

Blue Ridge Environmental Defense League

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August 12, 2019

Ms. Jennifer Nelson, NEPA Document Manager
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RE: Draft Supplement Analysis of the Complex Transformation Supplemental Programmatic Environmental Impact Statement, 84 Fed. Reg. 31055, 6/28/19 DOE/EIS-0236-S4-SA-02, June 2019

Ms. Nelson:

On behalf of the Blue Ridge Environmental Defense League, I write to provide comments on the draft Supplement Analysis (SA). In brief, Federal Register Notice concludes: “The Draft SA preliminarily concludes that further NEPA documentation at a programmatic level is not required.” We disagree. We hereby request that The Department of Energy’s National Nuclear Security Administration do new EIS as required under existing statutes and case law.

Background

The Federal Register Notice of June 28, 2019 for this matter states:

Draft Supplement Analysis (SA) of the Complex Transformation Supplemental Programmatic Environmental Impact Statement (SPEIS). NNSA is preparing the SA to determine whether, prior to proceeding with the action to produce plutonium pits at a rate of no fewer than 80 pits per year by 2030, the existing Complex Transformation SPEIS should be supplemented, a new environmental impact statement prepared, or no further National Environmental Policy Act (NEPA) analysis is required.

The Notice states further:

To produce pits with enhanced safety features to meet NNSA and Department of Defense (DoD) requirements, mitigate against the risk of plutonium aging, and respond to changes in deterrent requirements driven by growing threats from peer competitors, the DoD requires NNSA to produce no fewer than 80 plutonium pits per year by 2030, and to sustain the capacity for future (Life Extension Programs and follow-on) programs.

The Treaty on the Non-Proliferation of Nuclear Weapons, commonly known as the Non-Proliferation Treaty or NPT, was ratified by the US Congress in 1969 and has been in force since 1970. Today 190 nations are parties to the NPT. It was negotiated at the

height of the Cold War between the United States and the Soviet Union. Its objective is to prevent the spread of nuclear weapons and weapons technology and to further the goal of achieving nuclear disarmament and general and complete disarmament.

Also, the subsequent Nuclear Non-proliferation Act of 1978 states: “The President shall endeavor to provide in any agreement entered into pursuant of the 1954 Act for cooperation between the parties in protecting the international environment from radioactive, chemical or thermal contamination arising from peaceful nuclear activities.”¹

Comments

NNSA’s pit production mission was emphasized as a national security imperative by the 2018 Nuclear Posture Review. For many reasons, the argument for this mission can be shown to be specious and ill-advised. On the other hand, if it were shown to be valid, it is a major action for which an Environmental Impact Statement would be required.

Nuclear Warhead Production Violates US and International Law

International treaty obligations and U.S. law prohibit further development of atomic weapons. The Nuclear Non-proliferation Treaty compels the United States to end nuclear weapons development. The preamble to the treaty is unequivocal as to the purpose of the NPT:

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament...to seek to achieve the discontinuance of all test explosions of nuclear weapons...the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world’s human and economic resources.

The NPT specifically requires that:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.²

There have been no such negotiations during the current administration. On January 27, 2017, the President directed the Department of Defense to conduct a Nuclear Posture Review. The new Administration was but one week old. One year later, the NPR called for the manufacture of no fewer than 50 plutonium warhead pits per year by 2030 at Savannah River Site in South Carolina and 30 plutonium warhead pits per year by 2030

¹ Nuclear Non-Proliferation Act of 1978, 22 U.S.C. § 3201, federal law states nuclear explosive devices pose a perilous threat both to the security interests of the United States and to continued international progress towards world peace and the development of nations.

² Article VI, Treaty on the Non-Proliferation of Nuclear Weapons

at Los Alamos National Laboratory in New Mexico. We believe the impetus for the Review is unsound because it was prompted by a decision made just seven days into the new Administration, before Cabinet posts and other important positions were filled.

Moreover, most nuclear security experts hold that the NPT is based on a central bargain, which is that:

the NPT non-nuclear-weapon states agree never to acquire nuclear weapons and the NPT nuclear-weapon states in exchange agree to share the benefits of peaceful nuclear technology and to pursue nuclear disarmament aimed at the ultimate elimination of their nuclear arsenals.³

Pursuit of plutonium pit production is contrary to the bargain understood by all actors, whether they are states possessing nuclear weapons or not.

The states party to the NPT meet every five years for a Review Conference of the treaty's provisions, where progress and setbacks are assessed. The next such meeting is to be held in 2020 at the United Nations headquarters in New York. During the intervening years, a series of preparatory committee meetings are held in various locations. Such meetings were held in 2017, 2018 and 2019.

Appended to these remarks are documents submitted by Canada and the European Union in preparation for the next Review Conference: the Final report of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, dated 20 May 2019.⁴ The numbered paragraphs *infra* are highlights of Action Steps to implement NPT commitments made since 2015, The emphases in the excerpts are added.

2. Canada continues to promote the principles of irreversibility, verifiability and transparency in the implementation of Treaty obligations, most notably through co-sponsorship of the Non-Proliferation and Disarmament Initiative joint working paper on transparency by all States parties to the Non-Proliferation Treaty

6. Canada continues to support the creation of a subsidiary body in the Conference on Disarmament to deal with nuclear disarmament as part of a balanced and comprehensive programme of work. In 2016, Canada supported the proposal to begin negotiations in the Conference on Disarmament of a fissile material treaty. Canada also participated in the 2016 meetings of the Open-ended Working Group on taking forward multilateral nuclear disarmament negotiations. Canada joined the consensus on the proposal by Romania in the Conference on Disarmament (CD/2090) to create a working group on the “way

³ Graham, Jr., Thomas (November 2004). "Avoiding the Tipping Point," Arms Control Association

⁴ Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 19/5/20, full document available at: https://papersmart.unmeetings.org/media2/21995593/npt_conf2020_1-papersmart-1-final-report-2019.pdf

ahead” to advance discussions on disarmament issues in 2017, including nuclear disarmament.

9. Canada supports the convening of a conference on a Middle East zone free of weapons of mass destruction to be attended by all States in the region on the basis of arrangements freely arrived at. Canada joined the consensus on General Assembly resolution 71/29, entitled “Establishment of a nuclear-weapon-free zone in the region of the Middle East”; resolution 71/26, entitled “African Nuclear-Weapon-Free Zone Treaty”; resolution 71/65, entitled “Treaty on a Nuclear-Weapon-Free Zone in Central Asia”; and resolution 71/43, entitled “Mongolia’s international security and nuclear-weapon-free status”. Canada voted in favour of General Assembly resolution 71/51, entitled “Nuclear weapon-free southern hemisphere and adjacent areas”.

11. Canada signed the Comprehensive Nuclear-Test-Ban Treaty on 24 September 1996 and ratified it on 2 December 1998. Canada’s Comprehensive Nuclear-Test-Ban Treaty Implementation Act is being implemented provisionally pending the Treaty’s entry into force.

To date, 168 nations have signed the Comprehensive Nuclear Test Ban Treaty. America first? Sadly, no. Nations which have not ratified the treaty include China, Egypt, India, Iran, Israel, North Korea, Pakistan and the United States; i.e., Annex 2 States. This is not the group-of-eight America should be part of. During the 2000 Review Conference, “non-nuclear-weapon states castigated the nuclear-weapon states in general for slow progress toward disarmament and the United States in particular for its failure to ratify the Comprehensive Test Ban Treaty and its potentially destabilizing missile defense plans.”⁵

15. Canada has actively called for the commencement of negotiations on a treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices in the Conference on Disarmament or in another international forum. Canada supported the proposal for a fissile material treaty negotiation in the Conference on Disarmament in 2016. In 2016, Canada also submitted a report to the United Nations Secretary-General containing views on the report of the Group of Governmental Experts on a fissile material cut-off treaty as contained in A/70/81. At the seventy-first session of the General Assembly, Canada co-sponsored resolution 71/259 on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and was nominated to chair the high-level fissile material cut-off treaty expert preparatory group in 2017-2018 to make recommendations on substantial elements of a future treaty. As part of this process, in March 2017, Canada chaired an informal consultative meeting, open to all Member States, to share views on the report of the Group of Governmental Experts.

