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# Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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### Export controls

#### Working paper submitted by the European Union

1. The EU regards the international treaty regimes and export controls arrangements as important tools in preventing the spread of weapons of mass destruction (WMD). Our commitment to strong national and internationally coordinated export controls emanates from our conviction that non-proliferation should be mainstreamed into our overall policies.

2. We do believe that nuclear export control regimes, together with other political and preventive measures, form the first line of defence against nuclear proliferation. The EU has been and will be assisting third countries in the fulfilment of their obligations in nuclear export controls through the **EU Strategy against the Proliferation of WMD**, thus reducing the risk of nuclear proliferation to both States and non-State actors. In order to tackle and limit the proliferation risk resulting from weaknesses in the administrative or institutional organization of some countries, the EU is offering them programmes aimed at improving their procedures, including enactment and enforcement of implementing penal legislation.

3. **Effective nuclear export controls** are required by NPT articles I and II. United Nations Security Council resolution 1540 (2004) further reinforces the controls by requiring States to establish, develop and maintain appropriate effective national export and trans-shipment controls over nuclear-weapon-related items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export, and controls on providing funds and services related to such export and trans-shipment, such as financing and transporting that would contribute to proliferation, as well as establishing end-user controls, and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

4. The EU calls on all States parties to the NPT to apply the criteria of the nuclear export control regimes, namely the **Zangger Committee** and **Nuclear Suppliers Group**. The EU supports the promotion of transparency measures by both regimes as an effective tool for strengthened dialogue and cooperation among all interested States parties to the Treaty in the field of nuclear export controls. In that regard, the EU stresses the importance of reviewing, from time to time, the list of



items triggering International Atomic Energy Agency (IAEA) safeguards and the procedures for implementation in order to take account of advances in technology, the proliferation sensitivity and changes in procurement practices. In this connection, the EU strongly supports the idea of amending annex II of the Additional Protocol to close loopholes in the safeguards system. The EU is working to ensure that the Nuclear Suppliers Group makes the export of controlled nuclear and nuclear-related items and technology conditional on ratifying and implementing the Additional Protocol. Furthermore, in the Nuclear Suppliers Group the EU promotes, in line with Security Council resolution 1540 (2004), reinforced export controls with respect to intangible transfers of dual-use technology, as well as effective measures relating to brokering and trans-shipment issues. Utmost importance is given to the completion of the Nuclear Suppliers Group deliberation on adopting tighter conditions on transfers of enrichment and reprocessing equipment and technology.

5. The EU believes it would be most appropriate for the upcoming Review Conference to welcome and **recognize the work of the Nuclear Suppliers Group** in pursuance of the NPT non-proliferation goals. Moreover, it should also endorse the importance of the Zangger Committee's guidance for States parties in meeting their obligation under article III, paragraph 2, of the Treaty and should invite all States to **adopt both memoranda of the Zangger Committee and its trigger list as minimum standards in connection with any nuclear cooperation**. Our objective is the universal application of the directives and lists of the Nuclear Suppliers Group as a standard for a collective approach of the international community to the fight against proliferation.

6. In the age of globalization, our interdependence is growing every day. We also share a common responsibility to make sure that nuclear energy is used for peaceful purposes only. The increasing capability to proliferate sensitive nuclear items is one of the current threats to the global nuclear regime today. For achieving the non-proliferation goals of the NPT, the EU in cooperation with other States parties and IAEA will seek ways to reinforce the role of nuclear export controls in promoting peaceful uses of nuclear energy and preventing its misuse, including definition of a **minimum standard of nuclear export controls**. It might encompass a set of harmonized standards for condition of supply, thus ensuring enhanced transparency, and through the review meetings it could offer practical support for the implementation.

7. The EU is committed to strengthening identification, control and interception of illegal trafficking and takes an active part in the **Proliferation Security Initiative** (Krakow initiative).

8. The EU works hard for an early ratification of the 2005 **amendments to the Convention of the Physical Protection of Nuclear Material**. The amended Convention provides the obligations and guidance for the establishment and maintenance of a national system of physical protection. Such a system is one of the indispensable conditions of nuclear supply.