



COUNTER-TERRORISM TEAM

EUROJUST CBRNE HANDBOOK

Version II, June 2013

*Overview of the EU and international legislation applicable to
CBRNE substances*

*Supranational entities and systems aiming to prevent the misuse of
CBRNE substances*

Introduction

The goal of this handbook is to provide EU practitioners (focusing on prosecutors and police authorities) with specialist multi-sector (*administrative, criminal*) legal support for investigations and prosecutions related to “chemical, biological, radiological, and nuclear” (CBRN) transnational crimes. Non-scientific definitions of the term CBRN could include malicious, potentially dangerous events (e.g. explosive devices, poison gas), regardless of the target, the perpetrator or the consequences; and preparation for the above-mentioned events (procurement of substances, importation, etc).

Compared to last year’s handbook, this version now incorporates Council Conclusion 16980/12 of 29 November 2012 on the new CBRNE agenda aiming to develop a more strategic and overarching approach to chemical, biological, radiological, nuclear (CBRN) and explosives (E) policy fields, that involves internal and external safety and security aspects.

CBRNE is a dynamic area of research and business; it includes several substances and agents, conceived, synthesized, extracted, processed and eventually produced, distributed and used by different actors and for different purposes. Some of the substances and agents were created by military laboratories for use in non-conventional warfare; others were initially employed for peaceful purposes. Evolution in research and testing resulted in changes, so that some chemical elements were discontinued and others were used in sectors different from the ones they had initially been developed for. Difficulties encountered by lawmakers in composing, implementing and enforcing effective regulation in this area are obvious.

In fact, as a response to the proliferation of CBRNE substances and agents, global and EU legislation and regulations were drafted and updated several times, based upon both the scientific knowledge of each era and for the use that those substances were known to have at that moment. When new typologies of terrorism deliberately employed “mixtures” – until then with no restrictions on commerce – for attacks, a review of the entire legal system was suddenly necessary, starting from preventive and administrative matters (strengthening limitations, both to keep track of CBRNE substances and to avoid preparation of attacks) to the corresponding laws, criminalising those new “acts of terror”.

Nonetheless, criminal organisations and individuals found alternative ways to use “common” market substances, impossible to ban and difficult to monitor. Organised criminals obtained prohibited substances in situations where regulations were not easily applied, e.g. the transportation of toxic waste, and the processing of substances in third States, where corruption is widespread and access to resources is simpler.

In such a rapidly evolving scenario, where laws try to keep pace with reality, the European practitioner should be supported in performing his tasks, regardless of whether his investigation and/or prosecution concerns the preparation for an event or an actual event.

Preparation and prevention

The first practical objective of this handbook is to provide an overview of the basic European and international administrative and criminal legislation applicable to CBRNE substances, including waste. Following the evolution of military and commercial research, several legislative acts have been amended or updated. Although focusing on the same substance, laws are sometimes created for different purposes, serving different political interests, with different operational perspectives and for different goals.

This handbook is also designed to show how the many assorted supranational systems, databases, actors, bodies and entities were set up, modified, merged, split and changed throughout the years to control, limit or completely ban the production, distribution, exportation and misuse of CBRNE items. The level of coordination and information exchange varies. The quantity and quality of data processed changes depending on resources. Storing records relating to a banned biological substance is relatively easy; managing the movement, distribution, purchase and disposal of chemical substances used legally by industries and consumers worldwide is far more challenging.

Knowledge of CBRNE before any “real” event (i.e. a terrorist attack) happens is considered an “intelligence” task; however, a practitioner might be required at this stage to prosecute, for example, the illegal possession of some substances, or possession of legal ones for the preparation of criminal or terrorist CBRNE attacks. If the competent practitioner knows which agencies deal with information, or has experience in dealing with gathering evidence, or is familiar with relevant legislation, he might be able to apply criminal procedure laws more smoothly.

Event and response

The same principle is applicable to criminal CBRNE events. A second practical objective of this handbook is to show the way many global and EU laws evolved following the same historical and logical “path” as the preventive laws.

What bodies and actors are entitled to visit a crime scene; what are their tasks and powers? What protocols and specific priorities can they apply? The level of cooperation and information-sharing also varies with this type of crime.

Tracking back

No handbook can replace – even in part – the personal and professional capacities of a practitioner. Nonetheless, in a limited and technical sector such as CBRNE, a handbook listing applicable instruments, existing bodies and rules may provide some assistance. Since criminals employ state-of-the-art technologies, resources and expertise both in planning and executing attacks as well as in hiding and deleting evidence, gathering forensic evidence is *essential*.

If the investigation concerns the preparation phase, preserving evidence will provide assistance in finding out how the criminals could plan the event, and help to discover the “facilitators” who supported them.

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If the investigation is about an actual CBRNE event, preserving evidence and being able to use it in different trials, in different countries, will make prosecution easier, regardless of the State where they acted, overcoming difficulties arising from the *national* nature of criminal jurisdictions.

Those “technical” activities should not be assigned to the investigator and to the prosecutor without a “technical guide”. Otherwise we risk wasting precious time that should be employed in applying the instruments of criminal law and criminal procedure.

Such a risk is even higher when dealing with transnational crimes. Prosecutors are the experts (and can find other experts) in dealing with national CBRNE prevention and response legislation and bodies. The correct links to the other involved countries using appropriate EU and international laws, channels and bodies must be made. For these reasons, this handbook is limited to a European (and, when necessary, international) perspective: laws, regulations, directives and bodies are listed if their applicability and competence are, at a minimum, EU-wide.

In fact, from the initial stages of planning, organisation, recruiting of scientists, purchasing of substances directly or via brokers to the final attack, the “cycle” of a criminal project involves several persons, steps and actions in different countries. If an investigator wants to recreate the entire cycle, he must know to whom he can refer at EU level for information in the hope that, using both specialized channels and judicial cooperation bodies like Eurojust, he can create an investigative network with the national competent authorities (police, prosecutors, etc) of the other countries where some of the criminal activity took place.

At present, national concepts of justice still dominate. The only way to deal with CBRNE criminal activities is via efficient and effective EU-wide intelligence-gathering, investigation and prosecution.

Disclaimer

This Handbook was drafted by Eurojust. It incorporates information that is publicly available. Although Eurojust has made every attempt to ensure the accuracy and reliability of the information, this handbook provides links to websites owned by third parties. The content of such third party sites is not within Eurojust’s control, and Eurojust cannot therefore take responsibility for the information or content thereon. Eurojust shall not be held liable for any claims arising from any omissions, approximations or errors in this Handbook. Therefore any user of the Handbook should be aware that reliance on the contents of this Handbook is entirely at their own risk.

- ♣ **Aarhus Convention (UNECE)** - Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and transboundary environment. It focuses on interactions between the public and public authorities. Parties have to provide access to administrative or judicial procedures.

Text: <http://www.unece.org/env/pp/acig.htm>

- ♣ UNECE has negotiated five [*environmental treaties*](#), all of which are now in force:

[*Convention on Long-range Transboundary Air Pollution;*](#)

[*Convention on Environmental Impact Assessment in a Transboundary Context;*](#)

[*Convention on the Protection and Use of Transboundary Watercourses and International Lakes;*](#)

[*Convention on the Transboundary Effects of Industrial Accidents; and*](#)

[*Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.*](#)

See UNECE below

- ♣ **Argus** –General rapid alert system of the European Commission. It consists of an internal communication network and a specific coordination process to be activated in case of multi-sectoral crises. The Directorates General of the Commission can exchange information, and a CCC (crisis coordination committee) can be activated. It uses the Commission RAS (Rapid Alert Systems) and existing networks.

Website:

http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/argus_en.htm

- ♣ **Basel Convention – 1989 – UN** - Basel convention on the control of cross-border movements of hazardous waste and their disposal. Regulates the "environmentally sound management" (ESM) of hazardous waste and other waste (Article 1 a, b) during the entire life-cycle. Parties must be prepared to dispose properly of waste (Article 4 b) and inform each other of trans-boundary movements (Article 6) via their Competent Authorities (Article 2 point 6). Movements are subject to many limitations. Accidents (Article 13) must be communicated using the national focal points – the entity responsible for receiving and submitting information- (Article 2 point 7) and illegal traffic shall be criminalised (Article 9). Not applicable to radioactive waste (Article 1 point 3).

Text of the convention: <http://archive.basel.int/text/documents.html>

Focal Points: <http://archive.basel.int/contact-info/frsetmain.html>

Conference of the Parties: http://www.ban.org/main/about_basel_conv.html

♣ **BTWC - Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on Their Destruction - 1972**

Microbial, biological agents, toxins, unless for peaceful purposes and weapons, equipment, means of delivery to the agents for hostile purposes (Article I) cannot be developed, produced, stockpiled, acquired or retained by the Parties. They cannot be transferred (Article III), either in the form of assistance to manufacture or acquisition. Parties shall prohibit any actor from doing that (Article IV), while the exchange of equipment and information for the peaceful use of the agents is supported (Article X).

The Convention has a peer complaint reporting system to the Security Council of the United Nations in case of a suspected breach (Article VI) with an investigation mechanism.

Following the review conferences:

- States have to put in place measures to protect and safeguard biological agents and toxins (VI.III.9), laboratories and facilities (IV.IV.3-4, III.IV.3, II.IV.4), and focal points for the implementation process have to be appointed (VI.IV.18).
- Surveillance and detection of infectious diseases (VI.IV.13) in case of danger (Article 7) should be co-ordinated by intergovernmental organisations (World Health Organization) (IV.VII.5, III.VII.4). National epidemiological surveillance and data reporting systems should be linked (IV.X.12, III.X.3), supporting programmes for responses (VI.X.53).
- In cases of use of biological/toxic weapons, the United Nations Secretary-General shall start investigations (UNSC Resolution 620/1988) using its mechanism/guidelines A/44/561 as endorsed in resolution 45/57 of 1990.

Text of the convention: <http://www.opbw.org/>

Recent Resolution of the General Assembly of the UN on the Convention:
http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/77

See also, United Nations Office for disarmament Affairs:
<http://www.un.org/disarmament/WMD/Bio/>

or

[http://www.unog.ch/80256EE600585943/\(httpPages\)/04FBBDD6315AC720C1257180004B1B2F?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/04FBBDD6315AC720C1257180004B1B2F?OpenDocument)

UNOG – United Nations office Geneva: <http://www.unog.ch/>

- ♣ **BWC ISU (Implementation Support Unit for the Biological Weapons Convention)** - created during the 2006 review conference (Article XII BWC). Clearinghouse for the national implementation measures of the BWC. It receives information on national legislation, matches requests for assistance from the States and links the national contact points. Housed within the Geneva Branch of the United Nations Office for Disarmament Affairs.

- ♣ **BWC ISU Website** – updated via CBMs (Confidence Building Measures). Information sent by States. It contains data on national research centres, biological defence research, outbreaks of infectious diseases caused by toxins, contacts, legislation, vaccine production facilities. It has a restricted access area that contains information for the exclusive use of States Parties.

Website:

[http://www.unog.ch/80256EE600585943/\(httpPages\)/855B57E1A5D7D60CC12573A6005334F3?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/855B57E1A5D7D60CC12573A6005334F3?OpenDocument)

- ♣ **Cartagena Protocol on Biosafety** – it supplements the “Convention on Biological Diversity”. Its objects are the living modified organisms (LMOs) (Article 3, point g) obtained via modern biotechnology (Article 3, point i). Focuses on the information (exchange) about LMOs and their risk assessments (Article 15, Article 20,3c) via the bio-safety clearing house (Article 20). In view of trans-boundary movements, a procedure and handling, transport, packaging identification system (Article 18) is in place, with National Focal Points (CPB-NFPs, BCH-NFPs – Article 19). Unintentional cross-border movements and emergency measures (Article 17) and illegal movements (Article 25) are also regulated, in view of assessing potential adverse effects.

Protocol Multilanguage text: <http://bch.cbd.int/protocol/text/>

Contact Points: <http://bch.cbd.int/database/compiled-national-contacts/>

Laws and Regulations: <http://bch.cbd.int/database/laws/>

- ♣ **CBRN Glossary Europol** – list of relevant terms and concepts commonly encountered in the CBRN domain, compiled by European Union’s law enforcement agency (Europol)’s experts in the field.

Europol’s website: <https://www.europol.europa.eu/>

- ♣ **CBRN Handbook Eurojust** - The goal of this handbook prepared by the European Union’s Judicial Cooperation Unit (Eurojust) is to provide EU practitioners (focusing on prosecutors and police authorities) with specialist multi-sector (*administrative, criminal*) legal support for investigations and prosecutions related to “chemical, biological, radiological, and nuclear” (CBRN) transnational crimes. Non-scientific definitions of the term CBRN could include malicious, potentially dangerous events (e.g. explosive devices, poison gas), regardless of the target, the perpetrator or the consequences; and preparation for the above-mentioned events (procurement of substances, importation, etc).