⁵ Arms Control Association, website at <https://www.armscontrol.org/act/2000-06/2000-npt-review-conference-final-document>

18. In conformity with its legal obligations through its comprehensive safeguards agreement and additional protocol with the International Atomic Energy Agency (IAEA), arising from the Non-Proliferation Treaty and as verified by regular IAEA inspections, Canada does not operate any facility that produces fissile material for use in nuclear weapons or other nuclear explosive devices.

The legal obligations cited *supra* also apply to the United States. The 2018 Nuclear Posture Review would steer the United States in direct contravention of the letter and the spirit of the NPT.

2. The European Union and its Member States emphasize the importance of universalizing the Non-Proliferation Treaty and call on States that have not done so to join the Treaty as non-nuclear-weapon States, and, pending their accession to the Treaty, to pledge their commitment to non-proliferation and disarmament.

3. At the start of a new review cycle, our priority is to uphold and preserve the Non-Proliferation Treaty as a key multilateral instrument for reinforcing international peace, security and stability; promote its universalization; and strengthen its implementation. The three pillars of the Treaty remain equally important and mutually reinforcing and can contribute to a safer world. The European Union therefore calls on all States parties to continue to implement, without delay and in a balanced manner, the 2010 action plan designed to strengthen the three pillars of the Treaty. The concrete and mutually reinforcing steps on nuclear disarmament, non-proliferation and peaceful uses of nuclear energy contained in the action plan will contribute to the objective of achieving a world without nuclear weapons. Likewise, all States parties must continue to implement their commitments pursuant to the consensus Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

4. The proliferation of weapons of mass destruction and their means of delivery is a growing threat to international peace and security. The European Union is gravely concerned about the risk of State or non-State actors acquiring such weapons or materiel, which is compounded by emerging challenges, such as cyberattacks. We need, therefore, to continue to mainstream non-proliferation into our overall policies, resources and instruments.

8. The first anniversary of the implementation of the Joint Comprehensive Plan of Action was marked on 16 January 2017. The European Union led the negotiations between the E3/EU+3* and the Islamic Republic of Iran leading to the conclusion of the agreement, and it continues to play a key role, notably through European Union High Representative, Federica Mogherini, Coordinator of the Joint Commission, which is composed of the E3/EU+3 and the Islamic Republic of Iran. The Joint Comprehensive Plan of Action is a successful multilateral endeavour endorsed by the Security Council. The European Union

remains committed to the Plan of Action, welcomes the progress made so far in its implementation and underlines the need to continue to ensure its full and effective implementation throughout its entire lifetime, as verified by IAEA. We look forward to the early ratification of the additional protocol by the Islamic Republic of Iran.

13. The European Union considers the Comprehensive Nuclear-Test-Ban Treaty to be of crucial importance to nuclear disarmament and non-proliferation, and its entry into force and universalization remains a top priority. All 28 Member States of the European Union have signed and ratified the Treaty, and the European Union continues to make all efforts to promote the entry into force of the Treaty and, in particular, urges all the eight remaining Annex 2 States to ratify it. The European Union believes that the Treaty contributes to international stability and has proven its effectiveness through its truly global monitoring presence as a powerful and credible verification regime. The political efforts of the European Union have been complemented by its financial commitment to supporting the Comprehensive Nuclear-Test-Ban Treaty Organization in order to strengthen its verification capabilities, so that the full membership can reap these benefits, including the civil and scientific applications of the monitoring data. In this regard, the adoption by the Security Council of its resolution 2310 (2016), its first-ever resolution specific to the Comprehensive Nuclear-Test-Ban Treaty, 20 years after its opening for signature, was an important development.

The 2018 Nuclear Posture Review poses the conditions for future atomic weapons testing: “The United States will not resume nuclear explosive testing unless necessary to ensure the safety and effectiveness of the U.S. nuclear arsenal....” [emphasis added] Clearly, the DOE/NNSA must include in its new Complex Transformation programmatic EIS the impacts of nuclear explosives testing deemed “necessary.”

36. For the European Union, the immediate commencement and early conclusion of negotiations at the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein, remains a clear priority. The European Union calls on all members of the Conference on Disarmament to start negotiations on such a treaty without delay and to begin work on the other issues on the agenda, in line with the adopted programme of work for the Conference on Disarmament (document CD/1864). The European Union also calls on all States possessing nuclear weapons that have not done so to declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.⁶

⁶ “Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,” 20 March 2017, NPT/CONF.2020/PC.I/WP.7, accessed at <https://undocs.org/en/NPT/CONF.2020/PC.I/WP.7>

38. The European Union also supported the adoption of General Assembly resolution 71/67 on nuclear disarmament verification and welcomes the establishment of a group of governmental experts to consider the role of verification in advancing nuclear disarmament. While verification is not an aim in itself, further development of multilateral nuclear disarmament verification capabilities will be required for the achievement and maintenance of a world without nuclear weapons.

42. The European Union and its Member States agree on the importance of upholding and strengthening the authority and integrity of the Non-Proliferation Treaty, which has contributed to international peace, security and stability for more than 40 years. The Member States of the European Union, today more than ever, remain committed to the pursuit of nuclear disarmament, in accordance with article VI of the Treaty, and stress the need for concrete progress in this field, especially through an overall reduction in the global stockpile of nuclear weapons, taking into account the special responsibility of the States that possess the largest arsenals. The European Union and its Member States call for the implementation of all obligations and commitments assumed under the Treaty or undertaken during the previous Review Conferences.

43. The European Union stresses the overriding importance of a successful outcome of the 2020 Review Conference and will fully support the Chairs of the Preparatory Committee for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in order to ensure a successful review cycle.

This special responsibility belongs to the two nations that possess the largest arsenals, the United States and Russia, to reduce stockpiles of nuclear weapons, and certainly not to manufacture more.

Cumulative Impacts at SRS Require a New EIS

The Draft Supplemental Analysis of the Complex Transformation Supplemental Programmatic Environmental Impact Statement gives short shrift to cumulative environmental impacts. For Plant Vogtle nuclear power station, it devotes one paragraph which states:

Units 3 and 4 at Plant Vogtle, a commercial nuclear power plant near Waynesboro, Georgia, approximately 13 miles south southwest of the MFFF on SRS, are currently under construction. Units 3 and 4 are scheduled to begin power production in 2021 and 2022, respectively. Considering that both units started construction in 2013, their peak construction coincided with ongoing construction of the MFFF. The repurposing of MFFF would not require the same level of construction requirements as was seen during the peak years of the initial construction of the facility. Additionally, since repurposing of the MFFF would not occur before the completion of Plant Vogtle's construction, no

overlap of construction activities at the two sites would occur. Once operational, the potential for significant cumulative impacts would not be likely given the fact that Vogtle Units 1 and 2 have been operating at the same location since 1987 and 1989, respectively, with little to no additional cumulative impacts in any resource area. The site-specific EIS which NNSA expects to prepare would contain a detailed analysis of any potential cumulative impacts associated with pit production and the operation of four commercial reactors at Plant Vogtle.⁷

NEPA requires a “hard look.” Under the law, if an action is anticipated to have or potentially have significant environmental impacts or if there is significant public controversy, an Environmental Impact Statement must be prepared. The draft SA is insufficient.

Clean Air Act Air Permits at SRS Expired Eleven Years Ago

Pursuant to SCDHEC Regulation 61-62, Air Pollution Control Regulations and Standards, Savannah River Site has six major Title V air permits with which it must comply: 1) Part 70 Air Quality Permit (TV-0080-0041); 2) 784-7A Biomass Boiler Construction Permit (TV-0080-0041a-CG-R1); 3) 784-7A Oil Boiler Construction Permit (TV-0080-0041a-CF-R1); 4) Ameresco Biomass Facilities Permit (TV-0080-0144); 5) Mixed Oxide Fuel Fabrication Facility (MFFF) (TV-0080-0139-CA-R1); and Building 235-F D&D Construction Permit (TV-0080-0041-C1). However, the permit expired over a decade ago. SRS reports that:

“The current CAA Permit expired on March 31, 2008. SRS submitted a complete renewal application of the current permit prior to the expiration date. SCDHEC granted an application shield, effective on September 21, 2007, allowing the Site to continue operating under the expired permit. In 2017, the Site continued to operate under the expired Part 70 Air Quality Permit.”⁸

Outstanding issued notices of violation include a) non-compliance with required tests for flow transmitter at 291-F Stack; b) Noncompliance with 40 CFR 63 Subpart DDDDD at the 784-7A boiler facility; and c) Noncompliance with work practices for disposing of asbestos- containing waste.

