

COUNCIL DECISION (CFSP) 2022/1852**of 4 October 2022****amending Decision (CFSP) 2020/1656 on Union support for the activities of the International Atomic Energy Agency (IAEA) in the areas of nuclear security and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 6 November 2020, the Council adopted Decision (CFSP) 2020/1656 ⁽¹⁾.
- (2) Article 5(2) of Decision (CFSP) 2020/1656 provides that the Decision is to expire 36 months after the date of conclusion of the financing agreement referred to in Article 3(3) of that Decision.
- (3) In accordance with Article 3(3) of Decision (CFSP) 2020/1656, the Commission concluded a financing agreement with the International Atomic Energy Agency (IAEA) on 14 December 2020.
- (4) On 27 June 2022, the IAEA requested the amendment of the description of the action as referred to in Decision (CFSP) 2020/1656 in view of Russia's ongoing war of aggression against Ukraine and of a new urgent need to assist Ukraine in maintaining its national nuclear security regime. The IAEA also requested an extension of the implementation period until 31 March 2024 due to delays resulting from the COVID-19 pandemic and in order to allow sufficient time to implement the new activities assisting Ukraine.
- (5) The continuation of the activities referred to in Article 1 of Decision (CFSP) 2020/1656 until 31 March 2024 does not have any implication as regards financial resources.
- (6) Decision (CFSP) 2020/1656 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2020/1656 is amended as follows:

- (1) in Article 1(2), the following point is added:
'(g) assistance to Ukraine in ensuring the maintenance of its nuclear security regime.');
- (2) in Article 5, paragraph 2 is replaced by the following:
'2. This Decision shall expire on 31 March 2024.');
- (3) the Annex is amended as follows:
 - (a) in Heading 3, the title of Project 2 is replaced by the following:
'Project 2: Concept Paper on the application of physical protection measures in the age of COVID-19';

⁽¹⁾ Council Decision (CFSP) 2020/1656 of 6 November 2020 on Union support for the activities of the International Atomic Energy Agency (IAEA) in the areas of nuclear security and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 372 I, 9.11.2020, p. 4).

(b) the following heading is added:

‘7. Heading 7: Nuclear Security Assistance to Ukraine

Background

As stated by the Director-General of the IAEA in his two Summary Reports of 28 April and of 6 September 2022 on Nuclear Safety, Security and Safeguards in Ukraine, the situation in Ukraine is unprecedented as it is the first time a military conflict has occurred amid the facilities of a large, established nuclear power programme, which in this case also includes the site of the 1986 accident at the Chernobyl Nuclear Power Plant (NPP). From the very beginning of the conflict, the IAEA has been monitoring the safety and security of Ukraine’s nuclear facilities and of its radioactive sources. Military actions have compromised the safety of radiation sources, destroyed infrastructure at Ukraine’s Neutron Source and other nuclear facilities, damaged waste repositories, threatened collateral damage at nuclear power plants, and negatively impacted Chernobyl NPP and its Exclusion Zone, Zaporizhzhya NPP, and their staff, in multiple ways.

Gradually the IAEA, in close collaboration with Ukraine, has progressed in identifying and beginning to address what needs to be done to uphold the highest possible level of safety and security at Ukraine’s nuclear facilities. In March 2022, the IAEA and its Ukrainian counterparts reached an agreement on the scope of the technical support and assistance to Ukraine for safety and security, and on the fact that the IAEA, working with Member States, would be the single point of contact for that technical assistance. The comprehensive programme of assistance will include: remote technical assistance; on-the-ground technical assistance; the delivery of equipment; and the readiness to rapidly deploy assistance, if needed. The detailed assessments of Ukraine’s security and safety needs are underway, including the delivery of equipment. Funds to continue with the provision of such assistance are needed.

As regards nuclear security, the situation has created unprecedented challenges in relation to the physical integrity of nuclear facilities and to the structures, systems and components at the basis of the nuclear security regime in existing nuclear facilities in Ukraine. The physical integrity of facilities and operability of systems important to security in other facilities and activities using nuclear or radioactive material for research, medicine, industry and similar purposes is also to be considered. Further missions will be needed to comprehensively assess the nuclear security needs.

Objectives

The purpose of this project is to assist Ukraine in ensuring the maintenance of its nuclear security regime.

Deliverables

1. Identification and assessment of the nuclear security needs of Ukraine, including through expert missions, where appropriate.
2. Procurement of equipment needed for the security of nuclear material and facilities, radioactive material in use, storage and of associated facilities, complemented by associated training as needed. This includes the repairs, strengthening and upgrading of existing physical protection systems.
3. Provision of IAEA assistance to the competent authority of Ukraine to regain regulatory control over radioactive sources out of regulatory control.

Outcome

Improved implementation of the nuclear security regime at Ukraine’s nuclear facilities and for nuclear and radioactive material, associated facilities and associated activities.

In cooperation with Ukraine, the maintenance of an up-to-date and accurate assessment of national nuclear security needs, to be addressed by the IAEA.’

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 4 October 2022.

For the Council
The President
Z. STANJURA
