

**COUNCIL DECISION (CFSP) 2021/2073****of 25 November 2021****in support of enhancing the operational effectiveness of the Organisation for the Prohibition of Chemical Weapons (OPCW) through satellite imagery**

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 12 December 2003 the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction ('the EU Strategy'), Chapter III of which contains a list of measures to combat such proliferation.
- (2) The EU Strategy underlines the crucial role of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) and of the Organisation for the Prohibition of Chemical Weapons (OPCW) in creating a world free of chemical weapons. The objectives of the EU Strategy are complementary to those pursued by the OPCW in the context of its responsibility for the implementation of the CWC.
- (3) On 22 November 2004 the Council adopted Joint Action 2004/797/CFSP <sup>(1)</sup> on support for OPCW activities. That Joint Action was followed on its expiry by Council Joint Action 2005/913/CFSP <sup>(2)</sup>, which in turn was followed by Council Joint Action 2007/185/CFSP <sup>(3)</sup>. Joint Action 2007/185/CFSP was followed by Council Decisions 2009/569/CFSP <sup>(4)</sup>, 2012/166/CFSP <sup>(5)</sup>, 2013/726/CFSP <sup>(6)</sup>, (CFSP) 2015/259 <sup>(7)</sup>, (CFSP) 2017/2302 <sup>(8)</sup>, (CFSP) 2017/2303 <sup>(9)</sup>, (CFSP) 2019/538 <sup>(10)</sup> and (CFSP) 2021/1026 <sup>(11)</sup>.

<sup>(1)</sup> Council Joint Action 2004/797/CFSP of 22 November 2004 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 349, 25.11.2004, p. 63).

<sup>(2)</sup> Council Joint Action 2005/913/CFSP of 12 December 2005 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 331, 17.12.2005, p. 34).

<sup>(3)</sup> Council Joint Action 2007/185/CFSP of 19 March 2007 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 85, 27.3.2007, p. 10).

<sup>(4)</sup> Council Decision 2009/569/CFSP of 27 July 2009 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 197, 29.7.2009, p. 96).

<sup>(5)</sup> Council Decision 2012/166/CFSP of 23 March 2012 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 87, 24.3.2012, p. 49).

<sup>(6)</sup> Council Decision 2013/726/CFSP of 9 December 2013 in support of the UNSCR 2118 (2013) and OPCW Executive Council EC-M-33/ Dec 1, in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 329, 10.12.2013, p. 41).

<sup>(7)</sup> Council Decision (CFSP) 2015/259 of 17 February 2015 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 43, 18.2.2015, p. 14).

<sup>(8)</sup> Council Decision (CFSP) 2017/2302 of 12 December 2017 in support of the OPCW activities to assist clean-up operations at the former chemical weapons storage site in Libya in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 329, 13.12.2017, p. 49).

<sup>(9)</sup> Council Decision (CFSP) 2017/2303 of 12 December 2017 in support of the continued implementation of UN Security Council Resolution 2118 (2013) and OPCW Executive Council decision EC-M-33/DEC.1 on the destruction of Syrian chemical weapons, in the framework of the implementation of the EU Strategy against proliferation of weapons of mass destruction (OJ L 329, 13.12.2017, p. 55).

<sup>(10)</sup> Council Decision (CFSP) 2019/538 of 1 April 2019 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 93, 2.4.2019, p. 3).

<sup>(11)</sup> Council Decision (CFSP) 2021/1026 of 21 June 2021 in support of the Cyber Security and Resilience and Information Assurance Programme of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 224, 24.6.2021, p. 24).

- (4) Decision (CFSP) 2017/2303 provided, *inter alia*, for support for the OPCW to access satellite imagery and imagery analysis provided by the European Union Satellite Centre (SatCen).
- (5) On 10 December 2018 the Council adopted Decision (CFSP) 2018/1943 <sup>(12)</sup>, which provided for a twelve-month no-cost extension of the implementation period of Decision (CFSP) 2017/2303.
- (6) On 9 December 2019 the Council adopted Decision (CFSP) 2019/2112 <sup>(13)</sup>, which provided for a further twelve-month no-cost extension of the implementation period of Decision (CFSP) 2017/2303.
- (7) Through the implementation of Decision (CFSP) 2017/2303, the OPCW has come to rely on the unique information provided by SatCen's imagery analysis for both mission planning and information analysis.
- (8) There is a need to enhance the operational effectiveness of the OPCW through the continued provision of SatCen satellite imagery and imagery analysis in support of OPCW-mandated activities and missions following the end of the implementation period of Decision (CFSP) 2017/2303,