SRS is a major source of air pollution. The draft SA does not address these long-standing permitting and compliance problems. The manufacture of plutonium pits potentially has significant environmental impacts and there is significant public controversy; therefore, an EIS must be prepared.

⁷ Draft Supplemental Analysis of the Complex Transformation Supplemental Programmatic Environmental Impact Statement, Section 4.3.2

⁸ Environmental Report for 2017 (SRNS -RP-2018-00470), Section 3.3.6.1, https://www.srs.gov/general/pubs/ERsum/er17/docs/2017_annual_report_final.pdf

Conclusion

The Nuclear Non-Proliferation Treaty prohibits the further construction of plutonium pits for weapons use. One hundred and fifty-three nations, signatories to the Treaty (See Appendix A), have worked for the last five years and continue to work to resolve the international security issues which the 2018 Nuclear Posture Review purports to address, yet comes to a completely contrary conclusion. If implemented, the annual production of 80 plutonium pits would place the United States in direct conflict with international law.

In his preface to the 2018 Nuclear posture Review, Defense Secretary Mattis states, “[I]t is not possible to delay modernization of our nuclear forces...” It is not only possible, it is necessary. The NPT is a treaty ratified by Congress in 1969. Therefore, it is federal law.

The draft Supplemental Assessment states that “NNSA now foresees an imminent need” to produce plutonium pits. “Imminent” means impending; menacingly close at hand; threatening.

Imminent peril, for example, is danger that is certain, immediate, and impending, such as the type an individual might be in as a result of a serious illness or accident. The chance of the individual dying would be highly probable in such situation, as opposed to remote or contingent.⁹

The contingencies in this matter include what the United States decides to do. In his preface, Sec. Mattis opines that “We must look reality in the eye and see the world as it is, not as we wish it to be.” Yet that is exactly what the Departments of Defense and Energy have failed to do.

Respectfully submitted,



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⁹ West's Encyclopedia of American Law, edition 2. S.v. "imminent." Retrieved August 12 2019 from <https://legal-dictionary.thefreedictionary.com/imminent>

Appendix A.

Delegations of 153 States parties participating in one or more sessions of the Preparatory Committee:¹⁰

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, North Macedonia, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

¹⁰ Final report of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 20 May 2019
https://papersmart.unmeetings.org/media2/21995593/npt_conf2020_1-papersmart-1-final-report-2019.pdf

Appendix B.

Accessed at <https://undocs.org/en/NPT/CONF.2020/PC.I/10>

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2020/PC.I/10*

2 May 2017

Original: English

First session Vienna, 2-12 May 2017

Implementation of the action plan agreed at the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Canada

Action 20 of the action plan contained in the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons calls on States parties to submit regular reports on their implementation of the action plan, as well as of the 13 practical steps towards disarmament contained in the Final Document of the 2000 Review Conference, and of article VI, paragraph 4 (c), of the 1995 decision entitled “Principles and objectives for nuclear non-proliferation and disarmament”. Canada submits the present report to further fulfil these commitments. This report updates the information provided in the reports submitted by Canada to the Preparatory Committee at its sessions held in 2012 (NPT/CONF.2015/PC.I/10), 2013 (NPT/CONF.2015/PC.II/9) and 2014 (NPT/CONF.2015/PC.III/8 and 9) and to the Review Conference in 2015 (NPT/CONF.2015/34).

Nuclear disarmament

1 Canada’s international security policy continues to promote a step-by-step process towards the non-proliferation, reduction and elimination of nuclear weapons consistent with its North Atlantic Treaty Organization (NATO) obligations and in a manner that promotes strategic stability for all. Canada promotes this policy with its allies and partners in NATO, the Group of Seven (G7), the Francophonie, the Organization of American States, the Association of Southeast Asian Nations and the Non-Proliferation and Disarmament Initiative, among others.

2 Canada continues to promote the principles of irreversibility, verifiability and transparency in the implementation of Treaty obligations, most notably through co-sponsorship of the Non-Proliferation and Disarmament Initiative joint working paper on transparency by all States parties to the Non-Proliferation Treaty (NPT/CONF.2020/PC.I/WP.17). Canada co-sponsored General Assembly resolution 71/49, entitled “United action with renewed determination towards the total elimination of nuclear weapons”, which emphasized the importance of applying the principles of irreversibility, verifiability and transparency to the process of nuclear disarmament and

non-proliferation. Canada co-sponsored General Assembly resolution 71/67, entitled “Nuclear disarmament verification”, which calls for the development of practical and effective nuclear disarmament verification measures as key for ensuring compliance with disarmament obligations and building confidence between States with and without nuclear weapons.

3 Not applicable

4 Not applicable

5 Not applicable

6 Canada continues to support the creation of a subsidiary body in the Conference on Disarmament to deal with nuclear disarmament as part of a balanced and comprehensive programme of work. In 2016, Canada supported the proposal to begin negotiations in the Conference on Disarmament of a fissile material treaty. Canada also participated in the 2016 meetings of the Open-ended Working Group on taking forward multilateral nuclear disarmament negotiations. Canada joined the consensus on the proposal by Romania in the Conference on Disarmament (CD/2090) to create a working group on the “way ahead” to advance discussions on disarmament issues in 2017, including nuclear disarmament.

7 Canada continues to support the creation of a subsidiary body in the Conference on Disarmament to address effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons as part of a balanced and comprehensive programme of work. Canada joined the consensus on the working group on the “way ahead” (CD/2090) to address multiple disarmament issues, including general nuclear disarmament, a fissile material cut-off treaty and negative security assurances in 2017.

8 Not applicable

9 Canada supports the convening of a conference on a Middle East zone free of weapons of mass destruction to be attended by all States in the region on the basis of arrangements freely arrived at. Canada joined the consensus on General Assembly resolution 71/29, entitled “Establishment of a nuclear-weapon-free zone in the region of the Middle East”; resolution 71/26, entitled “African Nuclear-Weapon-Free Zone Treaty”; resolution 71/65, entitled “Treaty on a Nuclear-Weapon-Free Zone in Central Asia”; and resolution 71/43, entitled “Mongolia’s international security and nuclear-weapon-free status”. Canada voted in favour of General Assembly resolution 71/51, entitled “Nuclear weapon-free southern hemisphere and adjacent areas”.

10 Not applicable

11 Canada signed the Comprehensive Nuclear-Test-Ban Treaty on 24 September 1996 and ratified it on 2 December 1998. Canada’s Comprehensive Nuclear-Test-Ban Treaty

Implementation Act is being implemented provisionally pending the Treaty's entry into force.

12 Canada provides annual contributions on its efforts to promote the entry into force and universalization of the Comprehensive Nuclear-Test-Ban Treaty for inclusion in the report of the Secretary-General to the General Assembly.

13 Canada co-hosted the eighth Ministerial Meeting of the Friends of the Comprehensive Nuclear-Test-Ban Treaty in New York on 21 September 2016. The meeting produced a Joint Ministerial Statement that, inter alia, called on the remaining States listed in annex 2 of the Treaty that have not yet done so to sign and ratify the Treaty. Canada co-sponsored and voted in favour of General Assembly resolution 71/86, entitled "Comprehensive Nuclear-Test-Ban Treaty". Canada also co-sponsored Security Council resolution 2310 (2016), which, inter alia, called for the Treaty's early entry into force and for all States to maintain voluntary moratoriums on nuclear test explosions. Canada continues to support the ongoing G7 initiative to make diplomatic representations to advance the entry into force and universalization of the Comprehensive Nuclear-Test-Ban Treaty.

