

**Preparatory Committee for the 2010 Non-Proliferation Treaty
Review Conference
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Cluster II

**Statement on behalf of the European Union
by**

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(Check against delivery)

Mr Chairman,

I have the honour to speak on behalf of the European Union.

The Candidate Countries Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

I will devote some time to go deeper on those points that were not covered in detail in the general statement.

Mr. Chairman,

1. We believe that the prevention of nuclear proliferation and the pursuit of nuclear disarmament in accordance with Article VI of the NPT are essential for global peace and security. We are committed to the right of access to the peaceful uses of nuclear energy in accordance with all provisions of the Treaty. We are therefore strongly attached to the objective of strengthening the international nuclear non-proliferation regime.

2. In that regard, we propose a set of elements relevant to the second cluster issues on non-proliferation to be part of an action plan to be adopted by the 2010 Review Conference, which would significantly improve our collective capacity to tackle proliferation and strengthen the non-proliferation regime:

a. resolute action in response to proliferation crises, in particular in Iran and North Korea;

b. determination of the consequences of a State's non-compliance with NPT non-proliferation obligations, in particular with its safeguards agreement, and of withdrawal from the NPT, including suspension of nuclear cooperation and transfers;

* *Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.*

- c. promotion of the universalisation of the NPT;
- d. universalisation and strengthening of the IAEA Safeguards system, in particular through the universal adoption of the Additional Protocol including technical updates of its Annex II and through reinforcing the state and regional systems of accountancy for and control of nuclear materials as well as the 2005 Revised Small Quantities Protocol where applicable;
- e. improvement of nuclear security and of physical protection of nuclear materials, in accordance with the amended Convention on the Physical Protection of Nuclear Material (CPPNM), and the minimisation, wherever technically and economically feasible, of the use of highly enriched uranium (HEU) in peaceful nuclear activities, both with a view to preventing illicit trafficking and nuclear terrorism;
- f. strengthening of export controls including recognition of the Zangger Committee Memoranda A and B as the minimal NPT export controls for conducting nuclear trade as well as border controls of nuclear material, equipment and technology, in particular of sensitive nuclear material, equipment and technology with proliferation potential, and development of technical cooperation, assistance activities and information-sharing to this end;
- g. cooperation to further develop multilateral schemes as viable and credible alternatives to the development of exclusively national enrichment and reprocessing capabilities;
- h. adoption of national criminal sanctions against acts of proliferation, and development of assistance to countries and to public and private actors, with a view to raise their awareness in this area;
- i. resolute international and national efforts to combat proliferation financing;
- j. adoption of measures to prevent intangible transfers of knowledge and know-how, including mechanisms of cooperation in terms of consular vigilance;
- k. development of proliferation-resistant and safeguards-friendly technologies.

Mr Chairman,

- 3. Our action to fight against proliferation is based on three aspects.
- 4. Firstly, we shall pursue a resolute action in response of proliferation crises. Major proliferation challenges have arisen in recent years and

the international community must tackle them firmly now and in the years ahead.

- a. The NPT faces serious challenges in 2009. The EU recognizes the inalienable right of all the NPT States Parties, including Iran, to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II. The IAEA's latest report on Iran shows that Iran continues to refuse to suspend its proliferation sensitive activities, including uranium enrichment and heavy water related projects in defiance of UNSCRs calling for them to stop. Iran's nuclear and ballistic missile activities constitute a substantial threat to regional and international security. A comprehensive diplomatic solution of this Iranian nuclear issue is not only of cardinal importance for the EU but for the whole international community.

The EU reaffirms its full and unequivocal support for efforts to find a negotiated long-term solution to the Iranian nuclear issue within the framework of UNSCR 1696,1737,1747,1803 and 1835 and its support for the dual-track process.

The EU warmly supports the direction of US policy towards Iran, which opens a window of opportunity for negotiations on all aspects of Iran's nuclear programme and more broadly for engagement with Iran. The EU welcomes the decision of the US to participate fully in the negotiations together with China, France, Germany, the Russian Federation and the UK supported by the High Representative and join in any future meetings with representatives of the Islamic Republic of Iran.

The EU calls upon Iran to seize opportunity to engage seriously with the international community in a spirit of mutual respect, in order to find a negotiated solution to the nuclear issue which will address Iran's interests, including the development of a civil nuclear power generation programme, as well as the international community's concerns. Iran must restore confidence in an exclusively peaceful nature of its nuclear activities. The evolution of our relations with Iran will also depend on it.