HAS ADOPTED THIS DECISION:

#### Article 1

1. For the purpose of giving immediate and practical application to certain elements of the EU Strategy, the Union shall support the project of the OPCW to enhance its operational effectiveness through satellite imagery and imagery analysis provided by SatCen with the following objectives:

- expanding the OPCW's capacity to support OPCW-mandated activities (the Declaration Assessment Team (DAT), the Fact Finding Mission (FFM), the Investigation and Identification Team (IIT), etc) through imagery analysis as a source of evidentiary substantiation or corroboration of findings, and
- utilising targeted imagery analysis for areas of interest (sites, routes, etc) in planning for OPCW-mandated missions (incidents of alleged use (IAUs), challenge inspections (CIs), technical assistance visits (TAVs), etc) in order to increase security and confidence in verification accuracy.

2. In the context of paragraph 1, the Union-supported activities of the project of the OPCW, which are in compliance with the measures set out in Chapter III of the EU Strategy, shall be the following:

- enabling the OPCW, through imagery capacity, to conduct appropriate oversight effectively and provide requisite reporting to the OPCW policymaking organs (Executive Council and Conference of the States Parties), and
- enabling the OPCW, through imagery capacity, to conduct verification activities accurately, effectively and safely and provide requested assistance to States Parties.

3. The project referred to in paragraph 1 concerns the provision of, *inter alia*, situation-awareness products related to the security of the FFM, including the status of the road network, through the delivery to the OPCW of SatCen satellite imagery products.

<sup>(12)</sup> Council Decision (CFSP) 2018/1943 of 10 December 2018 amending Decision (CFSP) 2017/2303 in support of the continued implementation of UN Security Council Resolution 2118 (2013) and OPCW Executive Council decision EC-M-33/DEC.1 on the destruction of Syrian chemical weapons, in the framework of the implementation of the EU Strategy against proliferation of weapons of mass destruction (OJ L 314, 11.12.2018, p. 58).

<sup>(13)</sup> Council Decision (CFSP) 2019/2112 of 9 December 2019 amending Decision (CFSP) 2017/2303 in support of the continued implementation of UN Security Council Resolution 2118 (2013) and OPCW Executive Council decision EC-M-33/DEC.1 on the destruction of Syrian chemical weapons, in the framework of the implementation of the EU Strategy against proliferation of weapons of mass destruction (OJ L 318, 10.12.2019, p. 159).

4. A detailed description of the Union-supported activities referred to in paragraph 2 is set out in the project document in the Annex.

#### *Article 2*

1. The High Representative of the Union for Foreign Affairs and Security Policy ('the HR') shall be responsible for the implementation of this Decision.
2. Technical implementation of the project referred to in Article 1 shall be carried out by the OPCW Technical Secretariat ('the Technical Secretariat'). It shall perform that task under the responsibility and the control of the HR. For that purpose, the HR shall enter into the necessary arrangements with the Technical Secretariat.

#### *Article 3*

1. The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 1 593 353,22.
2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2. For that purpose, it shall conclude the necessary agreement with the Technical Secretariat. That agreement shall stipulate that the Technical Secretariat is to ensure visibility of the Union contribution, commensurate with its size, and specify measures to facilitate the development of synergies and to avoid the duplication of activities.
4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

#### *Article 4*

The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the Technical Secretariat. The HR reports shall form the basis for the evaluation carried out by the Council. The Commission shall provide information on the financial aspects of the project referred to in Article 1.

#### *Article 5*

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 48 months after the date of conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after its entry into force if that agreement has not been concluded by that time.

Done at Brussels, 25 November 2021.