Eurojust’s website: <http://www.eurojust.europa.eu/Pages/home.aspx>

- ♣ **Chemical Weapons Convention – (CWC)** - Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their destruction – 1993 – Regulates the destruction of chemical weapons (Article IV) and shut-down of production facilities (Article V). For preventing the spread of precursors and toxic chemicals that may be used as weapons, their development, production, acquisition, retention, transfer and use are subject to limits (Article VI) and

inspections.

The level of restriction varies depending on the typology. There are three “Schedules” (Article VI, points 3- 5) in which substances must be placed according to guidelines built for the subsequent verification system (Annex A on chemicals - Guidelines for schedules of chemicals).

Namely:

- Chemicals listed in Schedule 1: prohibition on production, acquisition, retention, transfer and use.
- Chemicals listed in Schedule 2: must be subject to data monitoring and on-site verification
- Chemicals listed in Schedule 3: must be subject to data monitoring and on-site verification

Schedules are divided into part A (chemicals) and B (precursors) (Annex B on chemicals -Schedules on chemicals).

The specific regimes for each “schedule” (substances and facilities) are in the “Verification Annex” parts VI (Schedule 1), VII (Schedule 2), VIII (Schedule 3)

Both in case of doubt about States’ compliance (Article IX)and in need of assistance and protection (Article X), including emergency protection, against chemical weapons and riot control agents (Article X, point 8), any investigation procedure is done following “Verification Annex” part XI.

Implementation of the Convention is monitored by the Organization for the Prohibition of Chemical Weapons (OPCW)

Text of the Convention: <http://www.opcw.org/chemical-weapons-convention/download-the-cwc/>

OPCW Website: <http://www.opcw.org/>

- ♣ **Classification, Labelling and Packaging Regulation – CLP Regulation** - Regulation EC 1272/2008 for Classification, Labelling and Packaging of Substances and Mixtures – Provides the stakeholder with rules (Preamble 72) to harmonise the classification, labelling and packaging of substances and mixtures (Preamble 14, Article 1, Article 4, Title V, Chapter 1), in line with the *UN Globally Harmonised system of Classification and Labelling of Chemicals (GHS)* and Regulation 1907/2006 (REACH) (Preamble 12). Hazardous nature of the substance has to be identified and defined (Preamble 10, Title II, Chapter 1) for classification (Title II, Chapter 2).

Information is communicated to other stakeholders and downstream users via labels and safety data sheets (Preamble 40, Title III, Chapter 1).

The European Chemicals Agency has to be notified about substances in order to keep a classification and labelling database (Title V, Chapter 2), whereas Member States must appoint:

- competent authorities (harmonised labelling and enforcement reporting),
- helpdesks (advice to stakeholders)
- bodies (preventive and curative measures in case of emergency health response) (Title VI, Articles. 43-46).

Focal points for information on hazardous substances and mixtures have to be established (Preamble 62).

Radioactive substances and mixtures (Council Directive 96/29/Euratom), waste (Directive 2006/12/EC repealed by **Directive 2008/98/EC**), medicines (Directive 2001/83/EC) are some of the exempted items (Article 1, points 2a, 3, 5a).

Note: the deadline for substance classifications according to the new rules was 01 December 2010 (old stock until 01 December 2012). For mixtures, the deadline will be 1 June 2015 (old stock until 01 June 2017). The old legislation on CLP is Directive 67/548/EEC for substances, and Directive 1999/45/EC for preparations (mixtures).

See also: - GHS- Globally Harmonized System of Classification and Labelling of Chemicals (GHS)

- Directive 2008/98/EC

Texts: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008R1272:EN:NOT>

or:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:en:PDF>

Helpdesk: http://echa.europa.eu/help/nationalhelp_contact_en.asp

European Chemicals Agency CLP: http://echa.europa.eu/clp_en.asp

European Commission CLP:

http://ec.europa.eu/enterprise/sectors/chemicals/documents/classification/index_en.htm#h2-5

CLP glossary: http://ec.europa.eu/enterprise/sectors/chemicals/files/clp-ghs-glossary_en.pdf

♣ **CLP Tables - Annex VI to Regulation (EC) No 1272/2008**

Tables with classification and labels to identify the substances.

- Table 3.1 is a list of classification and labelling in accordance with the criteria set up in Annex I to the Regulation (the Globally Harmonised System (GHS) as implemented within the EU).
- Table 3.2 is a list of the same substances and groups of substances as in Table 3.1 but with classification and labelling in accordance with criteria set up in Annex VI to Directive 67/548/EEC

Tables 3.1 and 3.2: <http://esis.jrc.ec.europa.eu/index.php?PGM=cla>

Comparative Table in 23 languages :

http://ec.europa.eu/enterprise/sectors/chemicals/documents/classification/index_en.htm#h2-1

♣ **1st Adaptation of the CLP Regulation to the Technical Progress (ATP) Commission Regulation 790/2009 – amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labeling and packaging of substances and mixtures**

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:235:0001:0439:en:PDF>

- ### ♣ **2nd Adaptation of the CLP Regulation to the Technical Progress (ATP) Commission Regulation 286/2011** - The 2nd Adaptation to Technical Progress (ATP) to Regulation (EC) No 1272/2008 enters into force on 19 April 2011. The new rules apply to substances from 1 December 2012 and to mixtures from 1 June 2015, but can be voluntarily applied before those dates. Transitional provisions are foreseen for substances/mixtures already placed on the market. The text incorporates into the CLP the changes introduced by the 3rd revision of the United

Nations Globally Harmonised System (GHS). It contains, inter alia, new sub-categories for respiratory and skin sensitisation, the revision of the classification criteria for long-term hazards (chronic toxicity) to the aquatic environment and labelling provisions to protect individuals already sensitised to a specific chemical that may elicit a response at very low concentration.

- ♣ **3rd Adaptation of the CLP Regulation to the Technical Progress (ATP) Commission Regulation 618/2012** - The 3rd Adaptation to Technical Progress (ATP) to Regulation (EC) No 1272/2008 entered into force on 31 July 2012. The new rules apply from 1 December 2013 but may be applied voluntarily before that date. The aim is to update the list of substances with harmonised classification and labelling in Part 3 of Annex VI.

Text: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2011:083:SOM:EN:HTML>

- ♣ **Adaptation of classification-based provisions in other existing EU legislation (“downstream legislation”) to the new rules**

- **Council Directive 2008/112/EC of the European Parliament and of the Council** Downstream legislation amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council, adapting them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:345:0068:0074:en:PDF>

General Overview:

http://ec.europa.eu/enterprise/sectors/chemicals/documents/classification/index_en.htm

- **Regulation (EC) No 1336/2008 of the European Parliament and of the Council of 16 December 2008** - Downstream legislation amending Regulation (EC) No 648/2004, adapting it to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:354:0060:0061:en:PDF>

- ♣ **Commission Health Emergency Operations Facility - (Heof)** -Is part of SANCO (Directorate-General for Health and Consumers) public health emergency management structure, It provides coordination amongst the Commission, Member States, Agencies [(European Centre for Disease Prevention and Control (ECDC) - European Food Safety Agency (EFSA) and European Medicines Agency (EMA), and international organisations (such as WHO)] during an emergency disease situation. Located in Luxembourg and Bruxelles.

Website: http://ec.europa.eu/health/archive/ph_threats/bioterrorisme/bioterrorism01_en.pdf

- ♣ **Commission Regulation (Euratom) No 302/2005 - on the application of Euratom safeguards, updates previous Regulation 3227/76 Euratom and creates a safeguard system to control the use of civil “nuclear materials”, meaning ores, source materials or special fissile materials (Article 2, p. 4), “waste”**

(Article 2, p. 5) and other “categories” (of nuclear material - Article 2, p. 9) during the entire fuel cycle. It has an accounting system (Articles. 7-19), rules for exports, imports and shipments (Articles 20-23), and waste (Articles. 30-33).The Commission may transmit to the International Atomic Energy Agency (IAEA) information and data obtained pursuant to regulation n (Article 29).

The European Commission has prepared Guidance to accompany Commission Regulation (Euratom) 302/2005

See also: - International Atomic Energy Agency - IAEA

Directive: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=Regulation&n_doc=2005&nu_doc=302

Guidelines for the application of the Directive: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_028/l_02820060201en00010085.pdf

- ♣ **Convention for the Suppression of Unlawful Acts against the safety of civil aviation (1971) and its Protocol (1988) Multilateral Convention** (*Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America*) – created for criminalising airplane bombings made also via a device or substance capable of destroying or damaging it (Article 1c), navigation facilities (Article 1 d). Military and similar aircraft are not included (Article 4). Some rules on jurisdiction (Article 5), on extradition or on prosecution (Articles 6-8) are listed in the Convention.

Convention: <http://treaties.un.org/doc/db/Terrorism/Conv3-english.pdf>

Protocol: <http://treaties.un.org/doc/db/Terrorism/Conv7-english.pdf>

Link to List of all UN Conventions and Protocols on Terrorism:
http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml

♣ **Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation – SUA Convention (1988) and its Protocol (2005) – Multilateral Convention** (*Deposited with the Secretary-General of the International Maritime Organization*) – Criminalises acts of destruction or damage (Article 3 (d)) made against ships, even if damages are limited to facilities, and if damage is made to environment, fauna and flora (new Article 1). Following the 2005 update, the use of Biological, Chemical, Nuclear weapons (BCN) (new Article 1, point 1d), meaning biological substances, chemicals and precursors, nuclear devices, as well as other toxic chemicals and their precursors is finally included in the blacklist.

Namely, are criminalized:

- the use against or on a ship or discharging from a ship any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage
- the transportation on board a ship of any BCN weapon, knowing it to be a BCN weapon
- the transportation on board a ship of any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.

The transportation of nuclear material is not considered an offence if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non Proliferation of Nuclear Weapons (subject to conditions). Rules on jurisdiction (Articles 6-11) and on judicial co-operation including the exchange of evidence (Article 12) are part of the Convention.

See also: - Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf

Consolidated text:

<https://www.unodc.org/tldb/pdf/Convention&Protocol%20Maritime%20Navigation%20EN.pdf>

Convention: <http://www.un.org/en/sc/ctc/docs/conventions/Conv8.pdf>

Protocol: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=49f58c8a2&page=search>

General Overview: <http://www.unhcr.org/refworld/docid/3ae6b3664.html>

- ♣ **Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency -1986- (IAEA) – Sets out a framework for co-operation among States Parties and the IAEA in case of nuclear accidents or radiological emergencies (Articles 1-2). States have to make known to the IAEA their contact points for exchange of requests (Article 4), their available experts, equipment and methodologies (Article 5, point a).**

See also: - International Atomic Energy Agency - IAEA

Text: <http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc336.shtml>

General Overview: <http://www.iaea.org/Publications/Documents/Conventions/cacnare.html>

A manual for first responders was issued by the IAEA: http://www-pub.iaea.org/MTCD/publications/PDF/epr_Firstresponder_web.pdf

- ♣ **Accession of the European Atomic Energy Community (Euratom) via Commission Decision 2005/884/ Euratom.**

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:314:0028:0034:EN:PDF>

- ♣ **Convention on Early Notification of a Nuclear Accident -1986- (IAEA) – It applies in case of nuclear or radioactive accident involving facilities or activities (Article 1, p. 2) of States and/or actors located therein (Article 1, p. 1). States have to notify (Article 2) and report information about the event (Article 5). Under Article 4, the IAEA must:**

- forthwith inform States Parties, Member States, other States which are or may be physically affected as specified in Article 1 and relevant international intergovernmental organizations of a notification received
- promptly provide any State Party, Member State or relevant international organization, upon request, with the information received

Competent authorities and points of contact are established (Article 7).

See also: IAEA- International Atomic Energy Agency

Text: <http://www.iaea.org/Publications/Documents/Conventions/cenna.html>

- ♣ **Accession of the European Atomic Energy Community (Euratom) via Commission Decision 2005/845/Euratom**

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:314:0022:0026:EN:PDF>

- ♣ **Convention on Nuclear Safety -1994 - (IAEA)- States operating land-based nuclear power plants have to maintain a high level of safety by setting legal (Article 7) benchmarks and regulatory bodies for their implementation (Article 8). Emergency preparedness plans have to be set up (Article 16).**

The Convention is an incentive instrument. It is not designed to ensure fulfillment of obligations by Parties through control and sanction but is based on their common interest to achieve higher levels of safety. The Convention obliges Parties to submit reports on the implementation of their obligations for "peer review" at meetings of

the Parties to be held at the IAEA (Article 20).

See also: International Atomic Energy Agency - IAEA

Text: <http://www.iaea.org/Publications/Documents/Conventions/nuclearsafety.html>

♣ **Accession of European Atomic Energy Community (Euratom) via Commission Decision 2004/491/Euratom amending 1999/819/Euratom).**

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:318:0021:0030:EN:PDF>

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♣ **Convention on the Marking of Plastic Explosives for the Purpose of Detection – 1991– Multilateral Instrument** (*Deposited with the Secretary-General of the International Civil Aviation Organization-ICAO*) - Created to prevent and prohibit the manufacture in the States Parties of unmarked explosives (Article 2), and their movement in the territory of the State (Article 3), with some exceptions. The description of the explosives falling under the Convention is inserted in the “Technical Annex” to the Convention, which includes also a chemical description of the “detection agents” that are to be used as identification residues after the blast (Article 6, paragraph 2).

