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Subject: Council Conclusions on the Ninth Review Conference of the Biological and Toxin Weapons Convention

Delegations will find in the Annex the Council Conclusions on the Ninth Review Conference of the Biological and Toxin Weapons Convention, as approved by the Council at its 3859th meeting held on 21 March 2022.

**COUNCIL CONCLUSIONS ON THE NINTH REVIEW CONFERENCE OF THE
BIOLOGICAL AND TOXIN WEAPONS CONVENTION**

1. The Council welcomes the upcoming Ninth Review Conference of the Biological and Toxin Weapons Convention (BTWC). In line with the EU Strategy against Proliferation of Weapons of Mass Destruction of 2003, the Council reaffirms its unequivocal support for the BTWC as the legally binding global norm against biological weapons and cornerstone of international efforts to prevent biological agents or toxins from ever being developed, produced, stockpiled or otherwise acquired and used as weapons.
2. The Council is firmly committed to a multilateral and treaty-based approach that maintains and reinforces international peace and security. The BTWC is one of the major pillars of the global disarmament and non-proliferation architecture.
3. The Council recognises that the BTWC was the first Convention in 1975 to ban an entire category of weapons of mass destruction, and reaffirms the importance of universalisation of the Convention. Since the entry into force of the Convention, 183 States have become parties to the Convention, which underlines the universal importance of the BTWC in addressing global threats. The Council calls on all remaining States that have not yet done so to join the Convention and, pending their accession, to adhere to its terms.
4. The Council recognises the importance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, also known as the 1925 Geneva Protocol, that is supplemented by the BTWC. The Council calls for the universalisation of the Geneva Protocol and commends the ratifications that have taken place since the adoption of Council Decision on EU position prepared in view of the Eighth Review Conference in 2015.

5. The Council recognises that biological agents and toxins are widely used for peaceful purposes in line with the BTWC provisions. At the same time, the risk of natural or accidental spread of dangerous pathogens exists. With the Covid-19 pandemic we have witnessed how quickly diseases can cross borders and how dangerous and disruptive they can be. This is why it is more urgent than ever to strengthen the BTWC and its implementation.
6. Taking into account this context and given the substantive work realised by States parties during the current review cycle, the Ninth Review Conference represents a unique opportunity not only to strengthen the Convention and its implementation, and to improve biosafety and biosecurity globally, but also to advance assistance, cooperation, response and preparedness of the States Parties. This Review Conference represents a timely moment to reinforce the global norm against biological weapons and to further develop the BTWC to prevent misuse of biological agents and toxins as well as of developments in science and technology while promoting their peaceful use.
7. The Council regrets the inevitable postponement of the Ninth Review Conference due to the global Covid-19 pandemic and stresses the major role of Review Conferences to the implementation, upholding and strengthening of the BTWC.
8. The Council supports the adoption by the Review Conference of forward-looking decisions and recommendations. These will provide a clear roadmap for the next review cycle, including a robust intersessional programme.

The Council's priorities are:

- a) building and sustaining confidence in compliance;
- b) establishing a Science and Technology review;
- c) supporting full national implementation;
- d) operationalising Article V consultative procedures for solving any problems which may arise in relation to the objective, or in the application, of the BWC;

- e) operationalising of Article VII on assistance to States that have been exposed to danger as a result of a violation of the Convention;
 - f) supporting the implementation of Article X on cooperation and assistance related to the exchange of equipment, materials and information for peaceful purposes;
 - g) promoting universal adherence to the Convention;
 - h) strengthening the BTWC Implementation Support Unit (ISU) and its role.
9. The Council welcomes the engagement by EU Member States to mobilize political will and promote implementation of the obligations and objectives of the BTWC through various initiatives during the current review cycle. The Council supports the development of practical initiatives such as the following:
- a) scientific advisory mechanism;
 - b) set of voluntary guiding principles for scientists (Code of Conduct);
 - c) exchange platform for voluntary transparency exercises under Article IV regarding the requirement to take any national measures necessary to prohibit and prevent the development, production, stockpiling, acquisition or retention of biological weapons within a State's territory, under its jurisdiction, or under its control;
 - d) operational database and guidelines in the framework of Article VII;
 - e) online platform dedicated to biosafety and biosecurity under Article X;
 - f) the promotion of biorisk management standards.

The EU will support relevant decisions on these initiatives at the Review Conference.