14 All of the 16 stations and laboratories hosted by Canada as a part of the International Monitoring System for the Comprehensive Nuclear-Test-Ban Treaty have been completed and certified by the Comprehensive Nuclear-Test-Ban Treaty Organization. In September 2015, representatives from Natural Resources Canada participated in an airborne field test in Langenlebarn, Austria, that involved the use of the airborne radiation detection equipment contributed by Canada to the Comprehensive Nuclear-Test-Ban Treaty Organization in September 2013. In February 2017, Canada hosted a cold-weather airborne field test in Ottawa that also involved the use of the aforementioned equipment.

15 Canada has actively called for the commencement of negotiations on a treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices in the Conference on Disarmament or in another international forum. Canada supported the proposal for a fissile material treaty negotiation in the Conference on Disarmament in 2016. In 2016, Canada also submitted a report to the United Nations Secretary-General containing views on the report of the Group of Governmental Experts on a fissile material cut-off treaty as contained in A/70/81. At the seventy-first session of the General Assembly, Canada co-sponsored resolution 71/259 on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and was nominated to chair the high-level fissile material cut-off treaty expert preparatory group in 2017-2018 to make recommendations on substantial elements of a future treaty. As part of this process, in March 2017, Canada chaired an informal consultative meeting, open to all Member States, to share views on the report of the Group of Governmental Experts.

16 Not applicable

17 Canada continues to support the development of appropriate legally binding

verification arrangements to ensure that surplus fissile material no longer required for military purposes is irreversibly removed (applicable only to nuclear-weapon States).

18 In conformity with its legal obligations through its comprehensive safeguards agreement and additional protocol with the International Atomic Energy Agency (IAEA), arising from the Non-Proliferation Treaty and as verified by regular IAEA inspections, Canada does not operate any facility that produces fissile material for use in nuclear weapons or other nuclear explosive devices.

19 Canada participates actively in the International Partnership for Nuclear Disarmament Verification, including all four plenaries to date, and is represented in each of the three working groups. Canada also engages in the intersessional meetings of the working groups and is contributing to discussion papers on the assessment of verification requirements. Canada supported resolution 71/67 on nuclear disarmament verification, adopted by the General Assembly at its seventy-first session, to create in 2018-2019 a Group of Governmental Experts on nuclear disarmament verification. Canada hosted consultations with Canadian civil society on the International Partnership for Nuclear Disarmament Verification on 22 February 2017. Canada will be providing funding through its weapons of mass destruction threat reduction programme to support the efforts of the Nuclear Threat Initiative to serve as the secretariat of the International Partnership for Nuclear Disarmament Verification.

20 Canada co-sponsored the Non-Proliferation and Disarmament Initiative working paper on transparency by all States parties to the Non-Proliferation Treaty (NPT/CONF.2020/PC.I/WP.17), which included an updated reporting template to provide greater transparency about steps that have been taken to implement the 2010 action plan.

21 In partnership with the Non-Proliferation and Disarmament Initiative, detailed comments and feedback were provided to each of the nuclear-weapon States on their Non-Proliferation Treaty implementation reports that were submitted at the 2015 Review Conference with a view to strengthening the quantity, quality and frequency of such reports. Canada endorses the draft reporting form of the Non-Proliferation and Disarmament Initiative for all States parties to the Treaty as a template for providing greater transparency on nuclear disarmament activities by the nuclear-weapon States. This form was submitted at the 2017 session of the Preparatory Committee as a part of working paper NPT/CONF.2020/PC.I/WP.17.

22 Continuing a long-standing partnership with a Canadian non-governmental organization (The Simons Foundation), on 26 February 2016 and 9 February 2017, the International Security Research and Outreach Programme of Global Affairs Canada awarded a total of eight scholarships to postgraduate students at Canadian universities who produced research papers on disarmament, arms control and non-proliferation. Canada co-sponsored General Assembly resolution 71/57, entitled “United Nations study on disarmament and non-proliferation education”. On 10 April 2017, Global Affairs Canada held consultations with experts from Canadian civil society organizations to

promote transparency, openness and education on disarmament, arms control and non-proliferation issues.

23 Canada continues to call upon States that have not yet done so to accede to the Treaty as non-nuclear-weapon States.

Nuclear non-proliferation

24 Canada's comprehensive safeguards agreement with IAEA has been in place since 21 February 1972. Canada's additional protocol with IAEA has been in place since 8 September 2000.

25 Canada continues to urge all States that have not yet done so to complete and implement a comprehensive safeguards agreement and additional protocol with IAEA, which we consider is the verification standard pursuant to article III of the Treaty. Within the context of IAEA, during negotiations of the resolution on strengthening the effectiveness and improving the efficiency of Agency safeguards, Canada, in cooperation with other countries, resisted attempts to revise language that would eliminate the call for universalization of comprehensive safeguards agreements.

26 Since 2005, IAEA has concluded on an annual basis that all nuclear material in Canada remains in peaceful purposes. This broader conclusion pursuant to Canada's comprehensive safeguards agreement and additional protocol provides the highest level of confidence that Canada is in compliance with its non-proliferation commitments under the Non-Proliferation Treaty.

27 Canada welcomes the ongoing implementation of the Joint Comprehensive Plan of Action, which provides a framework to establish confidence that the nuclear activities of the Islamic Republic of Iran are peaceful in nature. To date, Canada has contributed \$10 million to support IAEA efforts to monitor and verify the implementation by the Islamic Republic of Iran of its commitments under the Joint Comprehensive Plan of Action and its predecessor, the Joint Plan of Action. At the IAEA General Conference and IAEA Board of Governors meetings in 2015 and 2016, Canada reiterated its condemnation of the illicit nuclear weapons development programme of the Democratic People's Republic of Korea, including nuclear testing, the production of fissile material, both enriched uranium enrichment and separated plutonium, and ballistic missile testing. Canada continues to call on the Democratic People's Republic of Korea to comply fully with all relevant Security Council resolutions, return to compliance with the Non-Proliferation Treaty and with its safeguards agreement with IAEA, and to fulfil its commitments under the 2005 Joint Statement of the Six-Party Talks. At the IAEA General Conference and IAEA Board of Governors meetings in 2015 and 2016, Canada also called on the Syrian Arab Republic to cooperate fully with the Agency to resolve all outstanding issues regarding its non-compliance with its safeguards agreement, particularly with regard to the Dayr al-Zawr site and other functionally-related sites identified by IAEA.

28 Canada's additional protocol with IAEA was signed on 24 September 1998 and

entered into force on 8 September 2000.

29 Canada continues to support the ongoing G7 initiative to make diplomatic representations to advance the universalization of the additional protocol.

30 Not applicable

31 Not applicable

32 Canada welcomes IAEA efforts to apply the State-level concept to all States with a safeguards agreement in force, as part of the continuing evolution of safeguards implementation necessary to increasing the effectiveness and efficiency of IAEA safeguards. We look forward to the next report by the IAEA Director General, which will outline the Agency's experience in implementing updated State-level approaches.

33 Canada paid its 2017 assessed contribution to the IAEA regular budget and its voluntary assessed contribution to the Technical Cooperation Fund on time and in full.

34 Through the Canadian Safeguards Support Programme, Canada contributes to the research, development and support of safeguards equipment and techniques for both domestic and international use aimed at strengthening the effectiveness and efficiency of the Agency's safeguards.

35 Canada is a member of and an active participant in the Nuclear Suppliers Group, the Zangger Committee and the Wassenaar Arrangement. On 16 March 2016, Canada submitted an updated national implementation action plan to the Security Council Committee established pursuant to resolution 1540 (2004), the only country to have submitted two plans. In 2016, Canada also updated its national point of contact information with the Committee. At the 2016 Nuclear Security Summit, Canada co-led with Spain and the Republic of Korea a gift basket on promoting full and universal implementation of United Nations Security Council resolution 1540 (2004), which was co-sponsored by 37 States and the European Union, the International Criminal Police Organization (INTERPOL) and the United Nations. Canada actively participated in the comprehensive review process of Security Council resolution 1540 (2004). On 15 December 2016, Canada participated in the Security Council open debate on non-proliferation of weapons of mass destruction, called for the full and universal implementation of resolution 1540 (2004) and co-sponsored resolution 2325 (2016), which endorsed the comprehensive review and its recommendations.