*For the Council*  
*The President*  
Z. POČIVALŠEK

## ANNEX

## PROJECT DOCUMENT

**Union Support for Enhancing the OPCW Operational Effectiveness through Satellite Imagery****1. Background**

The OPCW analytical processes require corroboration and verification of evidentiary information provided in the most robust manners available. Satellite imagery, while not the only source of evidentiary information, can provide indicators and corroboration not available from other sources thus providing valuable analytical insights that can be used to ensure the full implementation of the Chemical Weapons Convention (CWC). Key to this is sufficient capacity institutionally, of which imagery and imagery analysis can facilitate more detailed and robust mission planning, mitigation of security risks for deployed teams, as well as evidentiary information and analysis for more cost effective verification.

Through the implementation of Council Decision CFSP/2017/2303, the OPCW has come to rely on the unique information SATCEN's imagery analysis provides both for mission planning and information analysis. OPCW efforts to conduct more thorough witness interviews, corroborate witness statements and more accurately identify locations of interest have been enhanced by satellite imagery. Since 2014, satellite imagery of the Syrian Arab Republic (SAR) has reinforced situational awareness and security and reduced risk for OPCW field missions with regard to locations to be visited/inspected. Integrating imagery analysis into operational planning has allowed OPCW teams to fine-tune their actions on site by providing team members with near real-time images of the area in which they will deploy. Imagery analysis has proven to be and will continue to be strategic enabler of OPCW's analytical efforts.

Furthermore, a number of investigations of allegations of use remain outstanding as well as Executive Council (EC) Decisions mandating additional site visits, fact-finding missions and investigations that continue to require satellite imagery support. The unique analytical capabilities provided by SATCEN has allowed OPCW's mandated teams to corroborate information from other sources and to analyse more thoroughly incidents of alleged use in SAR. Satellite imagery analysis has proven to be indispensable to the OPCW teams involved in SAR. Beyond its mandated activities related to SAR, the OPCW foresees an increasing role for satellite imagery analysis in cases of allegations of chemical weapons use outside of SAR to facilitate the implementation of CWC Article IX related activities (consultations, cooperation and fact-finding), as well as in the case of possible future accession to the CWC for possessor states.

**2. Project Purpose***2.1 Overall Objectives of the Project*

The overall objective of the Project is to ensure Secretariat capacity to facilitate implementation of CWC Article IX (consultations, cooperation and fact-finding) and related OPCW EC Decisions, through the provision of imagery services that addresses gaps in situational awareness for missions, such that it contributes to OPCW's decreased deployment vulnerability and maximises OPCW's analytical efficiency.

*2.2 Specific Objectives*

- Expanding OPCW's capacity to support OPCW mandated activities (DAT, FFM, IIT, etc.) through imagery analysis as a source of evidentiary substantiation or corroboration of findings.
- Utilisation of targeted imagery analysis for areas of interest (sites, routes, etc.) in planning for OPCW mandated Missions (incidents of alleged use (IAU), challenge inspections (CI), technical assistance visit (TAV), etc.) to increase security and confidence in verification accuracy.

*2.3 Results*

*Expected results the Project contributes to are as follows:*

- utilisation of imagery and analysis, regarding targeted evidence, to inform and corroborate teams findings and verification processes,

- minimisation of security risks and increased situational awareness to facilitate the most efficient OPCW Mission planning possible.

### 3. Description of Activities

*Activity 1 – Enabling the OPCW to effectively conduct, through imagery capacity, appropriate oversight and provide requisite reporting to OPCW policy making organs (EC and CSP)*

*This activity seeks to provide, through imagery and imagery analysis, the OPCW with the capacity to inform targeted analytical evidentiary undertakings, while optimising OPCW planning (allocation and efforts) for increased missions efficiency and decreased vulnerability.*

*Activity 2 – Enabling the OPCW through imagery capacity to accurately, effectively, and safely conduct verification activities and provide requested assistance to States Parties*

*This activity focuses on the provision of imagery services, on an as needed basis, for varied CWC fact finding requests submitted by States Parties (IAU, CI, TAV, etc.), as well as optimising OPCW planning (allocation and efforts) for increased missions efficiency and decreased vulnerability.*

### 4. Duration

The total estimated duration of implementation funded through this project are expected to be incurred and concluded over a 48 month period.

### 5. Beneficiaries

Beneficiaries from the project will be OPCW Technical Secretariat personnel and teams; and CWC stakeholders including States Parties.

### 6. EU Visibility

The OPCW shall take all appropriate measures, within reasonable security considerations and visibility/communication measures available to the project, to publicise the fact that this project has been funded by the Union.

---