- b. The launch of the DPRK's long range missile in April 2009 is another illustration why we need to address urgently this threat. This is contrary to UNSCR 1718. The DPRK deeds are not helping the progress of the Six Parties Talks to achieve the early denuclearization of the Korean Peninsula in a peaceful manner. We call on the DPRK to fully comply with all relevant UNSCRs and its obligations under the NPT. Furthermore, we continue to call

on the DPRK to implement its Comprehensive Safeguards Agreement in full cooperation with the IAEA and to allow restoring the IAEA monitoring and verification activities in the DPRK. Moreover, we continue to recall the DPRK's obligation not to enter into any proliferation sensitive exports. We firmly stress that this kind DPRK's defiance needs a strong international response. Rules must be observed and states must be liable for their acts of non-compliance. The DPRK case must unite us in constructing even more robust non-proliferation regime.

- c. We strongly believe that lessons learned from proliferation crises should be reflected in the recommendations of this Preparatory Committee to the 2010 Review Conference. If we want to preserve the integrity and the consensus underpinning the Treaty, it is key that the international community responds to non-compliance or notice of withdrawal with purpose and urgency. Several working papers have been circulated during this review cycle, including by the EU, with a view to developing a common understanding of the consequences, including the suspension of nuclear cooperation and transfers in conformity with Art. 12 of the IAEA Statute, of a state's withdrawal from the NPT and/or non-compliance with its non-proliferation obligations, in particular its obligation to implement safeguards as set forth in its safeguards agreement.

5. Secondly, the IAEA has an indispensable global role in preventing the spread of nuclear weapons and countering new threats of nuclear terrorism. Strengthening the IAEA Safeguards regime is at the heart of our efforts.

- a. The universal adoption and implementation of comprehensive safeguards agreements including the 2005 Revised Small Quantities Protocols where applicable, and additional protocols to them, is an essential prerequisite for an effective and credible safeguards system.

- b. The EU considers that the IAEA Comprehensive Safeguards Agreements, supplemented by Additional Protocols in force, represent the current verification standard, and accords a high priority to their implementation as well to technical updates of Annex II to the Additional Protocol. In connection with this Annex, the EU highlights the importance of the Zangger Committee in updating the clarification of requirements of Article III.2 published in the IAEA INFCIRC 209 series. We call on all States that have not yet done so to conclude and bring into force Comprehensive Safeguards Agreements and Additional Protocols with the IAEA.

c. It is also our conviction that reinforcing State and regional systems of accountancy for and control of nuclear materials is essential for an effective and credible safeguards system.

6. Thirdly, if it is to be effective, our action against proliferation must also be based on resolute operational cooperation to prevent and disrupt illicit transfers, to control exports even more effectively, to counter illegal networks of diversion and trafficking, to secure nuclear and radioactive materials and to reduce the risk of a link-up between terrorism and weapons of mass destruction, to combat proliferation financing. In that regard, the European Council has adopted last December a document called "New lines for EU action to combat proliferation", laying out a comprehensive plan for increasing the effectiveness of the EU concrete action against proliferation.

a. The illicit trade in highly sensitive nuclear equipment and technology is a matter of serious concern for all. Therefore, we urge States to implement fully UNSCR 1540 resolution. We have been and will be assisting third countries in fulfilment of their obligations.

b. The EU is committed to strong nationally and internationally coordinated export controls since it contributes significantly to the non-proliferation objectives of the NPT.

c. In view of the enhanced proliferation threat, we consider it necessary for exporting states to assume their responsibilities and take measures to ensure that exports of sensitive materials, equipment and technologies are subject to appropriate surveillance and control. Export controls ensure that transfers take place for peaceful purposes as required by the NPT, facilitating also co-operation and technological development. The EU will work towards strengthening the efficiency of export controls, preventing any uncontrolled dissemination of the most sensitive technologies, in particular by non-state actors as required by 1540 UNSCR, and defining adequate consequences for situations of non-compliance.

d. The EU underlines the importance of Zangger Committee working paper presented to this review cycle. For the first time in the history of any export control regime, all NPT States Parties were offered a possibility to become additional co-sponsors of its paper. The EU calls on all NPT State Parties to cosponsor this paper and to support the recommendation to the 2010 Review Conference to accept the Zangger Committee Memoranda A and B as minimal NPT nuclear export controls.

e. We continue to be deeply concerned about the growing risk of nuclear terrorism and we are firmly determined to combat this threat. Moreover, we continue to encourage all states to take effective measures to address the problem of diversion of and trafficking in WMD materials and of the participation of non-state actors in proliferation of WMD.

Mr. Chairman,

7. Let me conclude this statement by mentioning that the EU has been cooperating with other countries, in particular developing countries, to improve their national capability to combat proliferation, including by enacting and enforcing criminal law. We need to make sure that there are effective national criminal measures against acts of proliferation, including proliferation financing. We should also raise awareness among the public and private sectors that it is in their interest, inter alia, to be vigilant and prevent intangible transfers of knowledge and know-how. We all need to develop programmes to support these endeavours.

Thank you.