the need for a Critical Infrastructure Warning Information Network (CIWIN), and confers on the Commission a role of drawing up proposals and providing coordination in connection with the improvement of the protection of such critical infrastructures,
- having regard to the Communication from the Commission to the European Parliament and the Council on Strengthening Chemical, Biological, Radiological and Nuclear Security in the European Union - an EU CBRN Action Plan (COM(2009)0273),
- having regard to the Council conclusions of 30 November 2009 on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union and approving an EU CBRN Action Plan⁷,
- having regard to the Stockholm Programme – An open and secure Europe serving and protecting citizens⁸,
- having regard to the Communication on the EU Counter-Terrorism Policy: Main achievements and future challenges (COM(2010)0386),
- having regard to the Communication from the Commission on Delivering an area of freedom, security and justice for Europe's citizens - Action Plan Implementing the Stockholm Programme (COM(2010)0171),

¹Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) (OJ L 412, 30.12.2006, p. 1).

²<https://www.cbrnemap.org>.

³OJ L 71, 10.3.2007, p. 9.

⁴OJ L 314, 1.12.2007, p. 9.

⁵OJ L 134, 29.5.2009, p. 1.

⁶OJ L 345, 23.12.2008, p. 75.

⁷15505/1/09 REV 1.

⁸OJ C 115, 4.5.2010, p. 1.

- having regard to its past resolutions on CBRN topics and disaster prevention and response, and in that regard to its recent resolution of 10 February 2010 on the earthquake in Haiti¹, which calls for the establishment of a European civil protection force,
 - having regard to its resolution of 21 September 2010 on the Commission communication: A Community approach on the prevention of natural and man-made disasters²,
 - having regard to the revised Council Presidency proposal of 25 October 2010 for draft Council conclusions on preparedness and response in the event of a CBRN attack, drawn up on the basis of the objectives set out in Action H.29, improving emergency planning, of the EU CBRN Action Plan³, as adopted by the Council on 8 November 2010,
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance' (COM(2010)0600),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Environment, Public Health and Food Safety, the Committee on Foreign Affairs and the Committee on Industry, Research and Energy (A7-0349/2010),
- A. whereas the EU can point to a long-term involvement in CBRN programmes, starting with the conclusions of the Ghent European Council of 19 October 2001 and of the Laeken European Council of 13-14 December 2001; whereas a CBRN Programme was adopted in 2002, and then replaced by the EU Solidarity Programme in 2004, and whereas a new EU CBRN Action Plan was adopted by the Council on 12 November 2009,
- B. whereas CBRN disasters, whether accidental or resulting from a terrorist attack, pose serious threats to the security and health of the people living in the EU, affecting their lives, the environment and assets, including their cultural heritage and the functioning of society in one or several EU Member States, by disrupting critical infrastructures and governance capabilities,
- C. whereas both the Council and the Commission agree that the number of incidents involving CBRN material, including acts of terrorism, has so far been relatively small, and whereas the majority of the disasters involving CBRN substances have been due to industrial accidents or to the increase in, and worldwide spread of, dangerous pathogens,
- D. whereas the existing and continuous risk of CBRN disasters on European Union territory, whether accidental or intentional, severely compromises the full enjoyment of all fundamental rights and freedoms, and is in contradiction with the promise to create and the development of a European area of freedom, security and justice,
- E. whereas one of the greatest CBRN risks stem from proliferation of CBRN material by

¹ Texts adopted, P7_TA-PROV(2010)0015.

² Texts adopted, P7_TA-PROV(2010)0326.

³ 15465/10.

terrorist organisations, and whereas, therefore, an important measure concerns the strengthening of the non-proliferation regime and disarmament through the universal and full implementation of all relevant treaties and international agreements (namely the Nuclear Non-proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention) and achieving agreement on a treaty on banning the production of fissile material for weapons purposes (Fissile Material Cut-off Treaty),

- F. whereas the manufacture, possession, acquisition, transport, supply or use of weapons and explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons and instruction in the making or use of explosives, firearms or other weapons for illegal purposes is part of the EU definition of terrorism and training for terrorism as referred to in Council Framework Decisions 2002/475/JHA and 2008/919/JHA,
- G. whereas measures regarding CBRN material are one of the cornerstones of the EU Counter-Terrorism Strategy, and whereas, consequently, an EU CBRN Action Plan was approved by the Council on 30 November 2009,
- H. whereas the problem of the misuse of certain chemicals, which are widely available to the general public on the market, as precursors to home-made explosives, may give rise to a series of terrorist and other criminal incidents in the EU; whereas this calls for strong monitoring and scrutiny of the implementation of the proposal for a regulation of the European Parliament and of the Council on the marketing and use of explosive precursors (COM(2010)0473),
- I. whereas following the entry into force of the Lisbon Treaty a new balance of responsibilities between the various EU institutions, on one hand, and the EU and its Member States, including defence expertise, on the other, is being established; whereas the building of such a new framework is a continuous process demanding an understanding of shared values and a common goal,
- J. whereas in principle the Member States are responsible for CBRN policy, but whereas close cooperation and coordination at EU level is nevertheless a necessity,
- K. whereas the creation of the European External Action Service (EEAS) offers opportunities to improve the EU's overall crisis response through actions under the Instrument for Stability (IfS),
- L. whereas an EU CBRN Action Plan should make for the efficient interaction of national and EU initiatives in addressing CBRN risks and in preparing the necessary responses, enhancing both 'horizontal' coordination between the Commission and Member States and 'vertical' coordination between the EU-level instruments and Member States' instruments, in order to increase the effectiveness and speed of information sharing, the exchange of best practices, analytical reporting at all stages, joint planning, the development of operational procedures, operational exercises and the cost-effective pooling of existing resources,
- M. whereas several EU criminal law-enforcement agencies are involved in CBRN measures, for example Europol, through the establishment of a European Bomb Database and the

Early Warning System for explosives and CBRN material; whereas this calls for the establishment of proper procedures for the exercise of scrutiny by the European Parliament and national parliaments, as envisaged, for example, by Article 88 TFEU,

- N. whereas health risks and the related prevalence of dangerous pathogens are increasingly occurring within the EU and globally, as has been demonstrated by the recent A/H1N1 outbreak,
- O. whereas environmental pollution and contamination issues, including those of a cross-border nature, can be raised by CBRN incidents, making it necessary to include recovery and decontamination strategies in the EU CBRN policy,
- P. whereas the overall goal of the new EU CBRN policy is ‘to reduce the threat and damage from CBRN incidents to the citizens of the European Union’, and whereas this is to be achieved by ‘minimising the likelihood of CBRN incidents occurring and limiting their consequences should they materialise’,
- Q. whereas the Commission, in its Communication on the EU’s Role in Global Health¹, recognises the need to coordinate measures at EU level and globally in order to respond rapidly to health threats and commits itself to improving preparedness and response mechanisms to epidemics or outbreaks, including deliberate acts, such as bioterrorism,
- R. whereas, compared to nuclear technology and its precursors, biological materials, such as anthrax, are cheaper and much easier to acquire and spread, providing possibilities for unconventional terrorist attacks posing dire long-term threats to health and the environment, including agriculture and the food supply,
- S. whereas first responders, including police, fire and ambulance services, are unable to assist victims at the site of a CBRN incident without risk to personal safety unless they have received pre-exposure protection in the form of medical countermeasures and adequate training,
- T. whereas regional stockpiles of medical countermeasures provide adequate protection for citizens by balancing public health protection and economic concerns, while also ensuring Member State responsibility and solidarity,
- U. whereas the World Health Organisation, with its Global Alert and Response² programme, seeks to strengthen bio-safety, bio-security and readiness for outbreaks of dangerous and emerging pathogens,
- V. whereas the EU is an active participant, through its Member States and the Commission, in the discussions of the Global Health Security Initiative aimed at achieving concerted global action to strengthen public health preparedness and provide a response to the threat of international biological, chemical and radio-nuclear terrorism,

¹ Commission Staff Working Document ‘Global health – responding to the challenges of globalisation’ (SEC(2010)0380), Accompanying document to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions ‘The EU Role in Global Health’ (COM(2010)0128).

