

COUNCIL DECISION (CFSP) 2023/124**of 17 January 2023****in support of the Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction.
- (2) On 17 November 2003, the Council adopted Common Position 2003/805/CFSP⁽¹⁾, calling for the Union to convince as many countries as possible to subscribe to the Hague Code of Conduct, especially those with ballistic missile capabilities. That Common Position also called for the further development and implementation of the Code, especially its confidence-building measures, and for the promotion of a closer relationship between the Code and the United Nations multilateral non-proliferation system.
- (3) The 2016 Global Strategy for the European Union's Foreign and Security Policy emphasises that the Union will step up its contribution to collective security.
- (4) The 2022 Strategic Compass for Security and Defence refers to the persistent threat of the proliferation of weapons of mass destruction and their means of delivery, and expresses the Union's objective of reinforcing concrete Union actions in support of disarmament, non-proliferation and arms control goals.
- (5) The Council has previously adopted four decisions in support of the Hague Code of Conduct and ballistic missile non-proliferation: Decision 2008/974/CFSP⁽²⁾; Decision 2012/423/CFSP⁽³⁾; Decision 2014/913/CFSP⁽⁴⁾; and Decision (CFSP) 2017/2370⁽⁵⁾, as amended by Decisions (CFSP) 2020/1066⁽⁶⁾ and (CFSP) 2021/2074⁽⁷⁾,

⁽¹⁾ Council Common Position 2003/805/CFSP of 17 November 2003 on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery (OJ L 302, 20.11.2003, p. 34).

⁽²⁾ Council Decision 2008/974/CFSP of 18 December 2008 in support of the Hague Code of Conduct against Ballistic Missile Proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 345, 23.12.2008, p. 91).

⁽³⁾ Council Decision 2012/423/CFSP of 23 July 2012 in support of ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction and of the Council Common Position 2003/805/CFSP (OJ L 196, 24.7.2012, p. 74).

⁽⁴⁾ Council Decision 2014/913/CFSP of 15 December 2014 in support of the Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 360, 17.12.2014, p. 44).

⁽⁵⁾ Council Decision (CFSP) 2017/2370 of 18 December 2017 in support of the Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 337, 19.12.2017, p. 28).

⁽⁶⁾ Council Decision (CFSP) 2020/1066 of 20 July 2020 amending Decision (CFSP) 2017/2370 in support of the Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 234 I, 21.7.2020, p. 1).

⁽⁷⁾ Council Decision (CFSP) 2021/2074 of 25 November 2021 amending Decision (CFSP) 2017/2370 in support of the Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 421, 26.11.2021, p. 70).

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction, the Global Strategy for the European Union's Foreign and Security Policy and the Strategic Compass for Security and Defence, the Union shall further support the universalisation, full implementation and enhancement of the Hague Code of Conduct through an operational action.
2. The objectives of the action referred to in paragraph 1 shall be to:
 - (a) promote universal subscription to the Hague Code of Conduct;
 - (b) promote the full implementation of the Hague Code of Conduct by subscribing states; and
 - (c) contribute to better inserting the Hague Code of Conduct into efforts to curb the proliferation of ballistic missiles.
3. A detailed description of the action referred to in paragraph 1 is set out in the Annex.

Article 2

1. The High Representative ('HR') shall be responsible for the implementation of this Decision.
2. The technical implementation of the action referred to in Article 1 shall be carried out by the *Fondation pour la recherche stratégique* (FRS).
3. The FRS shall perform the task referred to in paragraph 2 under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with the FRS.

Article 3

1. The financial reference amount for the implementation of the action referred to in Article 1 shall be EUR 1 042 614,72.
2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The Commission shall supervise the proper management of the expenditure financed by the reference amount referred to in paragraph 1. For that purpose, it shall conclude a grant agreement with the FRS. The grant agreement shall stipulate that the FRS is to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of the conclusion of the agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular reports by the FRS. The reports shall form the basis of the evaluation carried out by the Council.
2. The Commission shall provide information on the financial aspects of the implementation of the action referred to in Article 1.

Article 5

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall expire 36 months after the conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no agreement has been concluded within that period.