36 Canada's export control system is consistent with the lists of multilateral nuclear export control mechanisms in which it participates.

37 Canada's national export control system ensures that exports of controlled goods and technology, including nuclear and nuclear-related dual-use items, are not authorized where the proposed export would be inconsistent with Canada's foreign and defence policy (including where there is deemed to be an unacceptable risk of diversion to a weapons of mass destruction programme or to an unsafeguarded facility, or when an

export would be otherwise contrary to Canada's non-proliferation policy and international commitments and obligations).

38 Canada has 30 nuclear cooperation agreements in place with 48 States, including developing countries, to facilitate mutually beneficial exchanges for the peaceful uses of nuclear energy.

39 Cooperation by Canada with other countries in the peaceful uses of nuclear energy takes fully into account the non-proliferation credentials of the recipient country, as well as their implementation of nuclear safety standards and nuclear security guidance and recommendations.

40 Canada maintains the highest level of effective physical protection at the domestic level through a robust regulatory framework that integrates relevant safety, security and safeguard elements, the implementation of strong physical protection measures and an industry that fully understands and fulfils its responsibilities. This is reinforced by close cooperation on nuclear security issues between the regulator, the Canadian Nuclear Safety Commission, federal and provincial law enforcement and intelligence agencies, the industry, foreign Governments and international organizations. At the 2016 Nuclear Security Summit, Prime Minister Justin Trudeau announced over Can\$42 million for new projects over the next two years (2016/18) through Canada's weapons of mass destruction threat reduction programme to enhance nuclear and radiological security worldwide. These projects include funding for bilateral projects to combat illicit trafficking, improve physical protection of nuclear facilities, promote safe management and disposal of radioactive sources and improve transportation security. The projects also include funding for international organizations and initiatives, including the IAEA Nuclear Security Fund, INTERPOL and the Global Initiative to Combat Nuclear Terrorism. Canada also made domestic commitments at the Nuclear Security Summit in 2016. Canada is in the process of establishing a national nuclear forensics capability with a national nuclear forensics library, which will further enhance Canada's ability to prosecute acts of nuclear terrorism and the criminal use of nuclear materials. Please see section 61 for more details on Canada's Nuclear Security Summit commitments to reduce the use of highly enriched uranium. An additional highlight for Canada in the implementation of previous Summit commitments was the hosting of our first IAEA International Physical Protection Advisory Service mission in October 2015, for the purpose of evaluating our domestic nuclear security regime. The mission report concluded that Canada's nuclear security regime is robust, strong and sustainable.

41 Canada maintains strong physical protection measures for its nuclear materials, including armed on-site response forces, constant threat monitoring, enhanced security screening, a comprehensive drill and exercise programme and robust perimeter protection. Physical protection in Canada is strengthened by a rigorous nuclear material accounting system that tracks nuclear materials, in line with Canada's international commitments.

42 Canada ratified the 2005 amendment to the Convention on the Physical Protection of

Nuclear Material in December 2013 and welcomed its entry into force on 8 May 2016. Canada also supported a series of workshops aimed at promoting the ratification and implementation of the Convention and its 2005 amendment to countries that had not yet signed up. Through the Global Initiative to Combat Nuclear Terrorism, Canada is also working on enhancing legislative frameworks to help countries with the implementation of the Convention and its 2005 amendment (see section 44 below for more details).

43 Canada remains committed to the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary Guidance on the Import and Export of Radioactive Sources. Canada also strongly supports efforts by IAEA to develop internationally harmonized guidance for implementing the recommendations of the Code of Conduct on the Safety and Security of Radioactive Sources in relation to the long-term management of disused radioactive sources.

Canada provided funding to IAEA through its weapons of mass destruction threat reduction programme to allow approximately 40 experts from Latin America and Africa to attend the fourth international conference on the Code of Conduct on the Safety and Security of Radioactive Sources that took place in Vienna in May-June 2016. Canada is providing further funding to the IAEA through its weapons of mass destruction threat reduction programme to allow approximately 40 experts from Latin America and Africa to attend the fifth international conference on the Code of Conduct on the Safety and Security of Radioactive Sources that will take place in Vienna in June 2017.

44 See action 40 regarding assistance to States parties with a view to strengthening national capabilities against illicit trafficking of nuclear material. At the 2016 Nuclear Security Summit, Canada co-sponsored a joint statement with the Republic of Korea on concrete initiatives in support of the full and universal implementation of Security Council resolution 1540 (2004), which was supported by over 30 countries, as well as the United Nations. Canada is an endorser of the Proliferation Security Initiative, is a member of its Operational Experts Group and is leading the Critical Capabilities and Practices Review Team in 2016-2017. In October, 2016, Canada successfully advocated the inclusion of text in the Declaration of Port of Spain at the twelfth Conference of Defence Ministers of the Americas, which committed endorsers to pursue universal implementation of United Nations Security Council resolution 1540 (2004) and encourage endorsement of the Proliferation Security Initiative. In January 2017, Canada co-organized with Slovakia and the United Nations Office on Drugs and Crime a workshop under the Global Initiative to Combat Nuclear Terrorism to address challenges in adopting or updating national legal frameworks for nuclear security, highlight obligations under international legal instruments against nuclear terrorism and consider practical models for implementing those obligations. The workshop brought together 88 experts from 23 partner countries and five international organizations. Canada also provided assistance through its weapons of mass destruction threat reduction programme to remove high activity disused sealed radioactive sources from South America; to enhance regulatory frameworks for nuclear security in African States; to strengthen nuclear security in Ukraine; to support the INTERPOL subdirectorates for chemical, biological, radiological, nuclear and explosive materials and capacity-building activities in Latin America and South-East Asia; and to strengthen border security, counter nuclear

smuggling and build critical incident response capacity in Jordan.

45 Canada ratified the International Convention for the Suppression of Acts of Nuclear Terrorism in November 2013.

46 The technical capabilities of a country's system and the nature and the scope of cooperation between that system and IAEA are two of the State-specific factors that IAEA considers when developing a State-level approach to safeguards. Canada continues to work with IAEA to further develop the State-level safeguards concept.

Peaceful uses of nuclear energy

47 Canada possesses an indigenous nuclear power reactor system and a broad and diverse nuclear sector, and is a reliable supplier of uranium, nuclear equipment and technology, and radioisotopes.

48 See action 39.

49 Canada provides experts, equipment and technology to many developing States parties through technical cooperation. Canada has nuclear cooperation agreements in place with many developing countries. Cooperation has included exports of nuclear power reactors, nuclear material and equipment. Canada provided \$2.3 million to support the IAEA Renovation of the Nuclear Applications Laboratories (ReNuAL) project in 2016. We also provide expertise to support technical cooperation activities and host related events in Canada.

50 See action 49 for information on Canada's nuclear cooperation with developing countries.

51 See action 38 for information on Canada's nuclear cooperation agreements.

52 In the context of the IAEA Technical Assistance and Cooperation Committee, the Board of Governors and General Conference, Canada regularly proposes initiatives to improve the governance and management of the Technical Cooperation Programme, including: greater strategic management of the Programme; encouraging IAEA member States to pay their full voluntary assessed contribution to the Technical Cooperation Fund; encouraging countries in a position to do so to contribute to funding their own technical cooperation projects through the government cost-sharing mechanism rather than drawing from the Technical Cooperation Fund; and encouraging the implementation of outcome monitoring for all technical cooperation projects.

53 Canada is continuing long-standing efforts to improve governance and management of the IAEA Technical Cooperation Fund through the IAEA policymaking organs and relevant working groups. Despite some progress in recent years, additional work remains to be done in the areas of strategic management, outcome monitoring, which countries draw on the Fund and member State payment of contributions to the Fund. Canada will

continue to engage IAEA member States to push for positive changes in these areas.