The Convention also establishes an International Explosives Technical Commission (IETC), experts in the field of manufacture or detection of, or research in, explosives. The Commission evaluates technical developments relating to the manufacture, marking and detection of explosives, report its findings, through the Council of ICAO, to all State Parties and international organizations concerned, and propose amendments to the Technical Annex to the Convention (Article 5)

Text: <http://www.un.org/en/sc/ctc/docs/conventions/Conv10.pdf>

UN Conventions on Terrorism:

http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml&menu=MTDSG

ICAO website: www.icao.int

♣ **Convention on the Physical Protection of Nuclear Material (CPPNM)- 1980 - IAEA – as amended in 2005 – Multilateral Instrument** (*Deposited with the Director-General of the International Atomic Energy Agency*) - It regulates a physical protection regime of “nuclear material used for peaceful purposes in use, storage and transport and nuclear facilities used for peaceful purposes” (Article 2 new version, p. 1). However Articles 3 and 4 and paragraph 4 of article 5 are only applicable to material in “international transport”.

New Article 2A obligates the States to set up an adequate protection regime for material and facilities, including a capacity to locate and recover missing or stolen material, and to protect material and facilities against sabotage.

Practical and legislative/regulatory duties are given to the States. Concerning material, transport, and facilities, the “Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities” (Article 2A, point 3, letters A-L) have to be followed (Responsibility of the State, Responsibilities During International Transport, Legislative and Regulatory Framework, Competent Authority, Responsibility of the License Holders, Security Culture, Threat, Graded Approach, Defence in Depth, Quality Assurance, Contingency Plans and Confidentiality).

The CPPNM obligates parties to:

- make specific arrangements and meet defined standards of physical protection for international transportation of nuclear material, according to Annex II (dividing nuclear material in three categories) and Annex I providing for different levels of protection depending on what kind of material must be transported on the basis of Annex II and distinguishing between storage incidental to international transport (Annex I, p.1) and international transport (Annex I, 2) (Article 3)
- undertake not to export or import nuclear materials or to allow their transit through their territory unless they have received assurances that these materials will be protected during international transport in accordance with the levels of protection determined by the Convention (Article 4)
- Coordinate efforts also via contact points both for protection and for recovery/response in case of unlawful taking of material or threat thereof (new Article 5). The same applies to threat or real sabotage of material or facilities (new Article 5, point 3)
- criminalize Nuclear-related crimes, including misusing or threatening to misuse nuclear materials to harm the public (new paragraph 1 of Article 7)
- take measures as may be necessary to establish its jurisdiction (Article 8), prosecute (Article 11) or extradite those accused of committing such acts. Provisions on claims for "political offence" or disguised requests related to extradition (new Articles 11A and 11B) are in place. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be concluded between them (Article 11). The Convention sets up systems for the exchange of evidence (Article 13) among parties, when necessary for criminal proceedings.

Convention: <http://www.iaea.org/Publications/Documents/Infcircs/Others/inf274r1.shtml>

Amendments: <http://www.iaea.org/About/Policy/GC/GC49/Documents/gc49inf-6.pdf>
http://www.iaea.org/Publications/Documents/Conventions/cppnm_amend_status.pdf
http://www.iaea.org/Publications/Documents/Conventions/cppnm_amend_reserv.pdf

General Overview: <http://www.iaea.org/Publications/Documents/Conventions/cppnm.html>

- ♣ **Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter** (London Convention, 1972), as amended by **London Protocol** (1996). The convention prohibits the dumping of certain hazardous materials. In addition, a special permit is required prior to dumping of a number of other identified materials and a general permit for other wastes or matter. "Dumping" has been defined as the deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures, as well as the deliberate disposal of these vessels or platforms themselves. Amendments adopted in 1993 (which entered into force in 1994) banned the dumping into sea of low-level radioactive wastes.

The 1996 Protocol (entered into force in 2006) supersedes the Convention between Contracting Parties to this Protocol which are also Parties to the Convention (Article 23).

It stresses the “precautionary approach”: rather than stating which materials may not be dumped, it prohibits all dumping, except for possibly acceptable wastes on the so-called "reverse list", contained in Annex1 to the Protocol, which still require permits (Article 4).

Convention: <http://www.iaea.org/Publications/Documents/Infcircs/Others/inf205.shtml>

Protocol:

http://www.imo.org/blast/blastData.asp?doc_id=13203&filename=PROTOCOL%20Amended%202006.doc

General Overview:

<http://www.imo.org/OurWork/Environment/SpecialProgrammesAndInitiatives/Pages/London-Convention-and-Protocol.aspx>

- ♣ **Convention on the Transboundary Effects of Industrial Accidents (Unece) 1992**
–This convention applies in case of an industrial accident (Article. 1a) in an installation or during transportation (Article 1 (a) 11 and Article 2, point 2d) and involving hazardous activity that is neither radiological nor nuclear (Article 2, point 2a).

This convention obligates parties to:

- take appropriate measures to establish and maintain adequate emergency preparedness to respond to industrial accidents (Article 8 and Annex VII) by creating a response system (Article 11) including mutual legal assistance (Article 12 and Annex X), exchange of information and technology (Article 15 and Article 16).
- inform the Public under Article 9 (see also [Aarhus Convention](#))
- reduce the risk and prevent industrial accidents to the extent possible by identifying the hazardous operations that take place within their borders but could have an effect abroad (Article 4 and Article 6), by making policies concerning the location of these activities (Article 7) and by notifying accidents (IAN - UN/ECE Industrial Accident Notification System - Article 10 and Annex IX - for which contact points are designated – Article 17, point 2, see Focal Points below)
- designate competent authorities, to which industrial accident notifications and requests for assistance must be addressed.

See also: - text of Convention on environmental impact assessment in a trans-boundary context – UNECE 1991

- Aarhus Convention

- United Nations Economic Commission for Europe - UNECE

Text: http://www.unece.org/env/eia/about/eia_text.htm

Focal Points: <http://www.unece.org/env/teia/contact.html>

- ♣ **Council Decision 98/685/EC concerning the conclusion of the Convention on the Transboundary Effects of Industrial Accidents** - By this Decision the Convention on the Transboundary Effects of Industrial Accidents is approved subject to the reservations appearing in Annex I , concerning thresholds quantities mentioned in Annex I of the Convention (Article 1).

Text: <http://eur->

lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&type_doc=Decision&an_doc=1

[998&nu_doc=685&lg=en](#)

General Overview:

http://europa.eu/legislation_summaries/environment/civil_protection/l28078_en.htm

♣ **Council Decision 87/600/Euratom** on Community arrangements for the early exchange of information in the event of a radiological emergency –

In cases of emergency (Article 1), the State has to provide information about the event that happened in his territory to the Commission and to those Member States that are affected (Article 2 and Article 3). When receiving information under Articles 2 and 3 the other Member States have to react by informing the Commission of the measures taken and recommendations issued and of the levels of radioactivity in foodstuff, feeding stuff, drinking water and the environment (Article 4).

The Commission acts as a hub among the competent national authorities and points of contact (Article 5, point 3) of Member States, by immediately forwarding the information received. Likewise, the Commission shall forward to all Member States any information it receives about significant increases in the level of radioactivity or about nuclear accidents in non-Community countries and especially those adjacent to the Community (Article 5). Public should be informed following Council Directive 89/618/Euratom.

See also: - Ecurie

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31987D0600:EN:NOT>

♣ **Council Directive 89/618/Euratom on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency.**

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989L0618:EN:HTML>

♣ **Council Directive 2003/122/Euratom- High Activity Sealed Radioactive Sources Directive - (HASS)**– The purpose of this Directive is to prevent exposure of workers and the public to radiation arising from inadequate control of high-activity sealed radioactive sources and orphan sources.

According to Article 2:

- Sealed source "has the meaning given to it by Directive 96/29/Euratom (that is "a source whose structure is such as to prevent, under normal conditions of use, any dispersion of the radioactive substances into the environment")
- orphan sources means sealed source, the activity level of which, at the time of its discovery, is above the exemption level referred to in Article 3(2)(a) of Directive 96/29/Euratom, and which is not under regulatory control, either because it has never been under regulatory control or because it has been abandoned, lost, misplaced, stolen or transferred, without proper notification by the competent authority, to a new holder or without informing the recipient".

The Directive:

- obligates Member States to require the holder to obtain prior authorization for any

- practice involving a source, including taking possession of a source (Article 3)
- requires Identification and marking of the sources (Article 7) and their traceability (Article 5)
 - regulates the recovery of orphan sources (Article 9)
 - obligates Member States to designate national competent authorities to carry out tasks in accordance with the Directive (Article 13).

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0122:EN:HTML>

For the activity levels of the sources, the Directive refers to Council Directive 96/29/Euratom (BSS Directive). (see *infra*)

Text: http://ec.europa.eu/energy/nuclear/radioprotection/doc/legislation/9629_en.pdf

- ♣ **Council Directive 2006/117/Euratom** on the supervision and control of intra and extra Community shipments of radioactive waste and spent fuel - The aim of this Directive is laying down a Community system of supervision and control of transboundary shipments of radioactive waste and spent fuel (Article 1, point 1), “whether it is intended for disposal or for reprocessing” (preamble 6), which have a point of departure, transit or destination in an EU Member State.
- Spent fuel means nuclear fuel that has been irradiated in and permanently removed from a reactor core (Article 5 point 2)
- It does not apply to the following cases:
- shipments of sources being returned to a supplier, manufacturer or authorized installation (Article 1, point 3)
 - shipments of radioactive substances recovered through reprocessing and destined for a different use (Article 1, point 4)
 - shipments of natural radioactive substances which do not result from treatment (Article 1, point 5).

Member States have to appoint competent authorities (Article 18) for supervision and control of shipments (Article 5, point 13).

The Directive puts in place an authorisation system (Article 6): the above mentioned authorities are entitled to authorise the holder (that is a person who, “before carrying out a shipment of radioactive waste or spent fuel is responsible under the applicable national law for such materials”- Article 5, point 10) to carry out the shipment. They also must inform the competent authorities of the Member State of destination and of any Member State or third country of transit.

Chapter 3 (Articles 13-16) of the Directive settles rules on extra-community shipments

It replaced Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and in and out of the Community.

See also: - Council Regulation (Euratom) No. 1493/93 on shipments of radioactive substances between Member States

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:337:0021:0032:EN:PDF>

National authorities:

http://ec.europa.eu/energy/nuclear/transport/shipment_directive_en.htm

Legislation on nuclear transportation:

http://ec.europa.eu/energy/nuclear/transport/transport_en.htm

- ♣ **Commission Decision 2008/312/Euratom** establishing the standard document for the supervision and control of shipments of radioactive waste and spent fuel referred to in Council Directive 2006/117/Euratom

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0312:EN:NOT>

- ♣ **Council Directive 2009/71/Euratom** establishing a Community framework for the nuclear safety of nuclear installations –

The objective of the Directive is to maintain and promote the continuous improvement of nuclear safety. Member States shall provide for appropriate national arrangements for a high level of nuclear safety to protect workers and the general public against the dangers arising from ionizing radiation from nuclear installations (Article 1).

This Directive shall apply to any civilian nuclear installation operating under a licence as defined in Article 3(4) at all stages covered by this licence, that is any legal document granted under the jurisdiction of a Member State to confer responsibility for the siting, design, construction, commissioning and operation or decommissioning of a nuclear installation. The Directive comprises provisions relating to the establishment of a national legislative and regulatory framework for nuclear safety of nuclear installations, Namely, Member States have to:

- establish a national legislative, regulatory and organisational framework for nuclear safety (Article 4, point 1),
- establish national regulatory authorities (or system of authorities – Article 5)
- ensure that the national framework in place requires licence holders conduct periodical self-assessments on the nuclear safety of their nuclear installations (Article 6)
- ensure that the national framework in place requires arrangements for education and training on nuclear safety to be made by all parties for their staff (Article 7)
- ensure that information in relation to the regulation of nuclear safety is made available to the workers and the general public (Article 8)
- arrange at least every ten years a periodic self-assessment of their national framework and competent regulatory authorities and invite an international peer review of relevant segments of their national framework and/or authorities. Outcomes of any peer review shall be reported to the Member States and the Commission (Article 9, point 3).

This Directive does not amend Directive 96/29/Euratom (see *infra*).

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0071:EN:NOT>

General overview: <http://osha.europa.eu/it/legislation/directives/exposure-to-physical-hazards/osh-related-aspects/council-directive-2009-71-euratom>

- ♣ **Council Directive 96/29/Euratom** – Laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation.