Done at Brussels, 17 January 2023.

For the Council
The President
E. SVANTESSON

ANNEX

PROJECT DOCUMENT

**ACTION IN SUPPORT OF THE HAGUE CODE OF CONDUCT AND BALLISTIC MISSILE NON-PROLIFERATION
IN THE FRAMEWORK OF THE IMPLEMENTATION OF THE EU STRATEGY AGAINST PROLIFERATION OF
WEAPONS OF MASS DESTRUCTION (HCoC V)**

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1. BACKGROUND AND RATIONALE

The Hague Code of Conduct against Ballistic Missile Proliferation (the 'Code' or 'HCoC') was agreed in 2002 to curb the proliferation of ballistic missiles capable of delivering Weapons of Mass Destruction (WMDs). The Code also contains confidence-building measures to reduce the risks of miscalculation posed by the flight tests of ballistic missiles and launches of peaceful satellite-launcher vehicles.

Twenty years after its adoption, the Code is more relevant than ever, as ballistic technologies continue to be developed in many regions of the world and as tensions between countries that have these technologies make any transparency and communication mechanism essential to avoid escalation. While the Code currently counts 143 member states, further efforts are needed in view of the full universalisation of the Code. The EU contributes with essential outreach efforts to promote the universalisation of the Code as well as its implementation and integration in the wider non-proliferation regime.

2. OVERALL OBJECTIVE

The overall objective of this action is to contribute to international peace and security, confidence and transparency and to the implementation the EU strategy against the Proliferation of Weapons of Mass Destruction by promoting the universalisation, the full implementation and the enhancement of the Code. This Action will complement and support the Union's diplomatic engagement with subscribing States and non-subscribing States to the Code.

3. SPECIFIC OBJECTIVES

The specific objectives of the action are:

- a. to promote the subscription to the Code in view of its universality, including by promoting dialogue among subscribing and non-subscribing States;
- b. to promote the full implementation of the Code by subscribing States;
- c. to contribute to better inserting the Code in efforts to curb the proliferation of ballistic missiles. This includes reinforcing the Code's visibility and raising public awareness about the risks and threats posed by ballistic missile proliferation, as well as exploring, in particular through studies, dynamics in ballistic missile proliferation, space developments and possibilities of enhancing the Code and of promoting interaction between the Code and other relevant multilateral instruments.

4. EXPECTED OUTPUTS

- a. The outputs relating to the universalisation of the Code will consist of various outreach efforts. Outreach events will aim at increasing awareness about ballistic missile proliferation and the relevance of HCoC in the space domain, provide a platform for experts to exchange informally on strategic issues and thereby help building confidence among States, and promote the Union objectives of universality of the Code. Specifically, the *Fondation pour la Recherche Stratégique* (FRS) will organise:
 - i. Meetings with officials from five selected non-subscribing States showing potential interest in joining the Code. Outreach will aim at high-level interagency engagement. To ensure continuity and tailored information, follow-up will be provided throughout the project. This targeted approach will be based on feedback provided by the Chair, the EEAS, the Immediate Central Contact (ICC) and EU Member States, and to the extent possible, in support of their efforts. Meetings may associate the Chair and representatives from several EU and subscribing countries, as appropriate;