54 See action 33 for information on Canada's contributions to the IAEA Technical Cooperation Fund.

55 Canada contributed almost \$2.5 million via the IAEA Peaceful Uses Initiative in 2016/2017 and provided in-kind resources to Peaceful Uses Initiative projects.

56 Canada is an active and regular contributor of support and expertise to the IAEA Technical Cooperation Programme. Canada has hosted fellowship participants and scientific visitors from the Americas, Asia, Africa and Europe and hosted Technical Cooperation Programme meetings in the areas of nuclear safety and regulatory activities. Canadian lecturers and experts have contributed technical training in the areas of human health, agriculture and food security, water and the environment, energy, radiation technology and security and safety.

57 See actions 24, 28 and 42 for information on the comprehensive safeguards agreement, the additional protocol and the Convention on the Physical Protection of Nuclear Material. The Nuclear Energy Act of 1985 (amended in 1997) relates to the development and utilization of nuclear energy in Canada. The Nuclear Safety and Control Act came into force in May 2000, replacing the Atomic Energy Control Act. It established the Canadian Nuclear Safety Commission as the national regulator and set out its mandate, responsibilities and powers. These include domestically regulating the development, production and use of nuclear energy and the production, possession and use of nuclear substances, prescribed equipment and prescribed information.

58 Canada supported the decision of the IAEA Board of Governors in December 2010 to establish an IAEA low enriched uranium bank, welcomes the progress made to date in establishing the fuel bank and bringing it towards operation, and will continue to assess proposed fuel assurance mechanisms based on their individual merits.

59 Canada ratified the Convention on Nuclear Safety in December 1995. Canada ratified the Convention on Early Notification of a Nuclear Accident in January 1990. Canada ratified the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency in August 2002. Canada ratified the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management in May 1998. See actions 42 and 45 for more information on the Convention on the Physical Protection of Nuclear Material and its amendment and the International Convention for the Suppression of Acts of Nuclear Terrorism. Canada had ratified both instruments as of December 2013.

60 Canada is providing funding through its weapons of mass destruction threat reduction programme to the World Institute for Nuclear Security to develop a nuclear security support centre in Mexico that will provide the Central American region with additional support in enhancing nuclear security, including through the provision of certified training. Canada continues to provide in-kind support to IAEA for the development of

IAEA safety standards and IAEA Nuclear Security Series documents. Canada actively participates in the review meetings of the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and presided over the most recent Convention on Nuclear Safety review meeting.

61 Canada is making good progress on its initiatives to reduce stocks of highly enriched uranium (HEU), including through repatriating HEU to the United States of America, in accordance with previous Nuclear Security Summit commitments to repatriate HEU spent fuel originating from the United States in 2010 and HEU liquid in 2012. At the Nuclear Security Summit in 2014, leaders agreed to continue minimizing the use of HEU in the production of medical isotopes, and in October 2016 Canada ceased routine production of the medical isotope molybdenum-99 (Mo-99) at the National Research Universal reactor. From November 2016 to March 2018, the reactor will remain in “hot standby” mode to produce isotopes as an “international supplier of last resort” in the event of a prolonged and unforecasted global shortage that cannot otherwise be mitigated.

62 Canadian transport regulations for radioactive materials are based on the IAEA Regulations for the Safe Transport of Radioactive Material.

63 Canada signed the Convention on Supplementary Compensation for Nuclear Damage in December 2013. On 26 February 2015, the Nuclear Liability and Compensation Act was enacted.

64 Canada notes and reaffirms the consensus reached at the fifty-third session of the IAEA General Conference that any armed attack on and threat against safeguarded nuclear facilities devoted to peaceful purposes constitutes a violation of the principles of the Charter of the United Nations, international law and the IAEA Statute

Appendix C.

Accessed at <https://undocs.org/en/NPT/CONF.2020/PC.I/WP.7>

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2020/PC.I/WP.7

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Nuclear Non-Proliferation

Working paper submitted by the European Union

Introduction

1. For the European Union, the Treaty on the Non-Proliferation of Nuclear Weapons remains the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament, in accordance with article VI of the Treaty, and an important element in the further development of nuclear energy applications for peaceful purposes.
2. The European Union and its Member States emphasize the importance of universalizing the Non-Proliferation Treaty and call on States that have not done so to join the Treaty as non-nuclear-weapon States, and, pending their accession to the Treaty, to pledge their commitment to non-proliferation and disarmament.
3. At the start of a new review cycle, our priority is to uphold and preserve the Non-Proliferation Treaty as a key multilateral instrument for reinforcing international peace, security and stability; promote its universalization; and strengthen its implementation. The three pillars of the Treaty remain equally important and mutually reinforcing and can contribute to a safer world. The European Union therefore calls on all States parties to continue to implement, without delay and in a balanced manner, the 2010 action plan designed to strengthen the three pillars of the Treaty. The concrete and mutually reinforcing steps on nuclear disarmament, non-proliferation and peaceful uses of nuclear energy contained in the action plan will contribute to the objective of achieving a world without nuclear weapons. Likewise, all States parties must continue to implement their commitments pursuant to the consensus Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
4. The proliferation of weapons of mass destruction and their means of delivery is a growing threat to international peace and security. The European Union is gravely concerned about the risk of State or non-State actors acquiring such weapons or materiel, which is compounded by emerging challenges, such as cyberattacks. We need, therefore, to continue to mainstream non-proliferation into our overall policies, resources and

instruments.

5. The European Union policy framework supporting internal and global security is enshrined in a number of strategic documents. In 2003, the European Security Strategy listed terrorism and the proliferation of weapons of mass destruction among key threats, with a combination of the two as the most frightening scenario. Also in 2003, the European Union adopted its Strategy against the Proliferation of Weapons of Mass Destruction. In 2008, the European Council adopted new lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems to strengthen the European Union Strategy against the Proliferation of Weapons of Mass Destruction and its implementation. By providing a concrete framework for collective European Union commitment to the fight against proliferation, the new lines for action made it possible to better focus the efforts of the Member States and European institutions.

6. In June 2016, a Global Strategy¹ for the Foreign and Security Policy of the European Union, entitled “Shared Vision, Common Action: A Stronger Europe”, was released. The strategy tackles challenges to security today such as energy security, climate change, terrorism and hybrid warfare that need a response that combines aspects of internal and external policies. The strategy is constructed to help the European Union to be vigilant, cohesive and more effective; to take responsibility in its surrounding regions; to promote resilience; and to address conflicts and crises. In dealing with global challenges, the European Union supports effective multilateralism, with the United Nations at its core. The main premise of the strategy is the concept of effective multilateralism, understood, inter alia, as European Union support for the universalization and effective implementation of international treaties and agreements within this domain.

Fn. 1. See http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf.

Safeguards

7. The International Atomic Energy Agency (IAEA) Comprehensive Safeguards System is a fundamental component of the nuclear non-proliferation regime and plays an indispensable role in the implementation of the Non-Proliferation Treaty. We underline the primary responsibility of the Security Council in cases of non-compliance. The European Union also recognizes the serious proliferation challenges that continue to be a threat to international security, and the need to find peaceful and diplomatic solutions to them.

8. The first anniversary of the implementation of the Joint Comprehensive Plan of Action was marked on 16 January 2017. The European Union led the negotiations between the E3/EU+3* and the Islamic Republic of Iran leading to the conclusion of the agreement, and it continues to play a key role, notably through European Union High Representative, Federica Mogherini, Coordinator of the Joint Commission, which is composed of the E3/EU+3 and the Islamic Republic of Iran. The Joint Comprehensive Plan of Action is a successful multilateral endeavour endorsed by the Security Council. The European Union

remains committed to the Plan of Action, welcomes the progress made so far in its implementation and underlines the need to continue to ensure its full and effective implementation throughout its entire lifetime, as verified by IAEA. We look forward to the early ratification of the additional protocol by the Islamic Republic of Iran.

* China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy.