² <http://www.who.int/csr/en/>

- W. whereas the threat to chemical, biological, radiological and nuclear safety arises not only from terrorist attacks or negligence, but also from the current areas polluted with chemical weapons from the Second World War that were dumped on the seabed or on nuclear waste sites in the EU,
- X. whereas the appropriate level of chemical, biological, radiological and nuclear safety in the EU also depends on the security level applied in third countries,
- Y. whereas new threats to security could arise from the use of new technologies in planning new acts of terrorism, while security standards are not being adapted fast enough to technological progress,
- Z. whereas a thorough review of the various standards currently applicable is needed in order to set necessary and sufficient security requirements,
- ZA. whereas the EU CBRN Action Plan is divided into three main parts: Prevention, Detection, and Preparedness and Response, and includes a fourth chapter on ‘Actions applicable to CBRN prevention, detection and response’; and whereas recognising the importance of each of the stages is crucial to ensure proper implementation of risk-assessment studies, responses and countermeasures, while adopting a cross-cutting and cross-border approach to dealing with CBRN materials, i.e. through the proper allocation of measurable goals and actions at each stage,
- ZB. whereas the changes made by the Council to the current EU CBRN Action Plan proposed by the Commission make the Action Plan weaker, making the commitment on the part of Member States non-binding and watering down the measures provided for, many of which are kept at national level instead of being given an EU-wide scope, as well as weakening the monitoring and scrutiny of their implementation by the Commission, sometimes even failing to include the Commission as an ‘involved actor’ along with the Member States,

General guidelines

1. Notes that the EU CBRN Action Plan straddles the new division of competences between the Member States and the EU following the entry into force of the Lisbon Treaty, as envisaged in Article 5 TEU in connection with the principles of conferral, subsidiarity and proportionality; points out that the EU CBRN Action Plan covers the area of shared internal competences (Article 4 TFEU) regarding the area of freedom, security and justice, common safety concerns, and transport; civil protection measures (Article 196 TFEU); as well as external actions of the Union (Articles 21 and 22 TEU);
2. Points out, however, that the implementation of the common CBRN security system should not reduce the competence of the Member States in this policy area;
3. Considers that the action plan will play a key role in ensuring the smooth interaction of national and European initiatives in addressing CBRN risks;
4. Acknowledges that it is crucial to leverage the competent expertise and avoid duplication, fragmentation and inconsistency in the EU institutions’ and/or the Member States’ efforts

in the security and defence areas where the fundamental right to life is at risk and where the implications of carelessness and laxity know no borders;

5. Stresses that the EU should strengthen its common approach to CBRN prevention, detection and response through the creation of specific mechanisms (regulatory, legislative or non-legislative instruments) which make cooperation and the provision of means of assistance compulsory in the event of a CBRN disaster caused by an accident or terrorist attack; recalls that the main objective of the EU institutions should be to ensure the efficiency of a national or transnational response to a CBRN accident or terrorist attack, on the basis of EU solidarity, in a coordinated manner under the auspices of the Commission and with a pan-European outreach;
6. Recalls that an EU CBRN Action Plan offers an opportunity to enable the EU and its Member States to find the legislative means to effectively implement the Solidarity Clause included in Article 222 TFEU, and that Member States must be informed of each others' plans and best practices to deal with and counter CBRN disasters, whether caused accidentally or intentionally, so that they can come to each others' assistance in a coordinated and effective manner;
7. Stresses that it is essential to strengthen the scope for normative and regulatory intervention by the Commission, which in the present version of the EU CBRN Action Plan is afforded a somewhat vague role in connection with many of the goals and actions provided for; consequently, urges that the Commission should issue legislative proposals, as far as possible, in all areas covered by the Action Plan; and stresses that only if a robust regulatory role is entrusted to the Commission can gaps in the efforts developed by each Member State be filled;
8. Urges that the commitment of the Member States to CBRN control must go further than the simple sharing of best practices and information, and that technologies and infrastructures should also be pooled/shared, so as to avoid duplication and waste of resources, in order to create valuable and cost-effective synergies at EU level; calls on the Member States to agree on methods for the detection and prevention of CBRN disasters, the transferral of CBRN materials within the EU and response measures, including sharing of CBRN-related information and cross-border assistance;
9. Encourages, therefore, the most advanced Member States in the field of internal security, despite its vulnerable and quintessentially national nature, to share their information, technologies and infrastructures and launch joint strategic projects as referred to above; calls on the Commission and Council to create and regularly update a database of the medical countermeasures that are available in the Member States to respond to CBRN incidents, to encourage the sharing of existing capacities and to coordinate a cost-efficient policy for the acquisition of such countermeasures;
10. Calls for EU quality and security standards, as well as an EU system and network of laboratories for the certification of CBRN security equipment and technologies, to be developed; underlines that strict security standards and hiring procedures also need to apply to personnel employed at facilities with access to harmful agents; calls for the sharing and use of best knowledge and expertise from both the civil and military fields; again under the leadership of the Commission, stresses that the necessary research and

development funding should be provided to ensure that applied research and major demonstration programmes with an EU dimension are carried out, and, given the fragmentation of this market, that an EU industrial policy in the field of civil security is needed, stimulating cooperation between enterprises in the EU and with specific support for small and medium-sized enterprises/small and medium-sized industries (SMEs/SMIs), which create a significant share of innovation under the FP7/Security, which should be increased, and that efforts should be made to stimulate cooperation (particularly cross-border cooperation) between European enterprises; wishes to see the emergence of a comprehensive project management capability to manage all aspects of CBRN security projects, covering the entire life cycle of the CBRN threat (prevention, detection and response); calls on the Commission to propose a strategy for developing the biodefence industry in Europe;

11. Welcomes the fact that CBRN protection is being addressed as a topic under the established European Framework Cooperation (EFC) for Security and Defence Research between the Commission, the European Space Agency (ESA) and the European Defence Agency (EDA); stresses that complementarity, coordination and synergy between defence R&T investment and research investment for civilian security by the Commission under the Seventh Framework Programme would require genuine improvements in the relevant legal conditions governing the exchange of information within the EFC and between activities at national and EU level, as provided for by Council Decision 2006/971/EC of 19 December 2006 concerning the Specific Programme Cooperation implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013)¹; calls for the development of applied research with a European dimension concerning the safety of installations, in order to protect local communities and the environment, and for the launching of major demonstration programmes; encourages the creation of centres of expertise specialising in CBRN threats and mobility for researchers;
12. Insists on the implementation of suitable safeguards and security measures when dealing with pooled databases of Member States and sensitive research data, as such a focus on security of data will encourage greater cooperation and sharing of information amongst Member State authorities and bodies;
13. Stresses the importance of enhanced preparedness, and calls for regular mapping of national capabilities and assets, as well as joint exercises among Member States;
14. Calls for the urgent establishment of a European crisis-response mechanism, based in the Commission's services, which should coordinate civilian and military means so as to ensure that the EU has a rapid-response capability to deal with a CBRN disaster; and reiterates its call for the establishment of a European civil protection force based on the existing EU Civil Protection Mechanism, which will enable the Union to bring together the resources necessary for providing emergency assistance, including humanitarian aid, within 24 hours of a CBRN disaster inside or outside EU territory; stresses that suitable bridges and partnerships should also be built between bodies such as Europol, Interpol and law-enforcement authorities in the Member States with a view to creating an appropriate

¹ OJ L 400, 30.12.2006, p. 86.

and effective network for proactive anticipation/real-time monitoring of emergencies and operational engagement/coordination to deal with CBRN-related disasters, and stresses the need to report to the Commission as well; recalls the 2006 Barnier report entitled 'For a European civil protection force: Europe aid'¹ which Parliament strongly supported, and welcomes in that regard the new willingness by the Commission to create a European Emergency Response Capacity, as stated in the Commission Communication entitled 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance' (COM(2010)0600);