Text: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type doc=Directive&doc=1996&nu doc=29

General overview: <http://osha.europa.eu/it/legislation/directives/exposure-to-physical-hazards/exposure-to-physical-hazards/osh-directives/73>

or

http://europa.eu/legislation_summaries/employment_and_social_policy/health_hygiene_safety_at_work/c11142_en.htm

- ♣ **Council Regulation (EC) No 428/2009** – Setting up a Community regime for the control of exports, transfers, brokering and transit of dual-use items and technology.

The objects of this Regulation are dual-use items, usable both for civil and military purposes, either non-explosive or supporting the manufacture of nuclear weapons or devices (Article 2).

Export

An authorisation is necessary in order to export dual-use items listed in Annex I (Article 3), but it can also be required for the export to all or certain destinations of certain items not listed in Annex I (Article 4 and Article 8).

Transit

The transit of non-Community dual-use items listed in Annex I may be prohibited by the competent authorities of the Member State where the transit occurs, under certain circumstances (Article 6).

National competent authorities, identified by Member States, are empowered to grant export authorisations and decide to prohibit the transit of non-Community dual-use items (Article 9).

Brokering

- brokering services consist in negotiations or arrangement of transactions for the purchase, sale or supply of dual-use items from a third country to any other third country, or in the selling or buying of dual-use items that are located in third countries for their transfer to another third country. They are held by brokers resident or established in a Member State of the Community who carry them out from the Community into third country (Article 2, point 5)
- an authorisation might be required for brokering services of dual-use items listed in Annex I under certain circumstance (Article 5)
- this authorisation is granted by the competent authorities of the Member State where the broker is resident or established (Article 10)

Transfer

- an authorisation can be required for intra-Community transfers of dual-use items listed in Annex IV.
- a Member State may impose an authorisation for the transfer from its territory to

another Member State in certain cases listed in Article 22.

Evaluating Criteria

The core criteria in deciding whether or not to grant an export or brokering services authorisation are the intended end and risk of diversion (Article 12, point 1 d).

The final destination of the items is among the relevant elements that can justify a Member State transfer authorisation, *i.e.*: it is known that the final destination of the item concerned is outside the Community (Article 22, point 2).

A Dual Use Coordination Group (Article 23) and a secure system for information exchange (Article 19, point 4) are set up.

Council Regulation (EC) No 1334/2000 was substituted by (EC) No 428/2009.

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:0001:0269:en:PDF>

- ♣ **Council Regulation (Euratom) No. 1493/93 on shipments of radioactive substances between Member States** - This Regulation applies to shipments, between Member States, of sealed sources and other relevant sources, whenever the quantities and concentrations exceed the levels laid down in Article 3.2 (a) and (b) of Directive 96/29/Euratom. It also applies to shipments of radioactive waste, between Member States, as covered by Council Directive 2006/117/Euratom (Article 1).

A sealed source can be defined as a source whose structure is such as to prevent, under normal conditions of use, any dispersion of the radioactive substance into the environment.

The directive settles a system of prior declaration: a holder of sealed sources who wishes to carry out a shipment of certain substances provided for by the Directive must obtain a prior written declaration by the consignee of these substances (natural or legal person to whom such material is shipped). This declaration must be sent by the consignee to the competent authority of the Member State (to be appointed by each state under Article 8) to which the shipment is to be made, which must confirm with a stamp that it has taken note of the declaration. This document must then be sent by the consignee to the holder of the substances.

A post-shipment information procedure (Article 6) involving other relevant sources is also in place (Article 2, paragraph 6).

Text : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993R1493:EN:NOT>

- ♣ **Customs Information System – (CIS)** - joint information system to facilitate co-operation among Member States' custom authorities with the aim of combating custom related crimes, *e.g.* smuggling Located in Brussels and managed by the European Anti-fraud Office (OLAF), it was established under Council Act 95/C316/02). Due to the different customs systems, a standardised customs declaration standard is foreseen in the e-Customs module. Within e-Customs, the Commission hopes to create a common ECS (Export Control System) for national authorities.

See also: - NCTS- New computerized transit system

CIS System: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995F1127\(02\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995F1127(02):EN:NOT)

Electronic customs: http://ec.europa.eu/taxation_customs/customs/policy_issues/e-customs_initiative/index_en.htm

- ♣ **Decision No 2119/98/EC** - Sets up a network at Community level to promote cooperation and coordination between the Member States, with the assistance of the Commission, with a view to improving the prevention and control, of the categories of communicable diseases specified in the Annex. This network is used for:
- the epidemiological surveillance of these diseases (**Community Network for epidemiological surveillance**)
 - an early warning and response system for the prevention and control of these diseases - **Early Warning and Response System (EWRS)**

The decision has been reshaped by Commission Decision 2000/57/EC

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998D2119:EN:NOT>

Amendments: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000D0057:EN:NOT>

Early Warning and Response System (EWRS): <https://ewrs.ecdc.europa.eu/>

Commission Decision 2000/96/EC amends the list of communicable diseases covered by the Community network under Decision No 2119/98/. This list was last updated in 2009 by the amendments brought about by Commission Decision 2009/539/EC

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000D0096:EN:NOT>

Updates Commission Decision 2009/539/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:180:0022:0023:EN:PDF>

System: **European Centre for Disease Prevention and Control (ECDC)**, Regulation 851/2004. Agency to identify and assess threats to human health from communicable diseases. Monitors and ensures the integrated operation of the already existing “Dedicated surveillance networks” on diseases and the “Community Network”. Maintains database(s) on epidemiological surveillance.

See also: - European Centre for Disease Prevention and Control (ECDC)

Legislation on Communicable Diseases:

http://ec.europa.eu/health/communicable_diseases/early_warning/comm_legislation_en.htm

- ♣ **Directive 2008/98/EC** of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. Repeals Directive 2006/12/EC, Directive 91/689/EEC, Directive 75/439/EEC (Article 41). Regulates the entire waste-cycle, from the perspective of protection of health (Article 13), including recycling (end-of-waste status – Article 6). The European List of Waste refers to Directive 2000/532/EC, as amended (Article 7), while hazardous waste, mixing and labelling are covered by Articles 17-19. Waste oils are included (Article 21); radioactive waste and decommissioned explosives are not (Article 2, point 1 d, e).

Article 29(5) calls upon the Commission to create a system for sharing information on best practice regarding waste prevention and to develop guidelines in order to assist the Member States in the preparation of their waste prevention programmes. In order to address this requirement, the Commission has set up a website devoted to waste prevention activities.

See also: - European List of Waste – LoW

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0098:EN:NOT>

European Waste legislation:

http://ec.europa.eu/environment/waste/framework/framework_directive.htm

Waste Prevention website: <http://ec.europa.eu/environment/waste/prevention/index.htm>

- ♣ **Directive 2009/43/EC** simplifying terms and conditions of transfers of defence-related products within the Community- The aim is to simplify the rules and procedures applicable to the intra-Community transfer of defence-related products in order to ensure the proper functioning of the internal market (Article1).

It applies only to defence-related products set out in the Annex, which strictly corresponds to the Common Military List of the European Union - CMLEU (Article13).

The Directive makes the transfer (Article 3, point 2) of defence-related products subject to prior authorisation from the Member State from whose territory the defence products are to be transferred (Article 4). There are some exemptions to this rule (Article4, point 2)

No other authorisation from other Member States is required for transit through Member States or entry to the territory of the Member State where the recipient of the defence-related products is located, except on grounds of public security or public policy, for example in the area of safety of transport (Article 4, point 1).

There are three types of transfer licences (Articles 5 – 7):

- general licences: are published by Member States and are addressed to all suppliers established within their territory who comply with the conditions of the general licence. With these licences, suppliers can carry out several transfers of defence-related products to one or several categories of recipients situated in another Member State (Article 5)
- global licences: are issued to individual suppliers on their request. On the basis of this request from the supplier, Member States determine the scope of the global licence, its duration (three years, renewable) and the authorised recipients (Article 6)
- individual licences: are also issued at the supplier's request. They are limited to a single transfer of products to a single recipient. They are permitted by the Directive in specific cases only (Article 7)

The CMLEU includes some biological agents and radioactive material (CMLEU ML7 a) adapted for use in war, as well as chemical warfare agent (CMLEU ML7 b), precursors and key precursors (CMLEU ML7 c) and equipment for military use, for the dissemination of the materials and substances (CMLEU ML7 e).

- ♣ **Directive 2010/80/EU:** On 15 February 2010 the Council adopted an updated CMLEU. It was therefore necessary to amend the Annex to Directive 2009/43/EC providing for the list of defence-related products, under Article 13.

For that reason Directive 2010/80/EU amending the annex to Directive 2009/43/EC of the European Parliament and of the Council was adopted
Directive 2010/80/EU is applicable from 30 June 2012.

Directive 2009/43/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:146:0001:0036:EN:PDF>

Commission Directive 2010/80/EU:
http://ec.europa.eu/enterprise/sectors/defence/files/directive_2010_80_eu_-_en.pdf

Common Military List of the European Union : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:069:0019:0051:EN:PDF>

- ♣ **Early warning and response system – (Ewrs)** - Network created by Decision 2119/98/EC to allow the Commission and the competent national public health authorities in each Member State to communicate. It was a function (the other being epidemiological surveillance) of the “**Community Network**” Member States’-Commission to improve prevention and control of communicable diseases. Member States had to appoint authorities (Article 9). Reshaped by Commission Decision 2000/57/EC.

Decision 2119/98/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1998D2119:20031120:EN:PDF>

Commission Decision 2000/57/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:021:0032:0035:EN:PDF>

Legislation on Communicable Disease:
http://ec.europa.eu/health/communicable_diseases/early_warning/comm_legislation_en.htm

Ewrs: <https://ewrs.ecdc.europa.eu/>

- ♣ **eChem Portal** - Set up by the Organization for Economic Cooperation and Development (OECD). Free public web-portal, database and search engine in other participating databases created by the Environment Directorate with access to information on properties of chemicals. Contains information on physical and chemical properties, eco-toxicity and toxicity of the substances.

Website: http://www.echemportal.org/echemportal/index?pageID=0&request_locale=en

Search Engine: <http://www.echemportal.org/echemportal/page.action?pageID=9>

Participating Databases:
<http://www.echemportal.org/echemportal/page.action?pageID=2>

- ♣ **Ecurie** - European Community Urgent Radiological Information Exchange – It is a system for early notification and exchange of information in case of radiological or nuclear emergency. The legal basis is Council Decision 87/600/Euratom. Nationally operated by a network of Contact Points (CPs) and Competent Authorities (CAs) via special software (CoDecS).

There is an agreement with the International Response System (IAEA) to exchange notifications by fax with their early notification system ENATOM

It is managed by the Radioactivity Environmental Monitoring (REM) group of the Institute for Environment and Sustainability (IES) of DG Joint Research Centre (JRC).

See also: - Council Decision 87/600/Euratom
- International Atomic Energy Agency - IAEA

Ecurie website: <http://rem.jrc.ec.europa.eu/RemWeb/activities/Ecurie.aspx>

REM activities: <http://rem.jrc.ec.europa.eu/RemWeb/activities.aspx>

- ♣ **EU Action Plan on Enhancing the Security of Explosives – 8311/08** – Following the “**Communication from the Commission to the European Parliament and the Council on enhancing the security of explosives**”, sets a roadmap of the measures to be taken to enhance the security of all explosives. It contains measures related to prevention, detection and response, as well as horizontal measures, such as the development of information sharing mechanisms and platforms, supporting research and working with partners both in and outside the EU.

The Commission plans to revise it before the end of 2012 (Management plan 2012, p. 19)

For instance, the Action plan:

- Sets up a “Standing Committee (of Experts) on Precursors” (listing the potentially dangerous precursors (Prevention measures, point 2.2.1, p. 6)
- Establishes European Explosive Ordnance Disposal Network (EOD Network) to exchange information and assistance in response to, and investigation of, accidents and the subsequent need to analyse the chemicals found therein (Preparedness and response measures, points 4.1.1 – 4.1.2, p.17).
- Establishes the Early Warning System concerning explosives (EWS), and a European Bomb Data System (EBDS) - (Horizontal measures, points 1.1.1 and 1.1.2, p.2).

Also EOD, EWS and EBDS are in place in cooperation with Europol.

Some legislative measures are already in place, such as **Commission Directive 2008/43/EC** setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil use and amended by Directive 2012/4/EU (following priority n.4, point 2.4.2, p. 9 of the Action Plan’s “Prevention measures” section).

Lists of competent National Authorities and contact points for civil explosives are available.

<http://ec.europa.eu/enterprise/sectors/chemicals/documents/specific-chemicals/explosives/>

Action Plan: <http://register.consilium.europa.eu/pdf/en/08/st08/st08311.en08.pdf>

Communication from the Commission: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=COMfinal&an_doc=2007&nu_doc=651

Commission Directive 2008/43/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0043:EN:NOT>

Directive 2012/4/EU: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:050:0018:0020:EN:PDF>

See also Regulation (EU) N° 98/2013 on the marketing and use of explosives precursors

- ♣ **Council Directive 93/15/EEC** on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses.