9. Comprehensive safeguards agreements, together with additional protocols, constitute the current IAEA verification standard, and the European Union continues to call for their universalization without delay. The additional protocol, which reinforces comprehensive safeguards agreements, provides IAEA with important supplementary tools — broader information and broader access, which significantly increase the Agency's ability to verify the peaceful use of all nuclear material, declared and undeclared. Under an additional protocol, IAEA may also resolve a question or an inconsistency relating to the correctness and completeness of the information provided by a State. For these reasons, the European Union calls on all States that have not yet done so to bring into force an additional protocol without delay.

10. The purpose of a small quantities protocol is to reduce the burden of safeguards implementation for States with little or no nuclear activities. In 2005, the IAEA Board of Governors, as a safeguards-strengthening measure, approved a modified standard text of the small quantities protocol. The European Union urges the remaining States that have not yet amended their protocols to accelerate their efforts so as to maintain the integrity of the Comprehensive Safeguards System.

11. The European Union supports the continued efforts to strengthen the effectiveness of IAEA safeguards through the further development and application of the State-level concept, enhanced capabilities of analytical services, information analysis and technologies. In particular, the European Union is convinced that the consistent and universal application of the State-level concept further strengthens the efficiency and effectiveness of the IAEA Comprehensive Safeguards System and thus contributes to global non-proliferation efforts.

12. For the European Union, the close cooperation between the European Atomic Energy Community (EURATOM) and IAEA allows for effective and efficient safeguards. The European Union also attaches importance to cooperation with IAEA in addressing emerging nuclear technologies that will have an impact on the implementation of safeguards in the future. The European Union is actively supporting the IAEA Comprehensive Safeguards System through the European Commission Safeguards Development and Support programme and the supporting programmes of some of its Member States.

Comprehensive Nuclear-Test-Ban Treaty Organization

13. The European Union considers the Comprehensive Nuclear-Test-Ban Treaty to be of crucial importance to nuclear disarmament and non-proliferation, and its entry into force and universalization remains a top priority. All 28 Member States of the European Union have signed and ratified the Treaty, and the European Union continues to make all efforts to promote the entry into force of the Treaty and, in particular, urges all the eight remaining Annex 2 States to ratify it. The European Union believes that the Treaty contributes to international stability and has proven its effectiveness through its truly global monitoring presence as a powerful and credible verification regime. The political efforts of the European Union have been complemented by its financial commitment to supporting the Comprehensive Nuclear-Test-Ban Treaty Organization in order to strengthen its verification capabilities, so that the full membership can reap these benefits, including the civil and scientific applications of the monitoring data. In this regard, the adoption by the Security Council of its resolution 2310 (2016), its first-ever resolution specific to the Comprehensive Nuclear-Test-Ban Treaty, 20 years after its opening for signature, was an important development.

Nuclear verification

14. The European Union strongly condemns the nuclear tests and numerous ballistic missile launches conducted by the Democratic People's Republic of Korea, in clear violation of its international obligations under multiple Security Council resolutions. These activities represent a serious threat to international peace and security and undermine the global non-proliferation and disarmament regime. They also underline the necessity of the universalization of the Comprehensive Nuclear-Test-Ban Treaty. The European Union continues to urge the Democratic People's Republic of Korea to re-engage in a credible and meaningful dialogue with the international community, in particular in the framework of the Six-Party Talks, to abide by all its international obligations and abandon its nuclear weapon programme, other weapons of mass destruction and ballistic missile programmes in a complete, verifiable and irreversible manner and to immediately cease all related activities.

15. The threatening and provocative actions of the Democratic People's Republic of Korea confirm the urgent need to further strengthen the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty. The Democratic People's Republic of Korea is the only State to have conducted nuclear tests in the twentyfirst century. These actions aggravate tensions on the Korean Peninsula, to the detriment of all. It is the firm stance of the European Union that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State, in accordance with the Non-Proliferation Treaty. Through its repeated tests and missile launches, the Democratic People's Republic of Korea is making progress towards operational capacity, with negative consequences for the stability in Asia and beyond. The full implementation of sanctions against the Democratic People's Republic of Korea is essential. Furthermore, the remaining loopholes in the sanctions regime need to be addressed.

16. The European Union also recalls the resolution of the IAEA Board of Governors, of 9 June 2011, which concluded that the Syrian Arab Republic is in non-compliance with its

safeguards agreement, and urged the Syrian Government to cooperate promptly and transparently with the Agency to resolve all outstanding issues, including through concluding and implementing an additional protocol as soon as possible. Notably, the attempts of the Syrian Government to acquire and use ballistic missiles only add to the suffering of the Syrian people and further undermine efforts to establish peace and security in the region.

17. The European Union underscores the importance of a number of Security Council resolutions, in particular resolution 2231 (2015), which called on the Islamic Republic of Iran not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology.

18. Counter-proliferation sanctions imposed by the Security Council are fully implemented in the Member States of the European Union through European Union law, supplemented by additional autonomous measures adopted by the European Union.

19. The European Union recognizes that negative security assurances strengthen the nuclear non-proliferation regime and calls on all nuclear-weapon States to reaffirm existing security assurances, as noted in Security Council resolution 984 (1995).

Export control regimes/confidence- and security-building measures

20. The European Union attaches great importance to multilateral export control regimes and confidence- and security-building mechanisms, such as the Zangger Committee, the Nuclear Suppliers Group, the Australia Group, the Missile Technology Control Regime and The Hague Code of Conduct, which have established guidelines regarding exports of nuclear, chemical and biological material and missiles and assist us all in preventing proliferation. It is important that the control regimes keep up with current, new and emerging technologies, such as additive manufacturing, synthetic biology and convergence.

21. On 5 December 2016, at its seventy-first session, the General Assembly of the United Nations adopted resolution 71/33 on the Hague Code of Conduct against Ballistic Missile Proliferation, which the European Union fully supported. The European Union calls on all States, in particular those with significant activities in the area of ballistic missiles and space launch vehicles, to adhere to the Hague Code. The European Union will further promote its universalization and, where possible and appropriate, a closer relationship between the Hague Code and the United Nations system. The European Union is also in favour of examining additional multilateral steps to prevent the threat of missile proliferation and promote disarmament efforts in the missile field.

22. All European Union countries follow the European Union control list in order to implement the commitments under the multilateral export control regimes. We strongly support the membership of all 28 European Union Member States in all the international export control regimes, including the Missile Technology Control Regime and the Wassenaar Arrangement, since this would reinforce the efficiency of export controls and

contribute to the strengthening of the regimes.

23. The 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should consider measures aimed at ensuring that nuclear-related exports do not directly or indirectly assist in the development of nuclear weapons or other explosive devices and that such exports are in full conformity with the objectives and purposes of the Non-Proliferation Treaty. The European Union calls on the Non-Proliferation Treaty States to declare their adherence to the multilaterally negotiated and agreed guidelines. The Nuclear Suppliers Group and the Zangger Committee guidelines and control lists provide the best practices for nuclear-related export controls. The European Union is supportive of the work of the Nuclear Suppliers Group regime, the strengthening of its guidelines and all efforts that contribute to making these guidelines universal.

Terrorism and nuclear security

24. The risk that terrorists will get hold of and use nuclear or radiological materials, including radioactive sources, needs to be taken into account in the framework of our overall efforts to prevent terrorist acts. The European Union underlines the importance of the International Convention for the Suppression of Acts of Nuclear Terrorism and encourages all States to become parties to the Convention and to comply fully with its provisions. While recognizing that nuclear security remains the responsibility of States, international cooperation contributes to strengthening nuclear security. The Member States of the European Union are strongly committed to ensuring the highest level of nuclear security both in Europe and worldwide.

25. The commitment of the European Union to nuclear security and the progress achieved in recent years are described in detail in a joint staff working document,² entitled “European Union efforts to strengthen nuclear security”, issued on 16 March 2016.

Fn. 2 See <https://ec.europa.eu/transparency/regdoc/rep/10102/2016/EN/10102-2016-98-EN-F1-1.PDF>.