15. Calls for dual-use civil-military technologies to be exploited as a source of synergies; within well-defined strategic collaboration frameworks, encourages cooperation with the EDA, NATO countries, such as the United States and Canada, and third countries which are pioneers in the field of CBRN security, through the exchange of good practices, structured dialogues between experts and joint capacity development; stresses the importance of the EU Member States' carrying out joint exercises in preventing and tackling CBRN security incidents, with the participation of the Member States' armed forces and civil protection forces and the EU Civil Protection Mechanism;
16. Notes that the existing EU Civil Protection Mechanism, as defined in Council Decision 2007/779/EC, is currently the appropriate instrument to deal with CBRN disasters, and stresses that this structure should be the forum where emergency decisions concerning CBRN disaster preparedness and response should be taken; notes, however, that in order to achieve this goal and to ensure proper prevention and detection, cooperation must be established with civil protection bodies, with the intelligence and law-enforcement authorities, as well as with security-service, military information and response centres in each of the Member States and at EU level, such as the Civilian Planning and Conduct Capability (CPCC) of the Political and Security Committee (PSC) and the Joint Situation Centre (SitCen); recalls, further, the role of the Standing Committee on Operational Cooperation on Internal Security (COSI), which is tasked with facilitating, promoting and strengthening operational cooperation among the relevant national authorities of the Member States in the field of internal security;
17. Recalls that the Joint Situation Centre (SitCen) has been placed within the new External Action Service, and that its personnel come mainly from the Member States' intelligence and policy services; stresses that its role is of the utmost importance in supporting national crisis management centres;
18. Calls on the Member States to coordinate their efforts, under the supervision of the Commission, in order to enhance the interoperability of equipment, capabilities and technologies in the field of civil protection so as to efficiently put into practice the new solidarity clause in the event of a CBRN disaster;
19. Stresses that the strengthening of the EU's civil protection capacity must include besides the exploration of dual-use technologies, infrastructures and capabilities, as well the strategic cooperation with the EDA, as referred to above, the ESA, the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical

¹ http://ec.europa.eu/archives/commission_2004-2009/president/pdf/rapport_barnier_en.pdf

- Weapons (OPCW) and other international CBRN centres or programmes of excellence;
20. Urges the Member States to appoint or create a national authority which, in the event of a CBRN attack or disaster, would be tasked with the responsibility of acting as the main coordinator of all the national and local bodies involved, and of all the counter measures taken to respond to such an event;
 21. Endorses the assessment that CBRN attacks are a serious threat to the security of people living in the EU; therefore supports all measures which offer greater protection against CBRN attacks;
 22. Emphasises that the fight against terrorism must be conducted with full respect for international human rights law and European fundamental rights law, principles and values, including the principle of the rule of law; recalls the need to respect the principles of the Aarhus Convention on public access to information, participation and judicial review in matters relating to the environment;
 23. Recalls that preventing terrorist access to CBRN materials is a key priority under both the current 2005 EU Counter-Terrorism Strategy and the future one, as well as under the 2003 EU Strategy against Proliferation of Weapons of Mass Destruction and their Means of Delivery; requests, therefore, that the EU Counter-Terrorism Coordinator report regularly to Parliament, through the appropriate and relevant EU agencies and experts, on the level of any potential CBRN risks or threats within the Union or against EU citizens and interests elsewhere; insists that further clarification is needed of the appropriate roles of the various EU and national bodies involved in the fight against terrorism; acknowledges, in that connection, the coordination role of the COSI and the SitCen; calls for Parliament, as the only directly democratically elected body in the EU, and in the framework of its prerogatives, to guarantee democratic oversight of both these bodies and, thus, be kept promptly and fully informed about their activities, in a way that maintains their secure functioning;
 24. Urges the EU institutions to maintain democratic scrutiny of and transparency regarding the development and implementation of all parts of the EU CBRN Action plan, respecting the public's right to access to all information and relevant documentation that concerns public security and the everyday risks associated with CBRN disasters;
 25. Calls for the mainstreaming of the measures provided for in the CBRN Action Plan in all the EU's external relations instruments for economic cooperation and political dialogue with third countries (including in the EU's non-proliferation clauses); urges the Commission and Council, in their political and economic dialogue with third countries, to use all available means (including Common Foreign and Security Policy and external relations instruments) to promote standards for the detection and prevention, including information sharing, and response to CBRN incidents in third countries, as outlined in the Action Plan;
 26. Stresses the close link and mirror effect between security inside and security outside the European Union; welcomes, in this regard, the actions taken by CBRN regional centres of excellence in flashpoints outside the European Union with the aim of encouraging

expertise networks, improving the capacity to control exports and prevent illegal trafficking in CBRN substances, and strengthening the regulatory arsenal available to these countries and regional cooperation in this field; encourages the idea of providing training in Europe for international experts from countries at risk in respecting the necessary security and confidentiality rules;

27. Urges the EU institutions and Member States to resist pressure from industry and other interested stakeholders seeking to escape the burden of more regulation, as is to be expected (and as emerges clearly from a comparison between the Commission and the Council versions of the EU CBRN Action Plan); considers that industry concerns about the quality and impact of the proposed regulatory measures should be taken into consideration, without losing sight of what is at stake, namely the rights to life, liberty and security of all people in Europe and their societies; stresses the priority of ensuring supervision and protection of CBRN materials throughout the EU and the efficiency of the EU response to a disaster, be it accidental or intentional and the importance of working towards the elimination of such threats;
28. Calls on the Member States to participate fully in the implementation phases of the EU CBRN Action Plan, cooperating in this respect with the EU bodies that are translating the goals and actions of the Action Plan into concrete steps, so that CBRN security is guaranteed in each of EU Member States;

I. Prevention

29. Calls on the Commission to act as the main facilitator and monitor in connection with the establishment and regular updating of EU lists on CBRN agents, whereby the Commission should be the one to decide on a reasonable timeframe; insists that the lists should also include possible preventive and response measures for each CBRN agent, in accordance with its level of dangerousness and potential for malicious use and vulnerability;
30. Takes the view that the EU CBRN Action Plan must set risk-based higher standards where security assessment criteria for high-risk CBRN facilities are concerned, and stresses the role and responsibility of national authorities to carry out regular checks of these facilities since the development of 'criteria', as stated in the current Action Plan amended and adopted by the Council, is in itself simply not enough and sets an astonishingly low standard, coupled with the low levels of responsibility allocated to the organisations dealing with CBRN materials, relevant Member States authorities and EU bodies; notes, further, that all measures taken should be proportionate to the probable risks;
31. Stresses that security arrangements and requirements at high-risk CBRN facilities throughout the EU must be the subject of EU regulations, rather than merely 'good-practice documents', through a consistent consultation process bringing together EU bodies, Member State authorities and organisations dealing with high-risk CBRN agents; urges that until such regulations are adopted and in place, a greater monitoring and inspection role should be entrusted to the Commission;
32. Welcomes the initiatives of the Joint Research Centre (JRC) in supporting IAEA programmes and nuclear inspections; recommends that measures should be taken to pool its databases and research findings with those of the Member States;

33. Supports the drawing-up of strategies to raise awareness among enterprises, the scientific and university community and financial institutions of the risks linked to the proliferation and trafficking of CBRN material in the context of their work and activities; takes the view, in more general terms, that confidentiality is a vital component of the effectiveness of certain security measures in the action plan, and that it is important to guard against any risk of disclosure that could render them ineffective;
34. Believes that the Commission and Member State authorities should oversee the activities carried out by the organisations dealing with high-risk CBRN materials and should ensure that these organisations comply with risk-based security and public safety standards, which implies that proper inspections of high-risk sites must be carried out regularly;
35. Considers that the 'Prevention' part of the EU CBRN Action Plan should be amended in such a way as to ensure that the chemicals industry replaces the use of high-risk chemicals with suitable lower-risk alternatives, where such replacement is scientifically, technologically and environmentally possible and there is a clear increase in security; recognises the economic costs such replacement may entail and their impact on the relevant industries, but urges the EU, the Member States and the private sector to put the safety of EU citizens first; recommends, in this connection, that a specific link should be established with the existing REACH Regulation, something which the version of the Action Plan proposed by the Commission rightly sought to do; calls on the Commission to deliver a study on the implementation of the REACH Regulation in this respect;
36. Stresses that the greatest CBRN risks stem from the proliferation of CBRN material by terrorists; stresses, therefore, the importance of making international control regimes more effective, and of improving border and export controls;
37. Calls on the Council and the Commission to urge all Member States to sign and to meet their commitments under the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC) and to do their utmost to promote the Additional Verification Protocol to the BWC, which includes lists of dangerous biological agents and pathogens and provisions on disclosure statements and monitoring inspections; also urges the Member States, the Council, the Commission and the international community to draw up, as part of the Verification Annex to the CWC, a list of all potentially harmful chemical substances, including white phosphorus;
38. Calls, further, on the Commission and the Council to continue to step up activities in support of the treaty system, in particular the conventions on chemical and biological weapons, therefore calling on all EU Member States to impose a strict ban on the production and use of biological and chemical weapons and to disarm their own weapons;
39. Is aware that proliferation increases the threat of diversion by terrorist groups and encourages the EU to continue its efforts towards universalising the legal framework for combating nuclear terrorism and ensuring that the current rules are complied with; supports cooperation projects with third countries, for example in the Mediterranean basin, in order to combat trafficking in nuclear and radiological material; calls on the EU to universalise the CWC and the BWC with a view to the Conference to review the Biological and Toxic Weapons Convention (BTWC) in 2011;