Text : http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=393L0015&model=guicheti

- ♣ **Commission Decision 2004/388/EC** on an Intra-Community transfer of explosives document, amended by **Commission Decision 2010/347/EU**

Commission Decision 2004/388/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:120:0043:0047:en:PDF>

Commission Decision 2010/347/EU: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:155:0054:0055:en:PDF>

- ♣ **EU CBRN Action Plan** – After the Commission set up a CBRN Task Force to work on CBRN policy, the Task Force issued its three final reports in January 2009.

Action Plan: http://ebsaweb.eu/ebsa_media/Downloads/Activities+ +Projects/Biosecurity+and+Biopreparedness/CBRNupdate02_02_2009/CBRN+TF+Report_20_01_2009.doc

On that basis, the Council developed its “Conclusions on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union” – The aim of such a CBRN Action Plan is to reduce the threat and damage from incidents of accidental, natural and intentional origin. Based on an all-hazard approach (including terrorism) covering preparedness in prevention, detection, response and recovery. From identifying high-risk CBRN materials, their security and control, to minimum CBRN detection standards, up to emergency planning, countermeasures, criminal investigation capacity and recovery.

It is a multidisciplinary instrument designed to identify working areas and to use, merge, and co-ordinate existing EU and international legal instruments, initiatives, programmes, agencies and tools before suggesting modification or replacement. The “Task Force Reports” mention several other initiatives. Regarding chemicals, references are made to the European Programme for Critical Infrastructure

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Protection (EPCIP), Health Security Committee, and Community Civil Protection Mechanism. Radiological/nuclear events are covered by the Code of Conduct on the Safety and Security of Radioactive Sources (approved by the IAEA Board of Governors in 2003).

These documents can be read together with the **EU Counter Terrorism Strategy of 2005**.

Report 1st meeting CBRN advisory group:

<http://ebsaweb.eu/Projects+Activities/European+Biosecurity+and+Bio+preparedness/Report+1st+meeting+of+the+CBRN+Advisory+group.html>

Council's adoption of Action Plan: <http://register.consilium.europa.eu/pdf/en/09/st15/st15505-re01.en09.pdf>

EU Counter Terrorism Strategy of 2005:

<http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf>

Annex to CBRN action plan: http://ec.europa.eu/home-affairs/summary/docs/com_2009_0273_annexe_2_en.pdf

Non-exhaustive list of key EU legislation and non-binding frameworks:

http://ebsaweb.eu/ebsa_media/Downloads/Activities+Projects/Biosecurity+and+Biopreparedness/ANNEXE2_COM_2009_273.pdf

- ♣ **ENSEMBLE-** is a web-based platform for the inter-comparison and evaluation of atmospheric chemistry transport and dispersion models.

In case of a trans-boundary scale nuclear accidents affecting Europe, National long-range dispersion forecasts will inevitably differ because of differences in national models, differences in weather prediction methods, and differences in national emergency management strategies. However, difference in national long-range dispersion forecasts may cause problems at the European level, as National emergency management strategies based solely on national forecasts may not cohere with those in neighbouring countries.

ENSEMBLE addresses the issue of harmonisation and coherence of emergency management and decision-making in relation to long range atmospheric dispersion modelling.

Website: <http://ensemble2.jrc.ec.europa.eu/public/>

- ♣ **Eurdep - European Radiological Data Exchange Platform** - Makes unvalidated radiological monitoring data from most European countries available in nearly real-time. It is both a standard format for radiological data and a network for exchanging automatic monitoring data. Frequency of exchange depends on the presence of an emergency. The participation of EU Member States is regulated by Council Decision 87/600 and Recommendation 2000/473/Euratom. The participation of non-EU countries is possible on a voluntary basis.

Managed by the Radioactivity Environmental Monitoring (REM) group of the Institute for Environment and Sustainability (IES) of DG Joint Research Centre (JRC).

See also: - Joint Research Centre (JRC).

Website: <http://eurdep.jrc.ec.europa.eu/Basic/Pages/Public/Home/Default.aspx>

- ♣ **European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) - 1957. Amended 2011** – (UNECE) - Article 2 states that apart from some excessively dangerous goods, other dangerous goods may be carried internationally in road vehicles subject to compliance with:

- the conditions laid down in Annex A for the goods in question, in particular as regards their packaging and labelling; and
- the conditions laid down in Annex B, in particular as regards the construction, equipment and operation of the vehicle carrying the goods in question.

Annexes A and B have been regularly amended and updated since the entry into force of ADR (consequently to the amendments for entry into force on 1 January 2011).

The structure is consistent with that of the:

- United Nations Recommendations on the Transport of Dangerous Goods,
- International Maritime Dangerous Goods Code (of the International Maritime Organization),
- Technical Instructions for the Safe Transport of Dangerous Goods by Air (of the International Civil Aviation Organization),
- Regulations concerning the International Carriage of Dangerous Goods by Rail (of the Intergovernmental Organisation for International Carriage by Rail).

Consolidated Text: <http://www.unece.org/trans/danger/publi/adr/adr2011/English/Volumel.pdf>

General Overview: http://www.unece.org/trans/danger/publi/adr/adr_e.html

- ♣ **European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN)-2000. Amended 2009**. It ensures a high level of safety via provisions on substances' carriage either in packages or in bulk.

Consolidate version: http://www.unece.org/trans/danger/publi/adn/adn2009/09files_e.html

http://www.unece.org/trans/danger/publi/adn/adn2011/11files_e.html

http://www.unece.org/trans/danger/publi/adn/adn2011/13files_e.html

or

http://www.unece.org/fileadmin/DAM/trans/danger/publi/adn/agreement_text.pdf

General Overview: http://www.unece.org/trans/danger/publi/adn/adn_e.html

- ♣ **Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods.**

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0068:EN:NOT>

General Overview: http://europa.eu/legislation_summaries/transport/road_transport/tr0006_en.htm

- ♣ **Directive 98/91/EC relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending Directive 70/156/EEC .**

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0091:EN:NOT>

General Overview: <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?id=564423>

- ♣ **Directive 95/50/EC on uniform procedures for checking the transport of dangerous goods by road** - It allows the competent authorities of the Member States to exchange data with each other concerning checking methods or information on suspicious transportation (Article 8).

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0050:EN:NOT>

- ♣ **Directive 2002/59/EC** of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC – is related to notification of dangerous or polluting goods on board ships (Article 13) and monitoring of hazardous ships and intervention in the event of incidents and accidents at sea (Articles 17 and 19).

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:208:0010:0027:EN:PDF>

EU Maritime Transport Legislation:

http://ec.europa.eu/transport/infringements/directives/maritime_en.htm

- ♣ **Marpol 73/78 - International Convention for the Prevention of Pollution From Ships, 1973**, as modified by **the Protocol of 1978** - International Maritime Association's (IMO) legal instrument initially created to limit sea pollution. Two annexes concern CBRN: Annex II (1987) refers to transport of chemicals in bulk.

Annex III refers to packed harmful substances (1992). Any country visited by a vessel can make an examination to verify compliance with the prescribed standards; if an infringement is found, the ship can be stopped. If an incident occurs outside a verifiable jurisdiction, the country refers cases to flag states.

General Overview: [http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx)

- ♣ **Regulation (EC) 1013/2006** on shipments of waste -The Regulation concerns almost all types of waste shipped. Only radioactive waste and a few other types of waste do not fall within its application, insofar as they are subject to separate control regimes.

It aims at strengthening, simplifying and specifying the procedures for controlling waste shipments to improve environmental protection. It also seeks to include into Community legislation the provisions of the Basel Convention.

See also: - Basel Convention

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:190:0001:0098:EN:PDF>

or

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1013:EN:NOT>

Consolidated Version: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1013:20100516:EN:PDF>

General Overview:

http://europa.eu/legislation_summaries/environment/waste_management/l11022_en.htm

EU Infringements procedures to transport legislation:

http://ec.europa.eu/transport/infringements/directives/directives_en.htm

- ♣ **European Centre for Disease Prevention and Control (ECDC)** - EU agency created by **Regulation 851/2004** to identify, assess and communicate current and emerging threat to human health from communicable diseases (Article 3, point 1, Article 10). It monitors and ensures the integrated operation of “**Dedicated surveillance networks**” (Article 2c) on diseases, and structures designated under Council Decision No. 2119/98/EC (preamble 4, Article 5, point 2a) such as the “**Community Network**”, maintaining databases(s) on epidemiological surveillance (Article 5, point 2b). Supports the Commission in operating the “**Early Warning and Response System**”, ensuring that it is linked to other Community alert systems (Article 8) and that Member States can respond in a co-ordinated manner. Relations among “Dedicated Surveillance Networks” and “Community Network” were mainly reshaped by Decisions 2000/96/EC and 2003/542/EC.

In September 2011, the responsibilities of the EUVAC.NET were transferred to ECDC

See also: - Decision No 2119/98/EC
- EUVAC.NET

Text : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R0851:EN:NOT>

Website: <http://www.ecdc.europa.eu/en/Pages/home.aspx>

- ♣ **European Chemical Agency (ECHA)** – Is an agency of the European Union which manages the technical, scientific and administrative aspects of the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) system. It is located in Helsinki, Finland.

See also: - European chemical Substances Information System (ESIS)

- ♣ **European chemical Substances Information System - (ESIS)** – Pre-Reach System providing details on chemicals. Regime under Directive 67/548/EEC as amended. It includes:

- EINECS (European Inventory of Existing Commercial chemical Substances)
- NLP (No-Longer Polymers) notified under Directive 67/548/EEC as amended. Notification scheme replaced by Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) .
- BPD Information System (Biocidal Products Directive). It provides :
 - a list of active substances which are listed onto Annex I or IA of Directive 98/8/EC concerning the placing of biocidal products on the EU market (Biocidal Products Directive) called "list of Annex I / IA inclusions". It contains, for instance, general substance information and;
 - a list called the "list of non-inclusions", that contains a consolidated list of existing active substances for which a decision of non-inclusion onto Annex I or IA of Directive 98/8/EC has been adopted
- Export and Import of Dangerous Chemicals (Regulation (EC) No 689/2008 – Annex I).

ESIS is actually managed by the **Institute for Health and Consumer Protection (IHCP)**, one of the seven scientific institutes of the Joint Research Centre (JRC) of the European Commission.

ESIS - <http://esis.jrc.ec.europa.eu/>

IHCP - <http://ihcp.jrc.ec.europa.eu/>

From 2008, the following databases have been taken over by the European Chemicals Agency (ECHA), so the information should be cross-checked on both (IHCP and ECHA) websites:

- ELINCS (European List of Notified Chemical Substances) under Directive

67/548/EEC, as amended. Notification of substances is now made under the REACH (Regulation (EC) No 1907/2006) regime.

- PBT (Persistent, Bioaccumulative, and Toxic) or vPvB (very Persistent and very Bioaccumulative), list created as a result of an interim strategy, using Regulation (EC) 793/93 and Directive 67/548/EEC.
- CLP (Classification, Labelling and Packaging of substances and mixtures) – Regulation (EC) 1272/2008.
- HPVCs (High Production Volume Chemicals) and LPVCs (Low Production Volume Chemicals), including EU Producers/Importers lists.
- International Uniform Chemical Information Database (IUCLID) Chemical Data Sheets (IUCLID Export Files, OECD-IUCLID Export Files, EUSES Export Files).
- Online European Risk Assessment Tracking System (ORATS) Priority Lists, Risk Assessment process and tracking system in relation to Council Regulation (EEC) 793/93 (now repealed by Regulation 1907/2006) also known as Existing Substances Regulation (ESR).

ECHA - <http://echa.europa.eu>

See also: - Joint Research Centre (JRC)
- European Chemicals Agency (ECA)

- ♣ **European List of Waste (LoW)** – The European List of Waste (Commission Decision 2000/532/EC) is meant to be a reference nomenclature providing a common terminology throughout the Community. Its purpose is to improve the efficiency of waste management activities. This List replaces the previous European Waste Catalogue set up by Decision 94/3/EC establishing a list of wastes and also Council Decision 94/904/EC establishing a list of hazardous waste.

The LoW serves as a common encoding of waste characteristics in a broad variety of aims such as classification of hazardous wastes, transport of waste, installation permits, decisions about recyclability of the waste or as a basis for waste statistics.

According to Decision 2000/532/EG, LoW should be revised regularly on the basis of new knowledge and, in particular, of research results.

It has been amended by Commission Decisions 2001/118/EU, 2001/119/EU and 2001/573/EU.

Consolidated LoW Version: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2000D0532:20020101:EN:PDF>

The Commission has conducted a study on the review of the European List of Waste. The study is providing information on the implementation of the European Waste Legislation, proposing amendments of the LoW and assessing the impacts of those amendments. Taking into account these results the Commission will prepare the necessary amendments to the List of Waste.

The Commission's Study: http://ec.europa.eu/environment/waste/pdf/low_review_oekopol.pdf

See also: - Directive 2008/98/EC of on waste repealing Directives 2006/12/EC, 91/689/EEC, 75/439/EEC

- ♣ **Euvac.net** - European surveillance network for vaccine-preventable diseases. Co-founded by ECDC following European Parliament and Council Decision 2119/98/EC as a network for the epidemiological surveillance and control of communicable diseases in the European Community.