- ii. Up to five regional and/or sub-regional seminars in Latin America and the Caribbean, the Middle East, Africa and South-East Asia. Such events shall be carried out in close collaboration with the respective host governments and, if appropriate, relevant academia. The events will be conducted as a priority for the benefit of non-Subscribing States. A special emphasis will be given to the participation of subscribing states that are '*regional champions*', in order to address priorities and perspectives from a regional point of view. Regional experts, representatives from regional organisations, FRS experts, EU and Member States officials, the Chair and the ICC will be associated;
 - iii. Two videos will be developed that will allow targeted information about the Code to be disseminated. These will provide a supporting tool for universalisation activities and will be used during outreach events but also transmitted to the ICC, the Chair and voluntary Subscribing States for diplomatic demarches on the Code;
 - iv. Two side events dedicated to the Code, of which one in the margins of the UN General Assembly's First Committee in New York in 2024, and one in the margins of another relevant multilateral event. In addition, diplomatic breakfast/s or lunch/es will be set up in the margins of multilateral events such as UNGA in support of the engagement between the Chair, the ICC and/or EU Member States and targeted non-subscribing States.
- b. The action will generate outputs contributing to the strengthening of the Code and of the ballistic missile non-proliferation in general. FRS will notably support the ICC in identifying possible difficulties in the implementation of the Code, will bring expert insights, and share up-to-do analysis and research on missile proliferation and missile technology.
- i. FRS will support the efforts carried out by relevant actors towards an even more effective implementation of the Code tool. It will elaborate a workplan, in particular in cooperation with the ICC, to reach out to States that are facing difficulties in implementing the Code. It will assist the ICC in updating and translating a 'Subscribing States handbook'. This activity will be conducted in support of the activities already put in place by the ICC, the Chair and other EU Member States as appropriate, and inasmuch as it is helpful to promote the implementation of the Code;
 - ii. FRS will organise three side-events in the margins of the HCoC Annual Regular Meetings in Vienna to foster interaction and exchange between officials attending the meeting, delegates in Vienna from non-subscribing States and experts working on ballistic missile proliferation issues;
 - iii. An informal workshop will be organised to discuss practical ways to improve the implementation of the Code, creating space for discussion on the current and future challenges faced by the Code, involving all state and non-state actors;
 - iv. FRS will organise, in close collaboration with relevant authorities, a visit by an international group of experts to a space launching site, in accordance with the third indent of sub-point (ii) of point (a) of Article 4 of the Code, preferably to a relevant Asian country.
- c. The action will generate outputs aiming at better inserting the Code in efforts to curb the proliferation of missiles. Endeavours will be made to reach out to regional non-proliferation specialists, to better exploit social networks to raise awareness on the Code, to build networks of young experts and to emphasise the importance of the Code in the space domain.
- i. To ensure this objective, FRS experts will participate in key international non-proliferation agenda milestones aiming to curb the proliferation of WMDs;
 - ii. FRS will increase the visibility of the project, through the creation of an updated graphic identity, the updating and distribution of leaflets and welcome package, the representation of the HCoC project on social media and the realisation of a newsletter on activities conducted. This material will assist the ICC and Chair in the conduct of their mission;

- iii. FRS will create a *youth group* to develop expertise on missile-related issues. This group would meet twice in-person during the implementation period and several times online. Each meeting will be the opportunity to encourage the publication of papers by members of the group. 15 members will be selected as part of the *youth group*, open to targeted subscribing and non-subscribing States. The group will be composed of young professionals and students, and geographical and gender balance as well as diversity will be considered in the selection. This activity will raise knowledge about the Code by ensuring that representatives from the younger generation involved in disarmament and non-proliferation issues worldwide are familiar with the specificities of missile dissemination;
- iv. FRS will furthermore produce expertise on ballistic missiles, launchers and proliferation dynamics. FRS will further develop the database on missiles and launchers to keep it updated and increase the number of infographics on relevant webpages. The FRS will write/commission and publish three research papers and three short papers on technical, legal or political aspects linked to the Code, which could be linked to relevant outreach events and thematic workshops described above.

5. FINAL BENEFICIARIES

- a. States, both subscribing and non-subscribing States to the Code;
- b. government officials, policymakers, regulators, experts, especially representing a younger generation of experts;
- c. international, regional and sub-regional organisations;
- d. academia and civil society, especially representing a younger generation of experts;
- e. the HCoC Chair;
- f. the HCoC Immediate Central Contact (Austrian Ministry of Foreign Affairs).

6. VENUE

FRS will select, in consultation with the relevant services of the EEAS, potential venues for the meetings, workshops and other events. The criteria used for choosing the venues will include the willingness and commitment of a relevant State or intergovernmental organisation in a particular region to host the event. Specific locations of country visits or country-specific activities will depend on invitations from interested States or intergovernmental organisations. Although the value of face-to-face meetings and events is of paramount importance, virtual meetings will be organised where appropriate to ensure cost efficiency.

7. DURATION

The total estimated duration of the action is 36 months.