40. Calls on the Commission to present comparative data and an overall assessment of the state of play in industries in Europe when it comes to securing and increasing control over high-risk CBRN materials, including an overview of all relevant national laws regarding implementation of the CWC, the BWC and other international instruments related to CBRN materials; that overview should include reporting on the degree to which Member States and industries fulfil their international obligations; recognises, nevertheless, that enforcement measures, such as the BWC and CWC, might be insufficient to tackle the risks stemming from CBRN use by non-state actors, namely by terrorist networks;
41. Calls on the Council and the Commission to promote the existing Draft Convention on the Prohibition of the Development, Production, Stockpiling, Transfer and Use of Uranium Weapons and on their Destruction, and to present this convention to the UN member countries to be signed and ratified; calls on all the EU Member States and the UN member countries to impose a moratorium on the use of depleted uranium weapons until such time as a global ban on these weapons has been agreed;
42. Encourages the introduction of measures to combat proliferation financing, following the model of the mechanisms set up to combat terrorism financing;
43. Welcomes the Commission's activities under the IfS to tackle CBRN activities; considers these activities complementary to the Action Plan and calls on the Commission to expand the projects to regions other than just the former Soviet Union (SEDE); building on the experiences under the Instrument for Stability calls on the Commission to launch a call for proposals aimed at strengthening the security and the protection of civilian laboratories in order to avoid future proliferation;
44. Considers that the EU CBRN Action Plan should unambiguously call for the development of EU guidelines on security training and standard requirements to be implemented in all 27 Member States, and should ensure that specific training programmes are provided for those security staff dealing with high-risk CBRN materials, including staff in industries and research centres where high-risk CBRN are present, and that requirements are laid down for CBRN officers (role, competence and training); stresses that safety and awareness training must also be provided to first responders;
45. Stresses that a future short-term revision of the EU CBRN Action Plan should not simply promote self-regulation among the industries concerned, and not merely advise the industries to adopt codes of conduct, but actually call on the Commission to develop pan-European guidelines and regulations applicable to all sectors dealing with high-risk CBRN agents;
46. Considers that it is of the utmost importance to keep a close track of all transactions involving high-risk CBRN materials in the EU, and that instead of merely 'urging' the industry to report on transactions, the Commission and the Member States should work on a proper legal framework to regulate and monitor transactions, thus upgrading the level of security and ensuring proper and rapid reporting of all suspicious transactions as well as the loss or theft of CBRN materials; emphasises that these regulations should establish a proper basis for full transparency in all sectors dealing with CBRN agents, thus holding industries accountable for such transactions; considers that the ability of the private sector to enforce the relevant laws and rules should be taken into account in connection with the

monitoring of their reporting obligations so as to ensure proper supervision;

47. Stresses that the securitisation of both the transport and storage of CBRN materials is undeniably and inevitably part of the process to make access to these materials as difficult as possible, and so tackling CBRN-related security problems;
48. Stresses that the risks associated with the trading of chemicals over the Internet call for further investigations and specific action;
49. Calls for clarification regarding the strengthening of the import/export regime with regard to the roles of the Member States and the Commission; calls on the Member States to implement and ensure the application of the existing international regulations, and on the Commission to play a monitoring role, assessing and reporting on compliance; notes that it is important, taking into account the evolution of technology, to review and revise relevant legislation and regulations on the acquisition, import, sale, safe storage and transportation of CBRN materials;
50. Stresses the need to strengthen, where they exist, and create, where they do not, inspection and safety mechanisms in all postal services dealing with the distribution of correspondence, in view of the acts of terrorism committed in European countries by placing explosive substances in parcels sent through the post;

II. Detection

51. Calls on the Commission to launch a study, in cooperation with the Member State authorities, to assess the situation on the ground when it comes to the detection of CBRN and on the safety of nuclear power stations in the EU and its neighbourhood in the event of an accident or intentional terrorist attack; encourages the Commission to build on the results of such an assessment and work on common EU guidelines on how to handle such accidents or intentional attacks, including finding the means to ensure that Member States allocate adequate human and material resources to such an effort;
52. Calls for the strengthening of the role of the Monitoring and Information Centre (MIC) which has already been established under the EU Civil Protection Mechanism so as to ensure proper exchanges of information and good practices between Member States, leading to pan-European standards in the detection of CBRN activities;
53. Requests the Commission to monitor, assess and report to Parliament on an annual basis on Member States' compliance, and requests national authorities to ensure that regulations and guidelines are being followed and complied with by the relevant industries and organisations dealing with high-risk CBRN materials;
54. Considers it essential to carry out proper studies with a view to engaging all relevant national and EU bodies and stakeholders on a mandatory basis, including an assessment of ways to make exchanges and cooperation faster and easier, thus making the response to a public safety threat more effective;

III. Preparedness and Response

55. Calls on the Council to entrust the Commission with the role of 'coordinator' with regard to emergency planning, so that it can act as a monitor, thus ensuring that local and national emergency plans do exist; stresses that the Commission should take the role of a depository of such plans, putting it in the best position to identify potential gaps and to act accordingly more promptly than the relevant authorities;
56. Welcomes the intention to strengthen the EU's civil protection capacity; notes, however, that in many EU Member States military defence departments become proficient through practical experience of tackling CBRN disasters; calls, in that connection, on the Member States and the Commission to share best practices and make a greater investment in thorough coordination between both civilian and military expertise;
57. Urges the Commission to continue identifying needs which must be met in order to improve civil protection capacities, with a view to common procurement projects; calls, in that connection, for a particular focus on defining the EU's needs in terms of CBRN preparedness and response capability, including medical counter-measures, so that the availability of medical counter-measures in the event of a CBRN incident is assessed at both EU and Member State levels;
58. Calls for the organisation of joint exercises between EU Member States, and between Member States and third countries, to prevent dangerous situations arising with regard to chemical, biological, radiological and nuclear security;
59. Welcomes the planning of EU exercises to simulate CBRN incidents or attacks and stresses that an EU CBRN Action Plan should make provision for the results and assessments of such exercises to feed into what should be an ongoing debate on the development of pan-European standards;
60. Draws attention to the fact that the Commission should be taking the lead in setting standards based on the needs of counter-measure capacities; stresses that this is the only way to achieve the highest possible standard of security throughout the EU, as it would be the only possible way to ensure that all Member States are following the same guidelines and applying the same principles when building up capacities and preparing the appropriate human and material resources to respond to a disaster, whether accidental or intentional;
61. Stresses the need to create regional/EU-wide stockpiles of response resources, the scale of which should, as far as possible, reflect the current level of threat, whether in the form of medical or other types of relevant equipment, under the coordination of the EU Civil Protection Mechanism, funded by the EU and in line with commonly agreed EU guidelines; stresses the importance of keeping well-managed stockpiles to ensure that the response resources, medical or other relevant equipment, are fully functional, current and up to date; urges that until such time as this EU/regional pooling of resources comes into effect, the EU CBRN Action Plan should point to a possible way in which Member States would share counter-measures and resources in the event of a CBRN accident or terrorist attack, so as to put the new Solidarity Clause into practice; stresses that any act of assistance to specific EU Member States must be the result of a request from the relevant political authorities in the countries affected and should not collide with a Member State's ability to protect its own citizens;