In September 2011, the responsibilities of the EUVAC.NET were transferred to ECDC

See also: European Centre for Disease Prevention and Control (ECDC)

Website: <http://ecdc.europa.eu/EN/ACTIVITIES/SURVEILLANCE/EUVAC/Pages/index.aspx>

Link page to National Health Institutes : <http://www.euvac.net/graphics/euvac/links.html>

- ♣ **Global Health Security Initiative – (GHSI)**- International information-sharing system to strengthen health preparedness and the global response to threats. In the CBRN area, GHSI works on vaccine/antibiotic availability and medical countermeasures.

It has a chemical experts' contact list in the event of a chemical incident.

Website: <http://www.ghsi.ca/english/index.asp>

- ♣ **Globally Harmonized System of Classification and Labelling of Chemicals – (GHS)**- Establishes a new system of classification of chemicals by types of hazard and proposes harmonized hazard communication elements, including labels and safety data sheets. It aims at ensuring that information on physical hazards and toxicity from chemicals are available in order to enhance the protection of human health and the environment during the handling, transport and use of these chemicals. The GHS also provides a basis for harmonization of rules and regulations on chemicals at national, regional and worldwide level, an important factor also for trade facilitation. The first edition of the GHS, was approved by the Committee of Experts at its first session and published in 2003. Since then, the GHS has been updated and revised every two years.

Text: http://www.unece.org/trans/danger/publi/ghs/ghs_rev04/04files_e.html

- ♣ **Health Emergency & Diseases Information System-(HEDIS)**- Web-based portal with restricted access for disease outbreaks and health emergencies. For each new crisis, a dedicated sub-portal is generated with information related to the threat (actors, maps, actions). It has an **Interactive Disaster Analysis System and Hospitals database**, providing analysis of the surroundings of a given event (population, activities, hospitals...).

Websites: <http://hedis.jrc.ec.europa.eu>

or

http://ec.europa.eu/health/preparedness_response/generic_preparedness/planning/hedis_en.htm

- ♣ **Health Security Committee – (HSC)** - Key mechanism for co-ordinating health security efforts. Informal co-operation and co-ordination body concentrating on health-related threats from terrorism or any deliberate release of biological or other agents, as well as raising levels of preparedness for cross-border threats. It operates in 3 core areas: generic preparedness, influenza, and chemical, biological and radio-nuclear threats. It has a communication system linking Member States. The main activities of the HSC are structured around seven priorities of the Strategic Work Plan for 2008-2010

Website: http://ec.europa.eu/health/preparedness_response/hsc/index_en.htm

Strategic Work Plan : http://ec.europa.eu/health/ph_threats/Bioterrorisme/docs/keydo_bio_05_en.pdf

- ♣ **IACRNE** - IAEA's Inter-Agency Committee on Radiological and Nuclear Emergencies. Body created to co-ordinate the protocols of relevant international intergovernmental organisations in preparing and responding to nuclear and radiological emergencies. It develops the **Joint Radiation Emergency Management Plan (JPLAN)**, a protocol of common understanding about the way each organisation will act during a response and in making preparedness arrangements. It describes:
 - the objectives of response;
 - the organisations involved in response, their roles and responsibilities, and the interfaces among them and between them and States;
 - operational concepts; and
 - preparedness arrangements.

The Joint Plan does not prescribe arrangements between the participating organisations, but describes a common understanding of how each organisation will act during a response and in making preparedness arrangements.

See also: International response system.

Website: http://www-ns.iaea.org/tech_areas/emergency/inter-agency-matters.asp?s=1&l=4#1

Joint Plan 2010: http://www-pub.iaea.org/MTCD/publications/PDF/EPR-JPLAN_2010_web.pdf

- ♣ **Information Circular INFCIRC/225/Rev.5** - Information Circulars (INFCIRCS) are published by the IAEA to bring matters of general interest to the attention of its member states. INFCIRCS 225 provides guidance to States and their competent authorities on how to develop or enhance, implement and maintain a physical protection regime for nuclear material and nuclear facilities. This guidance is provided through the establishment or improvement of those States' capabilities to implement legislative and regulatory programs, to address the protection of nuclear materials and nuclear facilities in order to reduce the risk of malicious acts against the latter. This circular was last updated in September 2010.

Text: http://www-pub.iaea.org/MTCD/publications/PDF/Pub1481_web.pdf

- ♣ **Industrial Accidents Notification System – IAN System** Web-based system created under the UNECE Convention on the Transboundary Effects of Industrial Accidents. Reports are listed under three categories: Early Warning, Information and Request for Assistance. A notification of an industrial accident is made by completing and submitting an online form based on early-warning/information or request for assistance reports. The notification is then sent by e-mail to relevant Points of Contact, (designated according to Article 17 of the Convention).

See also:- Convention on the Transboundary Effects of Industrial Accidents

IAN System: <http://www.unece.org/env/teia/pointsofcontact.html>

- ♣ **International Atomic Energy Agency – IAEA** – International organization created in 1957 that seeks to promote the peaceful use of nuclear energy, and to inhibit its use for any military purpose, including nuclear weapons.

Website: <http://www.iaea.org>

Treaties, Conventions and Agreements under IAEA Auspices:
<http://www.iaea.org/Publications/Documents/Conventions/>

♣ **International response system–**

Developed under the frame of IAEA, the scope of the international response system includes, but is not limited to, nuclear or radiological incidents and emergencies of actual, potential or perceived radiological significance for more than one State. The Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency and the Convention on Early Notification of a Nuclear Accident, also called Emergency Conventions are the prime legal instruments that establish an international framework to facilitate the exchange of information and the prompt provision of assistance in the event of a nuclear accident or radiological emergency

See also: - Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency
- Convention on Early Notification of a Nuclear Accident

Website: <http://www-ns.iaea.org/tech-areas/emergency/international-response-system.asp?s=1&l=4>

- ♣ **International Convention for the Suppression of acts of Nuclear Terrorism** - United Nations – 2005 – prevents (Article 7, point a, Article 8) and criminalises (Article 6) actions related to radioactive material and related devices: dirty bombs (Article1, points 1 and 4), nuclear material and facilities (Article1, points 2 and 3) as well as providing scientific or other assistance to those actions (Article2, point 4). Sets up a co-ordination of criminal proceedings (Article7) and exchange of evidence (Article14). Post-crisis management of material or facilities is included (Article 18).

Text: <http://www.un.org/en/sc/ctc/docs/conventions/Conv13.pdf>

General overview: <http://untreaty.un.org/cod/avl/ha/icsant/icsant.html>

- ♣ **International Convention for the Suppression of Terrorist Bombings** – United Nations – (1997) – provides a broad interpretation of “explosive or lethal device” (Article 1, point 3), including everything capable of releasing toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material (Article 1, point 3b). The goal of the Convention is to criminalise any action or contribution connected to the bombing, whatever the consequences (Article 2), excluding those cases in which the offence involves only one State (Article 3). The Convention pushes States to set up legislative and other measures to prevent the activity of criminal organisations that might finance or support activities under Article 2 (Article 15 a). Rules on jurisdiction, prosecution and extradition are set up (Articles 6–9). Assistance in intelligence exchange (Article 15b), investigation and evidence exchange are included (Article 10).

Text: <http://treaties.un.org/doc/db/Terrorism/english-18-9.pdf>

UN Conventions on Terrorism:

http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml&menu=MTDSG

- ♣ **International Health Regulations – IHR**- Requires members of the World Health Organisation (WHO) to report disease outbreaks. Their aim is to provide a public health response to emergencies.

Multi-language link: <http://www.who.int/ihr/9789241596664/en/index.html>

- ♣ **Interpol’s CBRNE Terrorism Prevention Programme** – specialises in the prevention of the different aspects of CBRNE

The INTERPOL methodology for countering the CBRNE terrorist threat consists of three main pillars:

- Intelligence analysis for police services;
- Programmes preventing the illegal dispersal of CBRNE materials;
- Responding to and investigating CBRNE threats and malicious incidents.

In order to help prevent CBRNE terrorist attacks, Interpol carries out the following activities:

- Conduct threat assessments and analysis;
- Work to increase the level of awareness of all national law enforcement agencies;
- Deliver training sessions in order to increase law enforcement capabilities;
- Provide prevention methodologies for use by member countries.

<http://www.interpol.int/Crime-areas/Terrorism/CBRNE-Terrorism-Prevention-Programme/Bioterrorism-Prevention-Unit>

- ♣ **Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management** – IAEA, 1997- The Joint Convention applies to spent fuel (that is nuclear fuel that has been irradiated in and permanently removed from a reactor core, as defined by Article 2 (n)) and radioactive waste resulting from:

- civilian nuclear reactors and applications
- from military or defence programmes if and when such materials are transferred permanently to and managed within exclusively civilian programmes,
- when declared as spent fuel or radioactive waste for the purpose of the Convention by the Contracting Party (Article 3).

The Convention also applies to planned and controlled releases into the environment of liquid or gaseous radioactive materials from regulated nuclear facilities (Article 2 (c)). Each Contracting Party must take the appropriate steps to ensure that at all stages of spent fuel management, individuals, society and the environment are adequately protected against radiological hazards (Article 4).

Each country must designate a regulatory body (Article 20) for the implementation of the legislative and regulatory framework. Emergency plans must be set up (Article 25).

Text: <http://www.iaea.org/Publications/Documents/Infcircs/1997/infcirc546.pdf>

General Overview: <http://www-ns.iaea.org/conventions/waste-jointconvention.asp>

- ♣ **Joint Research Center - (JRC)** - The Joint Research Centre was originally established under the Euratom treaty. Its mission has been extended to fields like health and environment.

See also: - European chemical Substances Information System (ESIS)

Website: <http://ec.europa.eu/dgs/jrc/index.cfm>

- ♣ **Medical Intelligence System – (MedISys)** -Internet monitoring and analysis system developed by the Commission Joint Research Centre (JRC) for the Health and Consumer Protection Directorate General (DGSANCO) to identify potential public health threats using information from the internet. These “threats” include both communicable diseases and chemical, biological, radiological and nuclear threats.

Website: <http://medusa.jrc.it/medisys/homeedition/en/home.html>

- ♣ **Monitoring and Information Centre – (MIC)** – tool of the “Community Mechanism for Civil Protection”, set up by Article 2 point 5 Council Decision 2007/779/EC - Euratom. It is a 24/7 communication hub that facilitates Member States’ cooperation in civil protection assistance. Communications between the MIC and National Authorities (specifically National Contact Points designated on the basis of Article 3 (e) of Council Decision of 2011/792/EC) are made using the “Common Emergency Communication and Information System” (CECIS – Article 2 point 6), making responses to disasters faster.

MIC: http://ec.europa.eu/echo/civil_protection/civil/prote/mic.htm

CECIS: http://ec.europa.eu/echo/civil_protection/civil/cecis.htm

List of Contacts: http://ec.europa.eu/echo/civil_protection/civil/prote/cp10_en.htm

- ♣ **Council Decision 2007/779/EC - Euratom establishing a Community Civil Protection Mechanism (recast) – supports Member States’** cooperation in civil protection assistance during emergencies (from technological, radiological or environmental disaster or terrorist act – preamble 6). It repeals Council Decision 2001/792/EC, Euratom establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (Article 15)

Council Decision 2007/779/EC: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0779\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0779(01):EN:NOT)

Council Decision 2001/792/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001D0792:EN:NOT>

- ♣ **Multilateral Export Control Regimes – (MECR)** - non-binding systems for coordinating national policies on export controls:
 - Australia Group - 1985 (AG): creating common lists for dual use chemical manufacturing facilities, equipment, technology; dual use biological equipment, chemical weapon precursors and biological agents. The European Commission is a member.
 - Missile Technology Control Regime - 1987 (MTCR): for controls on items contained in the Equipment, Software and Technology annex to the MTCR guidelines.
 - Nuclear Suppliers Group – 1975 (NSG): for nuclear and nuclear-related exports. The European Commission is a member.
 - Wassenaar Arrangement – 1995 (WA): for transfer of armaments and dual use goods and technologies.
 - Zangger Committee – NPT Exporters Committee 1974 – for the interpretation of Article 3, paragraph 2 of the NPT

The EU list of controlled items is based on control lists adopted by these international export control regimes.

See also: - Nuclear Suppliers Group

AG: <http://www.australiagroup.net/en/index.html>

MTCR: <http://www.mtc.info/>

NSG: <http://www.nuclearsuppliersgroup.org/Leng/default.htm>

WA: <http://www.wassenaar.org/>

Zanagger Committee: <http://www.zanggercommittee.org/Seiten/default.aspx>

- ♣ **Naples II Convention** – Convention on Mutual Assistance and Cooperation between Customs Administrations (Council Act of 18 December 1997), Allows co-operation on cross-border surveillance, covert investigations, controlled deliveries among Member States' authorities, and JITs. Infringements include trafficking in nuclear materials or equipment, also intended for the manufacture of NBC weapons.