10. The Council regards verification as a central element of a complete and effective disarmament and non-proliferation regime, including within the BTWC. The Council reiterates its readiness to explore in greater depth the issue of verification, taking into account the developments in science and technology relevant to the Convention as well as the evolution of the threat. In this regard, the Council encourages the Review Conference to take action on near-term, concrete measures that would immediately strengthen the BTWC while negotiating possible further measures strengthening the BTWC implementation, including on increasing transparency and enhancing assurance in compliance. The Council calls on States Parties to approach these issues in a constructive and ambitious manner.
11. The Council welcomes the fact that in 2021 a record number of reports on Confidence Building Measures (CBMs) was submitted by States Parties. The Council strongly encourages all States Parties to use EU-funded assistance tools such as the CBM guide and the electronic CBM facility to submit their annual CBM reports to the ISU. The Council furthermore recalls its long-standing support to further confidence building measures such as peer reviews, voluntary visits and other initiatives.
12. The Council recognises that the only existing international independent mechanism for investigating alleged use of biological weapons is the UN Secretary-General's Mechanism for the investigation of alleged use of chemical and biological weapons (UNSGM). The Council recalls its strong and long-standing support to the UNSGM and its operationalisation in line with the 2018 UN Secretary-General's Agenda for Disarmament 'Securing our Common Future'. The Council recalls that on 2 June 2020 it adopted a Decision that provides funding in support of projects aimed at operationalising the UNSGM specifically regarding alleged use of biological weapons.
13. Taking into account the rapid developments in life sciences and in technology relevant to the Convention, the Council furthermore supports the Ninth Review Conference in delegating certain decision-making powers to the Meeting of States Parties.

14. The Council recognises that the support provided by the BTWC ISU to States Parties for the implementation of their BTWC obligations and to the intersessional work programme is invaluable. The Council strongly supports the strengthening of the ISU's role, including through the establishment of a science and technology officer position within the ISU.
15. The Council emphasises that full and on-time contributions from States Parties to the BTWC budget are an essential requirement for the functioning of the Convention, including for the organisation of regular meetings and sustaining the ISU. The continued accumulation of arrears by some is not acceptable. The Council recalls that the purpose of the Working Capital Fund, as set up in 2018, is to provide short-term financial liquidity at the beginning of the calendar year and not to cover for non-payments or arrears. Once again, the Council calls on all States Parties to fulfil their financial obligations under the Convention and to pay their assessed contributions on time and in full. The Council urges States Parties in arrears to pay their dues without further delay.
16. The Council underlines that gender equality and the empowerment of women and girls is an important horizontal priority for the Union and emphasises the importance to integrate gender perspectives into discussions in the BTWC.
Possible gender-specific effects of these weapons should be analysed. Sex-disaggregated data, as well as knowledge of gender perspectives, can contribute to States Parties' resilience and preparedness and enhance the effectiveness of assistance under the Biological and Chemical Weapons Conventions.
17. Furthermore, as a firm supporter of Action 36 of United Nations Secretary-General's Agenda for Disarmament, which focuses on the "Full and Equal Participation of Women in Decision-Making Processes", the Council fully supports and promotes the equal participation of women and men in the field of disarmament, non-proliferation and arms control and encourages women's participation at the BTWC Review Conference.

18. The Council supports disarmament and non-proliferation education, to which the EU Non-Proliferation Consortium, the European network of independent think tanks, is contributing with various activities. In line with the EU Youth Strategy, the Council also encourages the inclusion of youth in the debate relating to the BTWC. To that end, the Council recalls that on 21 January 2019 it adopted a Decision that provides funding in support of a project aimed at providing capacity-development opportunities for young policymakers, scientists and academics from the Global South engaged in fields related to the BTWC.
19. The Council underlines the utmost importance of securing a positive and substantive outcome of the BTWC Ninth Review Conference, in reviewing the implementation of the Convention and the past commitments, as well as by identifying areas in which, and the means through which, further progress should be sought in the future. The Council stresses the importance of reaching consensus on measures and decisions to strengthen and operationalise the Convention. The Council decides to contribute actively to the BTWC Ninth Review Conference, including through proposals for concrete, future-oriented actions to the Review Conference. To that end, EU Member States have contributed with Working Papers to the current Review Cycle. The European Union and its Member States will take an active and constructive approach to the negotiations at the Review Conference.