62. Calls for a revision of the rules governing the European Solidarity Fund to make it more accessible in the event of natural disasters, and available in the event of industrial and man made disasters, and calls on the Member States to make use of the resources available under the the Structural Funds to enhance prevention and preparedness;
63. In order to prepare for the unfortunate event of an accident, outbreak or deliberate use of CBRN, calls on the Commission to establish reporting mechanisms to provide a link between the work of the EU Civil Protection Mechanism and other EU early-warning systems in the relevant areas of health, the environment, food production and animal welfare; calls also on the Commission to establish mechanisms for exchanges of information and analyses with international bodies such as the World Health Organisation, the World Meteorological Organisation and the Food and Agriculture Organisation;
64. Calls for the creation of EU/regional specialised response teams, including medical personnel, law-enforcement staff and military personnel, and notes that, if such teams are created, special training and operational exercises should be scheduled regularly;
65. Calls on the Commission to provide sufficient funding to develop improved equipment for the detection and identification of biological agents in the event of an attack or incident; deplores the fact that existing detection equipment has capacity and speed limitations resulting in the loss of valuable time in an emergency; emphasises that emergency personnel must be properly equipped and medically protected in advance in order to work with maximum personal safety in a disaster area where harmful pathogens may be present; stresses that improved equipment for the identification of agents and diagnostics are also required in hospitals and other facilities receiving victims from an incident;
66. Calls on the various EU and national bodies involved in information gathering to review their organisational structures and, where they are lacking, appoint appropriate persons with experience and understanding of identifying and assessing CBRN threats and risks;
67. Calls on the Commission to report regularly to Parliament on CBRN threat and risk assessments;
68. Calls for training and public awareness programmes to be launched at European level, considering the opportunities provided by the Internet as a key resource in informing citizens of CBRN issues; stresses the importance of coordinating early warning and information mechanisms for EU citizens in relation to CBRN incidents; notes with interest the feasibility study for a European nuclear security training centre within the JRC;

IV. Environmental and health impacts

69. Notes the uncoordinated over-investment in vaccines during the A/H1N1 pandemic; welcomes the Draft Council Conclusions 'On lessons learned from the A/H1N1 pandemic - health security in the European Union' (12665/10), which envisage the development of a mechanism for the joint procurement of vaccines and antiviral medication to be applied in the Member States on a voluntary basis, and encourages Member States to develop together regional preparedness solutions, including the sharing of existing capacity and the coordination of cost-effective procurement of medical countermeasures, whilst

ensuring high levels of CBRN preparedness across the EU;

70. Notes that EU legislation (Council Decision 1990/424/EEC, as amended by Council Decision 2006/965/EC) provides for a Community approach to the eradication, control and monitoring of animal diseases and zoonoses, including the purchase and stockpiling of veterinary medical countermeasures to protect animals from infection; regrets that no such Community approach is in place to coordinate the purchase and stockpiling of medical countermeasures to protect the EU's human population from infection by dangerous biological pathogens;
71. Points out that an incident or attack involving biological pathogens – for example, but not restricted to, anthrax – will contaminate the affected area for decades, seriously harming plant, animal and human life and health, and resulting in long-term economic costs; calls on the Commission to include recovery and decontamination strategies in the CBRN policy;
72. Stresses that an incident involving CBRN materials which affects the condition of the soil and/or the drinking water supply has the potential to produce devastating and far-reaching effects on the health and welfare of all the people in the affected area; calls on the Commission to take this into account when drafting the EU CBRN Action Plan;
73. Stresses the importance of ensuring that there is effective control of water-based contamination incidents, which involve pollution of the environment, soil contamination, disposal of waste and/or release of radioactive substances;
74. Regrets the insufficient attention paid to preparedness and response in the Commission Communication and the Council Conclusions on the EU CBRN Action Plan, which focus heavily on detection and prevention; calls on the Commission and the Council to give greater importance to developing the preparedness and response mechanisms required to protect public health and the environment should a CBRN incident actually take place on EU territory;
75. Regrets the lack of measures in the CBRN Action Plan to safeguard the security of radiological and nuclear facilities and materials and to improve response plans regarding the various types of radiological emergency and their consequences for the population and the environment;
76. Is alarmed by cases of individuals and activists being able to acquire nuclear waste material from various reprocessing installations in Europe, and calls for urgent, concerted action to enhance the security of radioactive and nuclear materials and facilities;
77. Regrets the lack of focus in the Commission Communication and Council Conclusions on the CBRN Action Plan on adequately protecting public transport networks and the health of their users, given the many terrorist attacks on transport in recent years and the generally increased risk of CBRN incidents occurring during transport of CBRN materials; calls on the Member States to guarantee pre-exposure protection of first responders to CBRN incidents and post-exposure treatment of victims, in particular against biological pathogens;

78. Points out that a CBRN incident could have long-lasting effects on the growth of food crops and thus has the potential to adversely affect EU food safety and food security; invites to Commission to take this into account when drafting the EU CBRN Action Plan;
 79. Encourages cooperation and the sharing of best practices with countries which have developed expertise in the field of CBRN risk assessment, prevention, detection, communication and response, such as the United States, Australia and India;
 80. Encourages joint policies for the remediation of land affected by chemical, biological, radiological or nuclear contamination, so that the soil and land can be restored to use as swiftly as possible, thereby reducing risks to health and the environment;
 81. Calls on the Commission and Council to consider developing response models that provide an ideal response in the event of CBRN incidents, and in which special attention is paid to training establishments, medical care institutions and geriatric care centres;
 82. Calls on the Member States, when drafting evacuation plans in the event of a CBRN incident, to give special attention to the needs of the elderly, children, people under medical care, persons with disabilities and other such vulnerable groups;
 83. Calls on the Member States to assign special importance to the construction of civil protection shelters, both within (public and administrative) institutions and at local and regional level, in which the European public can take refuge in the event of a disaster;
 84. Urges the Commission to seek an agreement on common minimum security standards with neighbouring third countries which have on their territory objects that could pose major threats to environmental and human security in the EU in the event of an accident;
 85. Calls on the Commission to provide in its action plan for more flexible adaptation of security measures to technological development;
 86. Urges the Commission thoroughly to assess existing security measures in terms of their impact on the environment and health, and to ensure that new measures are introduced only on the basis of the results of such an assessment, which should be carried out periodically;
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87. Calls on the Commission to draw up an EU CBRN Roadmap for the period between now and 2013, when the EU CBRN Action Plan will be reviewed, in which challenges and policy responses are set out and on which the Commission will regularly report back to Parliament regarding ongoing developments and progress to date;
 88. Calls on the Member States and the Commission to rapidly review and apply the EU CBRN Action Plan in accordance with its recommendations, and expects them to

implement it swiftly; further urges the Commission and the Council to refer the next EU CBRN Action Plan to Parliament at least one year before it enters the implementation phase, so that Parliament can deliver its opinion in due time;

89. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

Chemical, Biological, Radiological and Nuclear (CBRN) risks present a new dimension of possible terrorist attacks, accidents, natural disasters and/or pandemics due to their transnational character and mass scale victimization. An appropriate response against such a danger does not include only ex post facto intervention programmes but starts much earlier when dealing with such materials, their proper storage, limited access, controls, etc. At the same time, an aftermath intervention demands large scale cooperation between different national authorities inside a Member State (civil protection, military, law enforcement, etc.) as well as between national authorities of different Member States and EU instances. Therefore, an all-hazard coordinated approach is needed.

In the past the EU initiated and developed several mechanisms dealing with trans-border CBRN issues. The long term EU involvement in CBRN programmes started with the declaration of the Ghent European Council of 19 October 2001, focusing on combating terrorism ‘in every form throughout the world’¹ as a direct response to the 11 September 2001 attacks in New York, followed by the conclusions of the Laeken European Council of 13-14 December 2001². Subsequently, the ‘Programme to improve cooperation in the EU for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats’³ was adopted in 2002, replaced by the EU Solidarity Programme in 2004⁴. In 2008 a CBRN Task force has been established by the Commission to prepare the main elements of the new plan.

The new EU CBRN Action Plan was presented by the Commission in June 2009⁵ and adopted by the Council in November 2009⁶. The EU CBRN Action Plan will be under implementation for the three subsequent years (2010 – 2012) and is divided into three main parts: Prevention, Detection, Preparedness and Response. Recognising the importance of each of these four stages in dealing with CBRN materials is crucial to ensure proper implementation of risk assessment studies, response and counter measures, altogether. Also, it boldens the need for a cross-cutting and cross-border approach to dealing with CBRN materials, hence through the proper allocation of measurable Goals and Actions in each of the three parts into which the Action Plan is divided.