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1998:024:0001:0022:EN:PDF>

- ♣ **New Computerized Transit System – (NCTS)** – System based upon electronic declaration and processing. It is designed to provide better management and a more secure Community and Common transit system. The Community Transit is the procedure used for the movement of goods between the EU Member States (and Andorra and San Marino). The Common Transit is an agreement providing a mutual system for Customs transportation between the EU Community and the EFTA countries. Unless approved by the customs authorities to do otherwise, all transit declarations must be submitted electronically via the NCTS. The NCTS will process the declaration and control the transit movement. It is used by all member states of the European Union and the EFTA countries.

Texts:

http://ec.europa.eu/taxation_customs/customs/procedural_aspects/transit/common_community/index_en.htm

♣ **Nuclear Suppliers Group (NSG) and Guidelines** - Nuclear Suppliers Group (NSG) is an international inter-governmental body concerned with controlling the export and re-transfer of materials that may be applicable to nuclear weapon development and with improving safeguards and protection of existing materials.

The NSG Guidelines aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices.

Two sets of Guidelines exist:

1.
Guidelines for Nuclear Transfers.

Concern the export of items that are especially designed or prepared for nuclear use.

These include: nuclear material; nuclear reactors and equipment therefore; non-nuclear material for reactors; plant and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and technology associated with each of the above items.

Text: <http://www.nuclearsuppliersgroup.org/Leng/PDF/infcirc254r10p1.pdf>

2.
Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology.

Concern the export of nuclear related dual-use items and technologies, that is, items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but which have non-nuclear uses as well, for example in industry.

Text: <http://www.nuclearsuppliersgroup.org/Leng/PDF/infcirc254r8p2.pdf>

NSG Website: <http://www.nuclearsuppliersgroup.org>

♣ **OECD Directories and Databases on Chemicals and Biosafety** – is a portal grouping several databases divided per typology of substance. Among its sub lists are:

- OECD's Directory of Nickel-Cadmium Battery Collection Facilities
- eChem Portal;
- EXICHEM (Existing Chemicals) Pointer Database (replaced by eChemPortal);
- OECD List of High Production Volume (HPV) Chemicals (*updated to 2004*);
- Pollutant Release and Transfer Registers (PRTR) databases.

See also: - Organisation for Economic Co-operation and Development (OECD)
- eChem Portal

Directories and Databases for Chemicals and Biosafety:

http://www.oecd.org/document/0/0,3746,en_2649_37465_49353408_1_1_1_37465,00.html

OECD List of High Production Volume (HPV) Chemicals:

<http://www.oecd.org/dataoecd/55/38/33883530.pdf>

♣ **OECD - International Directory for Emergency Response Centres** - Joint publication made by OECD, United Nations Environment Programme - Division of Technology, Industry and Economics (UNEP-DTIE) and the Joint Office for the Co-ordination of Humanitarian Affairs (UNEP/OCHA) Environment Unit. It contains a detailed list of specialised contact points in the response area, organised by country.

See also: - Organisation for Economic Co-operation and Development (OECD)

Directory : <http://helid.digicollection.org/pdf/s13467e/s13467e.pdf>

♣ **Orange notice (Interpol)** – tool used to warn police and other relevant actors about an event, a person, an object or a process representing a serious and imminent threat to public safety.

General Overview: <http://www.interpol.int/INTERPOL-expertise/Notices/Orange-notices>

♣ **Organisation for Economic Co-operation and Development (OECD)** - It helps governments foster prosperity and fight poverty through economic growth and financial stability. It helps ensure that the environmental implications of economic and social development are taken into account.

OECD's work is based on continued monitoring of and regular projections of short and medium-term economic developments. The OECD Secretariat collects and analyses data, after which committees discuss policy regarding this information, the Council makes decisions, and then governments implement recommendations.

See also: - OECD Directories and Databases on Chemicals and Biosafety
- OECD International Directory for Emergency Response Centres

Website: <http://www.oecd.org/chemicalsafety/#>

- ♣ **Preparedness** - The term "preparedness" means a state of readiness and capability to ensure an effective, rapid reaction to an emergency, as a result of action taken in advance. Is used to cover the operative "response" phase to a CBRN threat or attack (emergency and intervention plans, operational procedures). On a general basis, a pre-"set up" module for each phase of security related to CBRN should be made: prevention, protection, detection, prosecution, response and recovery. Preparedness should consider at which stage the Chemical, Biological, Radiological or Nuclear threats become hazardous and the role of each specific actor (civil protection, law enforcement, scientists, prosecutors, etc).

Definitions of Preparedness are provided also by:

- Green Paper on Bio- Preparedness -2007
- Council Decision 2007/779/EC, Euratom establishing a Community Civil Protection Mechanism

See also: - Council Decision 2007/779/EC

Green Paper on Bio- Preparedness: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0399:FIN:EN:PDF>

Council Decision 2007/779/EC: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0779\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0779(01):EN:NOT) (Article 3, point 3)

- ♣ **Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988) and Protocol of 2005** – *(Deposited with the Secretary-General of the International Maritime Organization)* - It follows the history of the Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation to which it directly refers, extending to fixed platform (defined as an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes) the provisions already created in response to attacks made on ships. With the 2005 Protocol, the use against a fixed platform or discharge from it of explosive, radioactive material or BCN weapon (Article 2 bis a) and the discharge of oil or other noxious/hazardous substances (Article 2 bis c) are considered as criminal typologies, even if only threatened. Following the evolution of international anti-terrorism instruments, attempts, participation, organisation and contribution are also criminalised (Article 2 ter). The Protocol has rules on jurisdiction (new Article 3).

See also: - Convention for the Suppression of Unlawful Acts against the safety of Maritime Navigation – SUA Convention

- Link to UN Conventions on Terrorism under "International Convention for the Suppression of Terrorist Bombings"

Protocol 1988: <http://www.unhcr.org/refworld/docid/3ae6b3664.html>

Protocol 2005: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=49f58cee2&page=search>

- ♣ **Prüm Decision (Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime).** Created to improve police co-operation among different States, it can also intervene in cases of CBRN events. *Article 18* (Assistance in connection with mass gatherings, disasters and serious accidents) establishes that national authorities provide each other with mutual assistance, in compliance with national law, if, inter alia, “disasters and serious accidents” do happen. Several preventive and response measures can be undertaken, such as:
- notifying other Member States of such situations with cross-border impact and exchanging relevant information (Article 18 a);
 - “taking and coordinating the necessary policing measures” (Article 18 b); and
 - “dispatching officers, specialists and advisers and supplying equipment, at the request of the Member State within whose territory the situation has arisen.” (Article 18 c).

Council Decision 2008/615/JHA: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0615:EN:NOT>

Council Decision 2008/ 616/ JHA, implementing CD 2008/615/JHA: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:210:0012:0072:EN:PDF>

General Overview:

http://europa.eu/legislation_summaries/justice_freedom_security/police_customs_cooperation/jl0005_en.htm

- ♣ **Qsar Toolbox** - software application developed by the OECD Environment Directorate to be used by public and private actors in assessing the hazardous chemicals.

See also: - Organisation for Economic Co-operation and Development (OECD)

Website: http://www.oecd.org/document/54/0,3746,en_2649_34379_42923638_1_1_1_1,00.html

- ♣ **Radioactivity Environmental Monitoring group - (REM)** - Since 1987, REM provides information to the European Commission, the European Parliament and the Member States on the levels of radioactive contamination of the various compartments of the environment.

Main tasks:

- measurements managed in the REM database. This database contains qualified environmental radioactivity data from all EU Member states for the most relevant compartments in the EU environment since 1984. Eurdep is another system used in routine for collecting daily gamma dose-rates provided by European countries.
- in the case of a nuclear or radiological emergency, REM provides support for the exchange of essential data and information, namely:
 - messages notifying that an accident has happened, as well as all subsequent official information which are sent through the official EC emergency network ECURIE;

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- real-time monitoring of information collected from national automatic surveillance systems by the Eurdep system which further redistributes the data to the national and international competent authorities;
- atmospheric dispersion forecasts model results that are exchanged and inter-compared within ENSEMBLE.

See also: Ecurie, ENSEMBLE and Eurdep

Website: <http://rem.jrc.ec.europa.eu/RemWeb/Index.aspx>

♣ **Rapid Alert System-Taskforce on Biological and Chemical Agent Attack - (Ras-Bichat)** – Is a programme for cooperation on preparedness and response.

It sets up a mechanism for information exchange, consultation and coordination for the handling of health-related issues related to attacks in which biological and chemical agents might be used or have been used.

Website: <https://webgate.ec.europa.eu/ras-bichat/>

European Commission Document explaining the functioning:

http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

♣ **Ras-Chem** - Rapid alert system linking the various poison centres of the European Union and the Ministries of Health, exchanging information on incidents including chemical agents relevant to terrorism and other events leading to a release of chemicals; consultation and coordination of counter-measures.

European Commission Document explaining the functioning of Ras-Chem (pages 8 and following): http://ec.europa.eu/health/ph_threats/com/preparedness/docs/HEOF_en.pdf

♣ **Registration, Evaluation, Authorisation and Restriction of Chemicals – (REACH)** - Set up by Regulation No. (1907/2006) of the European Parliament and of the Council. It groups in a single piece of legislation the issues of registration, evaluation, authorisation and restriction of all already existing (phase-in) and new (non-phase-in) chemical substances (pure, in preparation or as ingredients in complex products). The information about the properties of substances is stored in a database (REACH-IT) run by the European Chemical Agency (ECHA). Radioactive, subject to custom supervision and non-isolated intermediates are excluded.

See also: - Reach- it
- European Chemical Agency (ECHA)

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=oj:l:2006:396:0001:0849:en:pdf>

ECHA Website: <http://echa.europa.eu/>

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- ♣ **Reach-It** - Database created under the REACH Regulation to register dossiers on chemicals. Agency and Member States' authorities can access the information and review the dossiers.

See also: - Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)
- European Chemical Agency (ECHA)

Website: <https://reach-it.echa.europa.eu/reach/public/welcome.faces>

- ♣ **REGULATION (EU) No 649/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2012 concerning the export and import of hazardous chemicals** is replacing Regulation (EC) N° 689/2008 and is protective of human health and the environment. It is consistent with other relevant EU legislations, such as Regulation (EC) No 1907/2006 concerning REACH and establishing ECHA and Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures. It adopts the Globally Harmonised System on the classification and labelling of chemicals. Particular attention is also given to manage an adequate shelf-life of exported chemicals and appropriate storage conditions so that they may be used effectively and safely. The directive implements the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the "Convention"); promotes shared responsibility and cooperative efforts in the international movement of hazardous chemicals in order to protect human health and the environment from potential harm; and contributes to the environmentally sound use of hazardous chemicals. It also ensures that the provisions of Regulation (EC) No 1272/2008 relating to classification, labelling and packaging applies to all chemicals when they are exported from the Member States to other Parties or other countries

Regulation (EC) No 689/2008 shall be repealed with effect from 1 March 2014.

- ♣ **Regulation (EC) No 689/2008** of the European Parliament and of the Council concerning the **export and import of dangerous chemicals** integrated the Stockholm Convention on Persistent Organic Pollutants. It implements the Rotterdam Convention, involving some of the chemicals subject to the prior informed consent (PIC) procedure but went beyond it since it also covers chemicals that are not banned or severely restricted in the Convention such as:

- some hazardous chemicals banned or restricted within the Community or a Member State, and
- all chemicals when exported in relation to their classification, packaging and labelling (Article 2, point 1).

All those chemicals were listed in Annex I (Article 6), divided into Part 1, 2 or 3, with different rules. Annex I has been amended several times, lastly by Commission Regulation No 71/2012 of 27 January 2012. Some articles containing chemicals fall within the Convention (preamble 13, Article 14) while the ones listed in Annex V cannot be exported.

See also: - Rotterdam Convention
- Stockholm Convention

Regulation (EC) No 1272/2008 *Text and Amendments:*
http://edexim.jrc.ec.europa.eu/edexim_legaldocs.php?type=1

Technical Guidance notes for implementation: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:065:0001:0064:EN:PDF>

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:201:0060:0106:en:PDF>

Regulation 304/2003: <http://www.reach-compliance.eu/english/REACH-ME/engine/sources/regulations/launch-304-2003-EC.html>

Pharmaceutical Legislation - Medicinal Products for Human use:
http://ec.europa.eu/health/documents/eudralex/vol-1/index_en.htm

Pharmaceutical legislation - Medicinal Products for veterinary use:
http://ec.europa.eu/health/documents/eudralex/vol-5/index_en.htm

Information on developing and marketing medicines in the E.U.:
http://www.ema.europa.eu/ema/index.jsp?curl=pages/regulation/landing/human_medicines_regulatory.jsp&url=menus/regulations/regulations.jsp&mid=WC0b01ac058001ff89

Genetically Modified Organism Legislation:
[http://www.basis.ie/home/home.jsp?pcategory=13316&ecategory=13341&doclistid=18618§ionpage=10339&language=EN&page=&link=link001&doc=11295&logname=The%20EU%20GMO%20Directive%20and%20The%20Environmental%20Protection%20Agency%20%28EPA%29\[1\]&urlcode=](http://www.basis.ie/home/home.jsp?pcategory=13316&ecategory=13341&doclistid=18618§ionpage=10339&language=EN&page=&link=link001&doc=11295&logname=The%20EU%20GMO%20Directive%20and%20The%20Environmental%20Protection%20Agency%20%28EPA%29[1]&urlcode=)

Edexim Database - European Database Export Import of Dangerous Chemicals:
http://edexim.jrc.ec.europa.eu/index.php?id_left=0

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- ♣ **Regulation (EU) N° 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors.** This Regulation aims at ensuring an increased level of security in the European Union by creating a common framework for the access to certain explosives precursors. The Regulation is limited to a short list of chemical substances and mixtures thereof that are the sources of greatest concern.

