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## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council

On: 11 December 2017

To: Delegations

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Subject: Council conclusions on strengthening the European Union response to CBRN related risks, reducing access to explosive precursors and protecting public spaces  
- Council conclusions (7 December 2017)

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Delegations will find in the Annex the Council conclusions on Conclusions on strengthening the European Union response to CBRN related risks, reducing access to explosive precursors and protecting public spaces, adopted by the Council at its 3584th meeting held on 7 December 2017.

**COUNCIL CONCLUSIONS**

**ON**

**STRENGTHENING THE EUROPEAN UNION RESPONSE TO CBRN RELATED RISKS,  
REDUCING ACCESS TO EXPLOSIVE PRECURSORS AND PROTECTING PUBLIC  
SPACES.**

THE COUNCIL OF THE EUROPEAN UNION

EXPRESSING ITS CONCERN about recent terrorist attacks in Europe.

ACKNOWLEDGES the need to enhance the protection of public spaces<sup>1</sup>; the preparedness against chemical, biological, radiological and nuclear (CBRN) security risks<sup>2</sup>; and the need to introduce further steps to prevent misuse of explosives precursors<sup>3</sup>

WELCOMES the Commissions proposals on these topics designed to support Member States to better defend EU citizens against terrorist threats and deliver a Europe that protects.

RECOGNISES the comprehensive nature of the action plans providing opportunities for Member States to strengthen their protection and preparedness against evolving threats through voluntary participation in a series of initiatives which recognize Member States sole responsibility for national security and are designed to support Member States.

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1 13489/17  
2 13484/17  
3 13721/17

INVITES THE COMMISSION to regularly report to the Council preparatory bodies, including the Standing Committee on Internal Security (COSI) on the progress made in the implementation of the Action Plan on the protection of public spaces, the Action Plan on CBRN, and the Recommendation on immediate steps to prevent misuse of explosives precursors, included in the anti-terrorism package.

Protection of public spaces

RECALLING the Council conclusions of 26 October 2012 on the protection of soft targets from terrorist activities<sup>4</sup>, which were a first step at EU level to further enhance the security of public places;

HAVING REGARD TO the Council conclusions of 12 October 2017 on the mid-term review of the Renewed European Union Internal Security Strategy 2015-2020<sup>5</sup>, identifying a need to increase the EU's resilience in areas such as the protection of public spaces;

EXPRESSING ITS CONCERN about recent terrorist attacks that have targeted open and public spaces;

WELCOMES the Action Plan to improve the protection of public spaces and supports its comprehensive approach.

CALLS ON MEMBER STATES TO:

contribute to the implementation of the Action Plan on the protection of public spaces by:

- engaging in the different fora being set up by the Commission, in order to exchange information, best practice and lessons learnt;
- contributing to the development of further guidance materials at EU level;
- engaging in a dialogue with local and regional authorities as well as private stakeholders.

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<sup>4</sup> 14591/12

<sup>5</sup> 13319/17

## Preparedness against CBRN

RECALLING the first EU CBRN Action Plan<sup>6</sup> approved by the Council in its conclusions of 1 December 2009, aimed at reducing the threat of and damage from CBRN incidents, based on an all-hazard approach, including acts of terrorism.

TAKING INTO ACCOUNT that a more strategic and prioritised approach to reducing the threat of and damage from CBRN incidents was encouraged by the 2012 Council conclusions on the new EU CBRN-E Agenda<sup>7</sup>, and developed by the subsequent 2014 Commission communication on a new approach to the detection and mitigation of CBRN-E risks<sup>8</sup>.

RECOGNIZING that, while CBRN attacks are considered as low probability, such incidents could, however, have a considerable impact on our societies and economies.

STRESSING that the evolving threat picture requires action and better preparedness also against possible terrorist attacks involving CBRN materials.

UNDERLINING the importance of achieving progress on the actions identified in the CBRN Action Plan, which aim at:

- reducing the accessibility of CBRN materials in the EU;
- ensuring a better preparedness for and response to CBRN incidents;
- building stronger internal-external links and engaging more with key international partners as regards CBRN security; and
- promoting and enhancing EU knowledge of CBRN risks by creating an EU CBRN security network, as well as to better using EU security research to support needs in this area.

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<sup>6</sup> 15505/1/09 REV 1

<sup>7</sup> 16980/12

<sup>8</sup> 9550/14 (COM(2014) 247)

WELCOMES the strengthening of Europol (ECTC) in the field of CBRN terrorism by developing a knowledge hub on CBRN within the ECTC and UNDERLINES the importance of analytical, strategic and other activities of Europol in the CBRN field.

RECALLS the need to ensure sufficient funding for the development and operation of the knowledge hub on CBRN within the ECTC and other possible support services provided to the ECTC.

UNDERLINES the importance of a cross-sectoral approach to training and cooperation and WELCOMES the efforts to further expand research into CBRN related threats.

ENCOURAGES MEMBER STATES TO contribute to the implementation of the actions proposed in the CBRN Action Plan and to actively take part in the EU CBRN security network being established.

CALLS UPON THE COMMISSION TO facilitate the work towards its full implementation by the end of 2019 and to regularly report back to the appropriate Council bodies on progress.

Preventing misuse of explosives precursors

RECALLING the Explosive Precursors Regulation of 15 January 2013<sup>9</sup>, which established harmonised rules concerning the making available, introduction, possession and use of substances or mixtures that could be misused for the illicit manufacture of explosives.

TAKING INTO ACCOUNT that the Commission Report of February 2017<sup>10</sup> on the application of the Regulation concluded that changes to the Regulation should be considered in order to increase the capacity of all those involved in implementing and enforcing the restrictions and controls, given that the production of explosives from precursor substances remains a priority terrorist *modus operandi* and guidance on manufacturing home-made explosives remains available across the internet.

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<sup>9</sup> Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1)

<sup>10</sup> COM(2017) 103 final

STRESSING the importance of avoiding the introduction of explosive precursors into the EU from third countries and of STRENGTHENING the customs authorities' operational role and the systematic exchange of information within the existing legal framework.

ACKNOWLEDGING the progress made to date by the Member States on implementing the Regulation No 98/2013 on the marketing and use of explosives precursors, WELCOMES the Commission Recommendation on immediate steps to prevent misuse of explosives precursors as a set of measures which can significantly strengthen the application of Regulation (EU) No 98/2013 and reduce the threat posed by home-made explosives in the Union.

**CALLS ON THE COMMISSION TO**

- facilitate a discussion within the Standing Committee on Precursors, including on the further use of alternative substances, the definition of a professional user and the definition and nature of inspection systems.

**CALLS ON MEMBER STATES TO**

- take action to follow the recommendations and to report back to the Commission on the effectiveness of their prohibition, licensing or registration systems, to raise awareness of the risks and responsibilities related to this threat among all economic operators, to limit the availability of explosives precursors to the general public, strengthen cooperation at national and EU level, and proactively engage with the supply chain, and to foster more effective control through enhanced enforcement.