The Rapporteur agrees fully with the goal of the adopted CBRN Action Plan - it should ensure the efficient interaction of national and EU initiatives in addressing CBRN risks and preparing the necessary response. Anyway, the Rapporteur is of the opinion that the adopted EU CBRN Action Plan is weak and lacks coherence on several points.

It is of crucial importance to stress that a CBRN Action Plan offers a valuable opportunity to implement the Solidarity Clause enshrined in the Lisbon Treaty. Unfortunately, the Action

¹ SN 4296/2/01.

² SN 300/1/01.

³ 14627/02.

⁴ 15480/04.

⁵ COM(2009)0273.

⁶ 15505/1/09 and 16868/09.

Plan adopted by the Council does not even make reference to the Solidarity Clause.

It should be highlighted that CBRN risks stem from not only state, but also non-state actors and, therefore, most important is the strengthening of the non-proliferation regime and disarmament through the universal and full implementation of all relevant treaties and international agreements, namely the Nuclear Non-proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, and achieving agreement on a treaty on banning the production of fissile material for weapons purposes (Fissile Material Cut-off Treaty).

To realise the implications of the EU Action Plan adopted, it is important to compare it with its earlier version, as sent by the Commission to the Council in June 2009. The changes introduced by the Council make the Action Plan weaker and dilute the binding level of the measures foreseen, as well as the monitoring and control of their implementation. Instead, the Action Plan should strengthen the normative and regulatory role of the European Commission, envisage the creation of a specialised European mechanism for crisis reaction, articulating civil and military capabilities, to ensure an EU rapid response capability to fight a CBRN disaster.

Considering that CBRN accidents or attacks pose serious threats to the security of the people living in the European Union and can disrupt critical infrastructure and the normal functioning of societies in any or several EU Member States without knowing borders, the European Parliament calls on the Council and the Commission to rapidly review and strengthen the Action Plan according to the recommendations in this report and to ensure its swift implementation.

10.11.2010

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Civil Liberties, Justice and Home Affairs

on strengthening chemical, biological, radiological and nuclear security in the European Union – an EU CBRN Action Plan
(2010/2114(INI))

Draftswoman (*): Kartika Tamara Liotard

(*): Procedure with associated committees – Rule 50 of the Rules of Procedure

SUGGESTIONS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas in principle the Member States are responsible for chemical, biological, radiological and nuclear (CBRN) policy, but whereas close cooperation and coordination at EU level is nevertheless a necessity,
- B. whereas health risks and the related prevalence of dangerous pathogens are increasingly occurring within the EU and globally, as has been demonstrated by the recent A/H1N1 outbreak,
- C. whereas environmental pollution and contamination issues, including those of a cross-border nature, can be raised by CBRN incidents, making it necessary to include recovery and decontamination strategies in the EU CBRN policy,
- D. whereas the overall goal of the new EU CBRN policy is ‘to reduce the threat and damage from CBRN incidents to the citizens of the European Union’, and whereas this is to be achieved by ‘minimising the likelihood of CBRN incidents occurring and limiting their consequences should they materialise’,
- E. whereas the European Commission, in its Communication on the EU’s Role in Global Health¹, recognises the need to coordinate measures at EU level and globally in order to respond rapidly to health threats and commits to improving preparedness and response mechanisms to epidemics or outbreaks, including deliberate acts such as bioterrorism,
- F. whereas, compared to nuclear technology and its precursors, biological materials such as anthrax are cheaper and much easier to acquire and spread, providing possibilities for unconventional terrorist attacks posing dire long-term threats to health and the environment, including agriculture and the food supply,
- G. whereas first responders, including police, fire and ambulance services, are unable to assist victims at the site of a CBRN incident without risk to personal safety unless they have received pre-exposure protection in the form of medical countermeasures and adequate training,
- H. whereas regional stockpiles of medical countermeasures provide adequate protection for citizens by balancing public health protection and economic concerns, while also ensuring Member State responsibility and solidarity,
- I. whereas the World Health Organisation, with its Global Alert and Response² programme,

¹ Commission Staff Working Document ‘Global health – responding to the challenges of globalisation’

Accompanying document to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions ‘The EU Role in Global Health’ (COM(2010) 128) (SEC(2010) 381) (SEC(2010) 382).

² <http://www.who.int/csr/en/>

seeks to strengthen bio-safety, bio-security and readiness for outbreaks of dangerous and emerging pathogens,

- J. whereas the EU is an active participant, through its Member States and the European Commission, in the discussions of the Global Health Security Initiative aimed at achieving concerted global action to strengthen public health preparedness and provide a response to the threat of international biological, chemical and radio-nuclear terrorism,
 - K. whereas the threat to chemical, biological, radiological and nuclear safety arises not only from terrorist attacks or negligence, but also from the current areas polluted with chemical weapons from World War II that were dumped in the sea-bed or on nuclear waste sites in the EU,
 - L. whereas the appropriate level of chemical, biological, radiological and nuclear safety in the EU depends on the security level applied in third countries as well,
 - M. whereas new threats to security could arise from the use of new technologies in planning new acts of terrorism, while security standards are not adapting fast enough to technological progress,
 - N. whereas a thorough review of the various standards currently applicable is needed in order to set necessary and sufficient security requirements,
1. Notes the uncoordinated overinvestment in vaccines during the A/H1N1 pandemic; welcomes the Draft Council Conclusions ‘On lessons learned from the A/H1N1 pandemic - health security in the European Union’ (12665/10), which envisages the development of a mechanism for the joint procurement of vaccines and antiviral medication to be applied in the Member States on a voluntary basis, and encourages Member States to develop together regional preparedness solutions, including the sharing of existing capacity and the coordination of cost-effective procurement of medical countermeasures, whilst ensuring high levels of CBRN preparedness across the EU;
 2. Notes that EU legislation (Council Decision 1990/424/EEC as amended by Council Decision 2006/965/EC) provides for a Community approach to the eradication, control and monitoring of animal diseases and zoonoses, including the purchase and stockpiling of veterinary medical countermeasures to protect animals from infection; regrets that no such Community approach is in place to coordinate the purchase and stockpiling of medical countermeasures to protect the EU’s human population from infection by dangerous biological pathogens;
 3. Points out that an incident or attack involving biological pathogens – for example, but not restricted to, anthrax – will contaminate the affected area for decades, seriously harming plant, animal and human life and health, and resulting in long-term economic costs; calls on the Commission to include recovery and decontamination strategies in the CBRN policy;
 4. Stresses that an incident involving CBRN materials which affects the condition of the soil and/or the supply of drinking water has the potential to produce devastating and far-reaching effects on the health and welfare of all the people in the affected area; calls on

the Commission to take this into account when drafting the EU CBRN Action Plan;

- 5 Stresses the importance of ensuring that there is effective control of water-based contamination incidents, which involve pollution of the environment, land contamination, disposal of waste and/or release of radioactive substances;
6. Regrets the insufficient attention paid to preparedness and response in the Commission Communication and the Council Conclusions on the EU CBRN Action Plan, which focus heavily on detection and prevention; calls on the Commission and the Council to give greater importance to developing the preparedness and response mechanisms required to protect public health and the environment, should a CBRN incident actually take place on EU territory;
7. Regrets the lack of measures in the CBRN Action Plan to safeguard the security of radiological and nuclear facilities and materials, and to improve response plans regarding the various types of radiological emergency and their consequences for the population and the environment;
8. Is alarmed by cases of individuals and activists being able to acquire nuclear waste material from various reprocessing installations in Europe, and calls for urgent concerted action to enhance the security of radioactive and nuclear materials and facilities;
9. Regrets the lack of focus in the Commission Communication and Council Conclusions on the CBRN Action Plan on adequately protecting public transport networks and the health of their users, given the many terrorist attacks on transport in recent years and the generally increased risk of CBRN incidents occurring during transport of CBRN materials; calls on the Member States to guarantee pre-exposure protection of first responders to CBRN incidents and post-exposure treatment of victims, in particular against biological pathogens;
10. Points out that a CBRN incident could have long-lasting effects on the growth of food crops and thus has the potential to adversely affect EU food safety and food security; invites to Commission to take this into account when drafting the EU CBRN Action Plan;
11. Encourages cooperation and the sharing of best practice with countries which have developed expertise in the field of CBRN risk assessment, prevention, detection, communication and response, such as the United States, Australia and India;
12. Encourages joint policies for the remediation of land affected by chemical, biological, radiological or nuclear contamination, so that the soil and land can be restored to use as swiftly as possible, thereby reducing risks to health and the environment;
13. Underlines that counter-terrorism activities must be conducted in full respect of international law, including human rights and the principle of the rule of law; recalls the need to respect the principles of the Aarhus Convention on public access to information, participation and judicial review in matters relating to the environment;
14. Calls on the Commission and Council to consider developing response models that provide an ideal response in the event of CBRN incidents, and in which special attention