The Regulation provides for a general prohibition for members of the general public to acquire, possess or use the chemical substances listed in an annex to the regulation in concentrations higher than those laid down in the annex.

As an exception to this rule, the Member States may create systems that allow members of the general public that have legitimate reasons to acquire these substances if they obtain a licence valid for one or more of the substances and present this license to the economic operator that makes the substance available.

Member States may also create systems through which members of the general public will be able to acquire and use three of the restricted substances (hydrogen peroxide, nitric acid and nitromethane) that are widely used for legitimate purposes in a concentration interval specified in the regulation provided that the purchase is registered by the economic operator making the substance available.

The Regulation also creates a system for reporting suspicious transactions for the explosives precursors listed in the annexes to the regulation as well as mixtures or other substances containing these explosives precursors.

The Regulation shall apply in the Member States from 2 September 2014.

Regulation n° 98/2013 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:039:0001:0011:EN:PDF>

- ♣ **Resolution 1540** (United Nations Security Council - Non-proliferation of weapons of mass destruction 2004) – requires all UN member states to impede the development, acquisition, manufacture, possession, transport, transfer or use of nuclear, chemical or biological *weapons* and the *means of delivery* by non-State actors (Article 1). This aim can be reached acting on several critical areas. Firstly, States “shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials (Article 3). States must also “develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items (Article 3c) . Finally, States have to “establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations” (Article 3d) . States must maintain lists of items subject to controls (Article 6). The existing anti-WMD proliferation instruments (Article 8a) and multi-lateral co-operation bodies (Article 8c) must be used. A 1540 Committee is established to supervise the national implementation of the resolution concerning export control legislation and enforcement systems.

Text: [http://www.un.org/en/documents/view.asp?symbol=S/RES/1540\(2004\)](http://www.un.org/en/documents/view.asp?symbol=S/RES/1540(2004))

1540 Committee Website: <http://www.un.org/sc/1540/>

- ♣ **Rotterdam Convention** on the prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998) –It covers chemicals and severely hazardous pesticide formulations (Article 3, point 1), that have been banned or severely restricted for health or environmental reasons by Parties and which have been notified by Parties for inclusion in the “Prior Informed Consent” (PIC) procedure for import (Article 10) and export (Articles 11-13). Substances listed in Annex III (Articles 5-7) of the Convention are subject to the (PIC) Procedure. The Chemical Review Committee, the scientific advisory body (Article 5, points 5-6, Article 6, point 5), recommends listing in Annex III and prepares a “draft decision guidance documents” (Article 7, point 1) for the Conference of the Parties.

National authorities are appointed (Designated National Authorities – DNA) and are authorized to act in the performance of the administrative functions required by this Convention (Article 4).The Convention does not cover, in particular, narcotic drugs, radioactive materials, waste, chemical weapons, pharmaceuticals and food (Article 3, point 2)

Website: <http://www.pic.int/home.php?type=s&id=77>

Text (2011 Version):

http://www.pic.int/Portals/5/download.aspx?d=RC_Convention_Text_2011_English.pdf

- ♣ **Council Decision 2006/730/EC** on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade.

Text: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:299:0023:0025:EN:PDF>

Designated National Authorities in EU:

http://edexim.jrc.ec.europa.eu/lib/search_dna_address_form.php?version=PUB&type=EU

- ♣ **SEVESO** – Directive 2012/18/EU (SEVESO III) lays down rules for the prevention of major accidents which involve dangerous substances, and the limitation of their consequences for human health and the environment, with a view to ensuring a high level of protection throughout the Union in a consistent and effective manner. Annex I to Directive 2012/18/EU lists the dangerous substances falling within its scope.

The SEVESO III Directive was adopted on 4th July 2012 and entered into force on 13th August 2012. Member States have to transpose and implement the Directive by 1st June 2015.

It repeals Directive 96/82/EC on the control of major chemical accidents and hazards involving dangerous substances (SEVESO II).

Regulation(EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures, incorporates the classification criteria and labelling rules agreed at UN level, the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) and introduces new classification criteria, hazard symbols (pictograms) and labelling phrases, while taking account of elements which are part of the current EU legislation.

Council Directive 96/82/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996L0082:EN:HTML>

Implementation: <http://ec.europa.eu/environment/seveso/implementation.htm>

Directive 2012/18/EU: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:197:0001:0037:EN:PDF>

Regulation 1272/2008: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:en:PDF>

Review of the Legislation: <http://ec.europa.eu/environment/seveso/review.htm>

- ♣ **SitCen - (JSC – Joint Situation Centre)** - intelligence body of the European Union. Has become a provider of intelligence analysis and strategic assessments to EU decision-makers. Monitors the proliferation of weapons of mass destruction, provides assessments of terrorist threats, chemical, biological, radiological or nuclear (CBRN) terrorism, whether in the EU or in a third country. Since 2010 is part of the European External Action Service (EEAS) set up by Council Decision 2010/427/EU lists all the administrative entities to be transferred en bloc to the EEAS
NATO has also a “Sitcen” (Situation Centre) established in 1969 as a central focus for Crisis Management.

General Overview: <http://www.consilium.europa.eu/uedocs/cmsUpload/WEB15106.pdf>

Council Decision 2010/427/EU: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:201:0030:0040:EN:PDF>

EEAS Website: <http://www.eeas.europa.eu/>

NATO “SitCen”: http://proceedings.esri.com/library/userconf/proc06/papers/papers/pap_2341.pdf

- ♣ **Stockholm Convention on Persistent Organic Pollutants (2001) UN** - chemicals constituting persistent organic pollutants (POPs) are regulated in their production, use, import and export depending on the category in which they fall (annexes A and B) (Article 3, points 1-2).

When making assessment schemes for new pesticides or new industrial chemicals currently in use in order to determine whether they are POPs, Parties must take into consideration the criteria in paragraph 1 of Annex D. Exceptions must be registered in a specific register established under Article 4. Release from unintentional production of chemicals under annex C (Article 5) is regulated. Measures to reduce releases from stockpiles and waste (Article 6) are made via disposal (Article 6, point 1 d ii) in line with Basel Convention, prohibition of recycling and international transportation (Article 6, point 1 d ii-iv, point 2). National focal points must be appointed (Article 9) for information exchange.

Annexes A and B were amended in 2009.

See also: - Basel Convention
- Rotterdam Convention

Text: <http://chm.pops.int/Portals/0/download.aspx?d=UNEP-POPS-COP-CONVTEXT.En.pdf>

General Overview: <http://chm.pops.int/Convention/tabid/54/language/en-GB/Default.aspx>

Website: <http://chm.pops.int/default.aspx>

- ♣ **Treaty on the non proliferation of nuclear weapons- (NPT) – 1968.** Prohibits the transfer of nuclear weapons, nuclear explosive devices, control over them and expertise in acquiring or manufacturing them (Article 1). It regulates the transfer of source or special fissionable material, related equipment for peaceful purposes (Article 3, point 2), following the safeguards concluded with the IAEA (Article 3, point 1).

Exchange of equipment, material and information for peaceful use of nuclear energy is supported (Article 4).

General Overview: <http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml>

- ♣ **United Nations Convention against Transnational Organized Crime (UNTOC) – (2000)** - General Assembly resolution 55/25 – Though not its core point, the Convention's assets are its usability in all phases of the CBRN scenario (from *prevention to law enforcement/legal transnational response*) and the fact that it can face both the "*criminal business-style organizations*" (those that deal with CBRNE for financial gain) and the "*terrorist organizations*" (those that *misuse* CBRNE substances). The Convention covers transnational activities from "*participation in an organized criminal group*" (Article 5) to "*serious crime*" (Article 2b). This latter point includes single criminals other than organisations. Even if, out of the serious crime, pure participation in an organised criminal group will have a "financial or other material benefit" (Article 5, point 1 a i), this category excludes terrorists and includes only the "criminal businessmen"; this limitation can be overcome by using other legal

instruments for punishing participation in a terrorist organisation even before commission of a terrorist act.

Instead, an interpretation of the concept of “organised” that does not oblige the members to be physically together would criminalise also the groups of criminals or intermediaries that never met face to face and thus eluded prosecution.

“The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry” (Article 31, point 2a) is a transversal instrument to allow for sound preventive legal-technical cooperation when dealing with CBRNE substances used by cross-border criminal organisations acting for financial gain (intermediaries) or for terrorist purposes.

“States Parties shall consider developing and sharing analytical expertise concerning organized criminal activities with each other and through international and regional organizations. For that purpose, common definitions, standards and methodologies should be developed and applied as appropriate.” (Article 28, point 2). In case of an event (from the *theft* of CBRNE substance to its *misuse*), law enforcement agencies shall cooperate *“to enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences”* (Article 27, point 1 a).

Depending on the type of crime, it will be important to know *“(ii) The movement of proceeds of crime or property derived from the commission of such offences; (iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;”*

It will also be important *“(c) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes; (d) To facilitate effective co-ordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;”* (Article 27, point 1 b).

JITs and other special investigative techniques are allowed (Articles 19 and 20).

Regarding materials, instruments and connected economic gain/equivalent, the Convention – defining as *“Proceeds of crime”* any property derived from or obtained, directly or indirectly, through the commission of an offence (Article 2e) may cover, other than the assets connected to the criminal activity, CBRN materials.

This interpretation of the Convention allows the judicial and law enforcement authorities of the States Parties to investigate and combat properly all phases of a CBRNE trans-national criminal scheme. The Convention contains several tools such as measures against corruption, and liability of legal persons (Articles 9 and 10) that allow prosecutors and police officers to have a *deep global insight* into the grey areas where all the CBRNE actors (legal “producers”, intermediaries, brokers, organised criminals, terrorists) are found together.

The built-in mechanisms of mutual legal assistance, mutual recognition and law enforcement coordination contribute to make this Convention a powerful tool in the hands of UN States Parties.

To be read together with the Third Protocol against Illicit Manufacturing and Trafficking in Firearms, their parts and ammunition.

Text: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

- ♣ **United Nations Economic Commission for Europe - UNECE** - It was set up in 1947 by the United Nations Economic and Social Council (ECOSOC). It is one of five regional commissions of the United Nations, along with Commission for Africa, Asia and the Pacific, Latin America and the Caribbean and Western Asia.

As a multilateral platform, UNECE facilitates greater economic integration and cooperation among its member countries and promotes sustainable development and economic prosperity through: policy dialogue, negotiation of international legal instruments, development of regulations and norms, exchange and application of best practices as well as economic and technical expertise and technical cooperation for countries with economies in transition.

Website: <http://www.unece.org/unece/welcome.html>

- ♣ **Weapons of Mass Destruction Monitoring Center- EU WMD- MC** – Council of the European Union -- global coordination centre for EU actions against trafficking and proliferation of weapons of mass destruction. CBRN-based. Created by the “EU Action Plan for the Implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction” (EU WMD Action Plan – June 2003). In December 2006, the Council approved a concept paper on monitoring and enhancing consistent implementation of the EU strategy against the proliferation of WMD through a WMD Monitoring Centre. The document aims at establishing a cooperative working method which allows the Council Secretariat, the Commission services and Member States to work together effectively to combat WMD proliferation.

See also: - ESS European Security Strategy (December 2003); and
- EU Strategy against the proliferation of weapons of mass destruction (EU WMD Strategy December 2003).

Concept Paper : <http://register.consilium.europa.eu/pdf/en/06/st16/st16694.en06.pdf>

WMD Strategy: <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>

ESS: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

- ♣ **World Health Assembly Resolution WHA.58.1 2005** – the basis of the World Health Organization’s collaboration with other international agencies [United Nations Development Programme (UNDP), the UN Office for the Coordination of Humanitarian Affairs (OCHA), the International Strategy for Disaster Reduction (ISDR), UNICEF, WFP, international and regional financial institutions] for reducing the public health impact of emergencies, disasters and other crises, with broad-spectrum cooperation (medical care, law and order, transport, search and rescue and fire services, social services and others).

Website: <http://www.who.int/mediacentre/events/2005/wha58/en/>