26. IAEA plays a central role in coordinating global efforts and strengthening the international nuclear security architecture. The European Union and its Member States have actively contributed to international initiatives, including the Global Initiative to Combat Nuclear Terrorism and the Nuclear Security Summit process. The four summits, held between 2010 and 2016, have raised the level of priority accorded to nuclear security on the international agenda. The participating States, as well as the European Union, committed to the implementation of the five action plans adopted at the most recent summit, held in Washington, D.C. in April 2016. The European Union was among four international organizations, along with the United Nations, IAEA and the International Criminal Police Organization (INTERPOL), invited to attend the fourth Nuclear Security Summit, and it participates in the newly established Nuclear Security Contact Group, together with the Member States of the European Union.

27. The entry into force of the amendment to the Convention on the Physical Protection of Nuclear Material, on 8 May 2016, is an essential step in strengthening nuclear security. It requires parties not only to protect nuclear material in international transport but to protect nuclear facilities and nuclear material in domestic storage, use or transport, including by imposing legally binding measures. Moreover, the amendment will help to increase international cooperation in locating and recovering stolen or smuggled nuclear material and in improving the capacity of each State party to take appropriate actions with the aim of preventing acts of sabotage or of mitigating or minimizing the radiological consequences thereof. After the entry into force of the amendment, efforts should focus on both the effective implementation of all provisions by State parties and the universalization of the amended Convention.

Security Council resolution 1540 (2004)

28. For the European Union, Security Council resolution 1540 (2004) remains a key part of the international non-proliferation architecture. Resolution 1540 (2004) has become even more important in the current context, characterized by acute and diffuse threats, in which the distinction between international and internal security has become blurred.

29. The European Union is therefore pleased to see that the comprehensive review conducted in 2016 reaffirmed the centrality, importance and authority of Security Council resolution 1540 (2004) in the multilateral non-proliferation architecture. Moreover, all 28 Member States of the European Union co-sponsored Security Council resolution 2325 (2016), which the Council unanimously adopted on 15 December 2016.

30. The European Union welcomes the fact that Security Council resolution 2325 (2016) places renewed emphasis on coordination between the Security Council Committee established pursuant to resolution 1540 (2004) and international, regional and subregional organizations. Likewise, it welcomes the idea of strengthening the role of the Committee in facilitating technical assistance in the implementation of resolution 1540 (2004), in particular by actively engaging in matching offers with requests for assistance, including through a regional approach.

31. The European Union is currently preparing a new Council decision for a period of three years, designed to help to implement the outcome of the comprehensive review of Security Council resolution 1540 (2004). Building on past fruitful cooperation, the United Nations Office for Disarmament Affairs will again be asked to fulfil the role of implementing partner for this project, in collaboration with the Organization for Security and Cooperation in Europe (OSCE). Through this new Council decision, the European Union will support cooperation and capacitybuilding at both the national and the regional levels, with special attention to the role of industry and support for relevant initiatives. The new Council decision also envisages closer cooperation between European Union-funded projects implemented by the United Nations Office for Disarmament Affairs and by OSCE and those implemented by the European Commission through the European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative.

32. Furthermore, recognizing the need to ensure the coordination of efforts at the regional and international levels in order to strengthen a global response, the European Union is actively engaged in outreach to third countries in the areas of non-proliferation and export controls. The European Commission has developed a dedicated export control programme to enhance regulatory convergence and a level global playing field in order to assist third countries to establish well-functioning export control systems and support their compliance with the obligations set out under Security Council resolution 1540 (2004). In order to enhance cooperation, the European Commission will continue the “European Union Partner-to-Partner Export Control Programme for dual-use items”, which offers a basis for updating third countries on developments with respect to European Union legislation in order to assist them in establishing well-functioning export control systems.

Weapons of mass destruction free zone in the Middle East

33. The European Union considers that all States of the Middle East region becoming parties to the Non-Proliferation Treaty, the Comprehensive Nuclear-Test Ban Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention would be an important confidence- and security-building measure, which could constitute a tangible step in the direction of a weapons of mass destruction free zone in the Middle East.

34. In early 2017, the European Union Special Envoy for Non-proliferation and Disarmament and the co-conveners met, separately, with representatives of the Panel of Wise Men on Disarmament Issues and Non-Proliferation of the Arab League to renew engagement on this important issue. The European Union supports the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the validity of the goals and objectives adopted by the 2000 Review Conference and the conclusions and recommendations of the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The European Union supported the preparations for a conference to begin negotiations on the establishment of a weapons of mass destruction free zone in the Middle East and the efforts of the Facilitator and Ambassador of Finland, Jaakko Laajava. The European Union persistently called on all States in the region to proactively engage with the Facilitator and the co-conveners with the aim of enabling the conference to be convened as soon as possible, on the basis of arrangements freely arrived at by the States of the region. The European Union has repeatedly expressed regret at the postponement of the conference.

35. The European Union maintains the view that dialogue and confidence-building among stakeholders is the only sustainable way to agree on arrangements for a meaningful conference, to be attended by all States of the Middle East on the basis of arrangements freely arrived at by them, as decided by the 2010 Review Conference. To that end, the European Union is ready to facilitate, including with financial support, preparatory discussions among stakeholders.

Outstanding disarmament issues

36. For the European Union, the immediate commencement and early conclusion of negotiations at the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein, remains a clear priority. The European Union calls on all members of the Conference on Disarmament to start negotiations on such a treaty without delay and to begin work on the other issues on the agenda, in line with the adopted programme of work for the Conference on Disarmament (document CD/1864). The European Union also calls on all States possessing nuclear weapons that have not done so to declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.

37. The European Union is ready to support the work of a high-level expert preparatory group on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, established by General Assembly resolution 71/259 and complemented by open-ended consultative meetings, to bring the Conference on Disarmament closer to negotiations on this important issue, which would significantly strengthen the nuclear disarmament and non-proliferation architecture.

38. The European Union also supported the adoption of General Assembly resolution 71/67 on nuclear disarmament verification and welcomes the establishment of a group of governmental experts to consider the role of verification in advancing nuclear disarmament. While verification is not an aim in itself, further development of multilateral nuclear disarmament verification capabilities will be required for the achievement and maintenance of a world without nuclear weapons.

European Union commitment/global strategy

39. The European Union Global Strategy on Foreign and Security Policy provides the foundation for the European Union to continue and even step up its efforts in foreign and security policy in the coming years. In line with the Global Strategy, we strongly support multilateral disarmament, non-proliferation and arms control treaties and regimes, especially the implementation of the new START Treaty. Our main modus operandi remains to work with partners, especially the relevant United Nations agencies and regional organizations such as IAEA, OSCE, the Comprehensive Nuclear-Test-Ban Treaty Organization and the African Union, and also industry, academia, civil society and non-governmental organizations.

40. A good example of comprehensive European Union engagement is the European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative.³ This is a capacity-building programme with 56 partner countries and 8 regional Centres of Excellence. It is aimed at mitigating biological, radiological and nuclear risks, while nurturing a culture of security and strengthening governance in this specific field. The Centres of Excellence are financed under the Instrument

contributing to Stability and Peace, with a budget of €250 million for the years 2010 to 2020.

Fn. 3. For more information on this initiative, see <http://www.cbrn-coe.eu/>.

Conclusion

41. The concrete and mutually reinforcing steps on nuclear disarmament, non-proliferation and the peaceful uses of nuclear energy contained in the 2010 Non-Proliferation Treaty Action Plan will contribute to the objective of achieving a world without nuclear weapons.

42. The European Union and its Member States agree on the importance of upholding and strengthening the authority and integrity of the Non-Proliferation Treaty, which has contributed to international peace, security and stability for more than 40 years. The Member States of the European Union, today more than ever, remain committed to the pursuit of nuclear disarmament, in accordance with article VI of the Treaty, and stress the need for concrete progress in this field, especially through an overall reduction in the global stockpile of nuclear weapons, taking into account the special responsibility of the States that possess the largest arsenals. The European Union and its Member States call for the implementation of all obligations and commitments assumed under the Treaty or undertaken during the previous Review Conferences.

43. The European Union stresses the overriding importance of a successful outcome of the 2020 Review Conference and will fully support the Chairs of the Preparatory Committee for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in order to ensure a successful review cycle.