- is paid to training establishments, medical care institutions and geriatric care centres;
15. Calls on the Member States, when drafting evacuation plans in case of a CBRN incident, to give special attention to the needs of the elderly, children, people under medical care, persons with disabilities and other such vulnerable groups;
 16. Calls on the Member States to assign special importance to the construction of civil protection shelters, both within (public and administrative) institutions and at local and regional level, in which the European public can take refuge in the event of a disaster;
 17. Calls on the Commission to draw up an EU CBRN Roadmap for the period between now and 2013, when the EU CBRN Action Plan will be reviewed, in which challenges and policy responses are set out and on which the Commission will regularly report back to the European Parliament regarding ongoing developments and progress to date;
 18. Urges the Commission to seek an agreement on common minimum security standards with neighbouring third countries which have on their territory objects that could pose major threats to environmental and human security in the EU in the event of an accident;
 19. Points out that the implementation of the common CBRN security system should not reduce the competence of the Member States in this policy area;
 20. Calls on the Commission to provide in its action plan for more flexible adaptation of security measures to technological development;
 21. Urges the Commission thoroughly to assess existing security measures in terms of their impact on the environment and health, and to ensure that new measures are introduced only on the basis of the results of such an assessment, which should be carried out periodically;
 22. Calls for an assessment of the security of nuclear power stations in the EU and its neighbourhood, particularly in the event of a terrorist attack.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	9.11.2010
Result of final vote	+: 48 -: 0 0: 0
Members present for the final vote	János Áder, Elena Oana Antonescu, Kriton Arsenis, Pilar Ayuso, Paolo Bartolozzi, Sandrine Béliet, Martin Callanan, Bairbre de Brún, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Jill Evans, Elisabetta Gardini, Julie Girling, Françoise Grossetête, Satu Hassi, Jolanta Emilia Hibner, Dan Jørgensen, Christa Kläß, Jo Leinen, Corinne Lepage, Kartika Tamara Liotard, Radvilė Morkūnaitė-Mikulėnienė, Miroslav Ouzký, Gilles Pargneaux, Antonyia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Vittorio Prodi, Frédérique Ries, Anna Rosbach, Oreste Rossi, Daciana Octavia Sârbu, Horst Schnellhardt, Richard Seeber, Theodoros Skylakakis, Bogusław Sonik, Anja Weisgerber, Sabine Wils, Marina Yannakoudakis
Substitute(s) present for the final vote	Matthias Groote, Romana Jordan Cizelj, Miroslav Mikolášik, Bill Newton Dunn, Michèle Rivasi, Csaba Sándor Tabajdi

29.10.2010

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on strengthening chemical, biological, radiological and nuclear security in the European Union – an EU CBRN Action Plan
(2010/2114(INI))

Rapporteur: Gabriele Albertini

SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Endorses the assessment that CBRN attacks are a serious threat to the security of people living in the EU; therefore supports all measures which offer greater protection against CBRN attacks;
2. Shares the view that such substances are extremely difficult to handle and ‘that the probability of such attacks occurring is therefore rather low’; stresses, however, that the consequences of such attacks would be catastrophic; considers it important, therefore, to have threat and risk assessments carried out regularly; notes also that all measures taken should be proportional to the probable risks; points out that securisation of both the transport and storage of CBRN materials is an undeniable and inevitable part of the EU’s process of making access to these materials as difficult as possible, hence the need to tackle insecurity in the context of CBRN materials;
3. Stresses that the greatest CBRN risks stem from the proliferation of CBRN material by terrorists; stresses, therefore, the importance of making international control regimes more effective, and of improving border and export controls;
4. Emphasises that substantial contributions to strengthening non-proliferation and the disarmament of weapons of mass destruction would be:

- calling on the Council and Commission to promote the existing Draft Convention on the prohibition of the development, production, stockpiling, transfer and use of uranium weapons and on their destruction and to present this convention to the UN member countries, to be signed and ratified; calls on all the EU Member States and UN member countries to impose a moratorium on the use of depleted uranium weapons until such time as a global ban on these weapons has been agreed;
 - the continuation and stepping-up of activities in support of the treaty system, in particular the conventions on chemical and biological weapons; therefore calls on the Member States to impose a strict ban the production and use of biological and chemical weapons and to disarm their own weapons;
5. Recognises that the enforcement of measures such as the Biological Weapons Convention and the additional Verification Protocol thereto is insufficient to tackle the risks deriving from non-state actors; calls on the Commission, therefore, to assess the current scope of available defence and medical counter-measures with a view to responding in an adequate manner to the most dangerous agents that could be acquired and used by non-state actors;
 6. Urges the Member States, the Council, the Commission and the international community to draw up, as part of the Verification Annex to the Chemical Weapons Convention, a list of all potentially harmful chemical substances, including white phosphorus;
 7. Admits that CBRN preparedness is mainly a national competence, but strongly encourages the Member States to set up regional cooperation frameworks that also include common training of forces and logistical capabilities such as medical counter-measures, in order to improve coordination and cost-effectiveness; takes the view that regional models would strike the proper balance between a national competence and equal access to resources by the Member States;
 8. Welcomes the intention to strengthen the EU's civil protection capacity; notes, however, that in many EU Member States military defence departments become proficient through practical experience of tackling CBRN disasters; calls in this regard on the Member States and the Commission to share best practices and make a greater investment in thorough coordination between both civilian and military expertise; calls on the Commission to propose the pooling of national civil forces and create a European civil protection force in order to improve the efficiency of the Union's prevention and action mechanisms;
 9. Urges the Commission to continue identifying needs which must be met in order to improve civil protection capacities, with a view to common procurement projects; calls, in this respect, for a particular focus on defining the EU's needs in terms of CBRN preparedness and response capability, including medical counter-measures, so that the availability of medical counter-measures in the event of a CBRN incident is assessed at both the EU and Member State levels;
 10. Urges the Commission to produce a study on the safety of nuclear plants in the EU and their protection against terrorist attacks;
 11. Calls on the Commission to report regularly to Parliament on CBRN threat and risk assessments;

12. Welcomes the Commission's efforts to tackle CBRN activities in the context of the Instrument for Stability; considers these efforts to be complementary to the CBRN Action Plan, and calls on the Commission to extend the projects to regions outside the former Soviet Union;
13. Calls on the Commission – with a view to building on the experience gained in the context of the Instrument for Stability – to launch a call for proposals aimed at improving the safety of, and level of protection for, civilian laboratories in order to avoid the use of future proliferation as a conflict prevention tool;
14. Calls for the organisation of joint exercises between EU Member States, and between Member States and third countries, to prevent dangerous situations with regard to chemical, biological, radiological and nuclear security;
15. Recalls that the Joint Situation Centre (SitCen) has been placed within the new External Action Service, and that its personnel come mainly from the Member States' intelligence and policy services; stresses that its role is of the utmost importance in supporting national crisis management centres;

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	28.10.2010
Result of final vote	+: 49 -: 2 0: 0
Members present for the final vote	Gabriele Albertini, Pino Arlacchi, Franziska Katharina Brantner, Frieda Brepoels, Elmar Brok, Arnaud Danjean, Mário David, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Takis Hadjigeorgiou, Anneli Jäätteenmäki, Tunne Kelam, Andrey Kovatchev, Eduard Kukan, Vytautas Landsbergis, Sabine Lösing, Ulrike Lunacek, Kyriakos Mavronikolas, Alexander Mirsky, María Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Raimon Obiols, Kristiina Ojuland, Pier Antonio Panzeri, Alojz Peterle, Hans-Gert Pöttering, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Jacek Saryusz-Wolski, Werner Schulz, Adrian Severin, Charles Tannock, Zoran Thaler, Johannes Cornelis van Baalen, Geoffrey Van Orden, Kristian Vigenin, Graham Watson
Substitute(s) present for the final vote	Christian Ehler, Kinga Gál, Georgios Koumoutsakos, Barbara Lochbihler, Norbert Neuser, Vittorio Prodi, Jacek Protasiewicz, Potito Salatto, Judith Sargentini, Marietje Schaake, Traian Ungureanu, Renate Weber
Substitute(s) under Rule 187(2) present for the final vote	Catherine Soullie

4.10.2010

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on Civil Liberties, Justice and Home Affairs

on strengthening chemical, biological, radiological and nuclear security in the European Union – an EU CBRN Action Plan
(2010/2114(INI))

Rapporteur: Gaston Franco

SUGGESTIONS

The Committee on Industry, Research and Energy calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Considers that the action plan will play a key role in ensuring the smooth interaction of national and European initiatives in addressing CBRN (chemical, biological, radiological and nuclear) risks and calls on Member States rapidly to implement it;
2. Encourages the most advanced Member States in the field of internal security, despite its vulnerable and quintessentially national nature, to share their information, technologies and infrastructures and launch joint strategic projects, so as to avoid dissipation and duplication and thus create valuable synergies for the European Union; calls on the Commission and Council to create and regularly update a database of the medical countermeasures that are available in the Member States to respond to CBRN incidents, to encourage the sharing of existing capacities and to coordinate a cost-efficient policy for the acquisition of such countermeasures;
3. Insists on the implementation of suitable safeguards and security when dealing with pooled databases of Member States and sensitive research data, as such a focus on security of data will encourage greater cooperation and sharing of information amongst Member States authorities and bodies;
4. Calls for the adoption of European quality and security standards and the development of a European system for the certification of CBRN security equipment and technologies;

5. Insists on the need for a European industrial policy in the field of civil security in the EU, given the fragmentation of this market; recommends that aid to SME/SMIs, which create a significant share of innovation under the FP7/Security, should be increased and that efforts should be made to stimulate cooperation (particularly cross-border cooperation) between European enterprises; wishes to see the emergence of a comprehensive project management able to manage all aspects of CBRN security projects, covering the entire life cycle of the CBRN threat (prevention, detection and response); calls on the Commission to propose a strategy for developing the biodefence industry in Europe;
6. Calls on the Commission and Member States to encourage the industry to substitute high-risk chemicals with lower risk alternates;
7. Calls on the Commission, in categorising lists of CBRN agents, to consider the impact on European industry, in order to avoid introducing rules that penalise European industry;
8. Points out that exposure to any CBRN substance is not without consequence and may pose a risk to health;
9. Stresses that the risks associated with trade of chemicals over the Internet needs further investigations and specific actions;
10. Insists on the need to maintain Community R&D funding in the field of CBRN security; calls for the development of applied research with a European dimension concerning the safety of installations, in order to protect local communities and the environment and for the launching of major demonstration programmes; encourages the creation of expert centres specialising in CBRN threats and mobility for researchers;
11. Recommends that a network of evaluation laboratories be set up to certify the effectiveness of technologies and good practices, also calling upon the expertise of civil society and private enterprise in order to maximise the funds invested under the FP7/Security;
12. Calls for dual-use civil-military technologies to be exploited as a source of synergies; within well-defined strategic collaboration frameworks, encourages cooperation with the European Defence Agency (EDA), NATO countries such as the United States and Canada, and third countries which are pioneers in the field of CBRN security, through the exchange of good practices, structured dialogues between experts and joint capacity development; stresses the importance of the EU Member States' carrying out joint exercises in preventing and tackling CBRN security incidents, with the participation of the Member States' armed forces and civil protection forces and the Community civil protection instrument;
13. Welcomes the initiatives of the Joint Research Centre (JRC) in supporting International Atomic Energy Agency (IAEA) programmes and nuclear inspections; recommends that measures should be taken to pool its databases and the research findings with those of Member States;
14. Calls for training and public awareness programmes to be launched at European level, considering the opportunities provided by the Internet as a key resource in informing

citizens of CBRN issues; stresses the importance of coordinating early warning and information mechanisms for European citizens in relation to CBRN incidents; notes with interest the feasibility study for a European nuclear security training centre within the JRC;

15. Stresses the close link and mirror effect between security inside and security outside the European Union; welcomes, in this regard, the actions taken by CBRN regional centres of excellence in flashpoints outside the European Union with the aim of encouraging expertise networks, improving the capacity to control exports and prevent illegal trafficking in CBRN substances, and strengthening the regulatory arsenal available to these countries and regional cooperation in this field; encourages the idea of providing training in Europe for international experts from countries at risk in respecting the necessary security and confidentiality rules;
16. Supports the drawing-up of strategies to raise awareness among undertakings, the scientific and university community and financial institutions of the risks linked to the proliferation and trafficking of CBRN material in the context of their work and activities; further takes the view, in more general terms, that confidentiality is a vital component of the effectiveness of certain security measures in the action plan, and it is important to guard against any risk of disclosure that could render them ineffective;
17. Is aware that proliferation increases the threat of diversion by terrorist groups and encourages the EU to continue its efforts towards universalising the legal framework for combating nuclear terrorism and ensuring that the current rules are complied with; supports cooperation projects with third countries, for example in the Mediterranean basin, in order to combat trafficking in nuclear and radiological material; calls on the EU to universalise the Chemical Weapons Convention and the Biological Weapons Convention with a view to the Conference to review the Biological and Toxin Weapons Convention (BTWC) in 2011;
18. Encourages the introduction of measures to combat proliferation financing, following the model of the mechanisms set up to combat terrorism financing.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	30.9.2010
Result of final vote	+: 42 -: 6 0: 1
Members present for the final vote	Ivo Belet, Bendt Bendtsen, Jan Březina, Reinhard Bütikofer, Maria Da Graça Carvalho, Jorgo Chatzimarkakis, Christian Ehler, Lena Ek, Ioan Enciu, Adam Gierek, Norbert Glante, Fiona Hall, Jacky Hénin, Edit Herczog, Romana Jordan Cizelj, Lena Kolarska-Bobińska, Béla Kovács, Philippe Lamberts, Bogdan Kazimierz Marcinkiewicz, Marisa Matias, Jaroslav Paška, Anni Podimata, Miloslav Ransdorf, Herbert Reul, Paul Rübig, Amalia Sartori, Konrad Szymański, Britta Thomsen, Evžen Tošenovský, Ioannis A. Tsoukalas, Claude Turmes, Niki Tzavela, Marita Ulvskog, Vladimir Urutchev, Kathleen Van Brempt, Alejo Vidal-Quadras, Henri Weber
Substitute(s) present for the final vote	Antonio Cancian, Vicky Ford, Matthias Groote, Françoise Grossetête, Jolanta Emilia Hibner, Yannick Jadot, Silvana Koch-Mehrin, Bernd Lange, Algirdas Saudargas, Silvia-Adriana Țicău, Catherine Trautmann
Substitute(s) under Rule 187(2) present for the final vote	Norica Nicolai

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	25.11.2010
Result of final vote	+: 47 -: 0 0: 3
Members present for the final vote	Jan Philipp Albrecht, Sonia Alfano, Roberta Angelilli, Rita Borsellino, Simon Busuttil, Philip Claeys, Carlos Coelho, Rosario Crocetta, Cornelis de Jong, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Hélène Flautre, Kinga Göncz, Nathalie Griesbeck, Sylvie Guillaume, Ágnes Hankiss, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Livia Járóka, Teresa Jiménez-Becerril Barrio, Juan Fernando López Aguilar, Baroness Sarah Ludford, Clemente Mastella, Véronique Mathieu, Louis Michel, Claude Moraes, Jan Mulder, Antigoni Papadopoulou, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Renate Sommer, Rui Tavares, Wim van de Camp, Axel Voss, Manfred Weber, Renate Weber, Tatjana Ždanoka
Substitute(s) present for the final vote	Edit Bauer, Anna Maria Corazza Bildt, Anne Delvaux, Ioan Enciu, Evelyne Gebhardt, Ana Gomes, Ádám Kósa, Petru Constantin Luhan, Marie-Christine Vergiat, Cecilia Wikström