

Translated from Spanish

Permanent Mission of Spain to the United Nations

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The Permanent Mission of Spain to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the action plan of Spain for the implementation of that resolution, approved by the National Security Council on 24 April 2015.

The Mission would be grateful if the action plan could be circulated to the members of the Committee and published on the Committee's website.

The Permanent Mission of Spain takes this opportunity to convey to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) the renewed assurances of its highest consideration.

New York, 27 May 2015

Secretariat of the Security Council Committee

established pursuant to resolution 1540 (2004)

New York



**Action plan of Spain
for the implementation of Security Council resolution 1540 (2004)**

Introduction

One of the principal challenges to national and international security is the appearance of a new scenario characterized by the emergence of new threats, including the risk of non-State actors, in particular terrorist groups, gaining access to weapons of mass destruction and associated technologies. This threat has resulted in the adoption of global measures such as Security Council resolution 1540 (2004) of 28 April 2004, the first international instrument to address the problem in its full complexity.

The resolution is principally designed to prevent nuclear, biological and chemical weapons of mass destruction, their means of delivery and related materials, from coming under the control of terrorist or organized crime groups. The rule of law response to this challenge requires many internal and external aspects of security to be addressed and coordinated, because they are inextricably linked and interdependent.

The resolution calls upon all States to “refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery” in such diverse areas as the manufacture, acquisition, possession, development, transport, transfer and use of such weapons, their means of delivery and related materials.

The resolution also obliges States, in accordance with their national procedures, to adopt and enforce effective laws that prohibit and criminalize access by non-State actors, in particular terrorists and their accomplices, to such weapons and materials, and to take effective measures to establish domestic controls for the physical protection of such items and border controls to detect, deter, prevent and combat illicit trafficking and brokering in them.

In its subsequent resolution 1977 (2011), the Security Council recognizes that the full implementation of resolution 1540 (2004) is a long-term task that will require continuous efforts at the national, regional and international levels. The scope of these obligations, which, as stated in resolution 1977 (2011), relate to arms control, disarmament and non-proliferation “in all its aspects”, requires the entire administration to act in a coordinated and comprehensive manner at the State and interministerial levels.

The Committee established pursuant to resolution 1540 (2004) is the Security Council subsidiary body responsible for ensuring compliance with and promoting the implementation of that resolution, principally through:

- The reports¹ of each State on the implementation of the resolution
- The implementation matrix²
- Offers of assistance to States that request it

The National Security Strategy, adopted by the Council of Ministers on 31 May 2013, considers the proliferation of weapons of mass destruction as a threat to our security, and one of its strategic lines of action is “Strengthening the non-proliferation system through the full implementation of the relevant treaties and international instruments, including resolutions of the United Nations Security Council, in particular resolution 1540 (2004), which was sponsored by Spain”.

In addition, in December 2008, the General Affairs and External Relations Council of the European Union adopted the "New lines for action by the European Union in combating the

¹ In resolution 1540 (2004) and the follow-up resolutions thereto, States are urged to present a report to the Committee on the steps they have taken or intend to take to implement resolution 1540 (2004).

² The matrix is the Committee's tool for the facilitation and organization of information regarding States' implementation of the resolutions.

proliferation of weapons of mass destruction and their delivery systems”, which resulted in the European Union Chemical, Bacteriological, Radiological and Nuclear (CBRN) Action Plan of 2009, designed to strengthen CBRN security and reduce the threat of and damage resulting from CBRN incidents of accidental, natural and intentional origin, including terrorism.

The Strategy to Combat International Terrorism and Radicalization,³ adopted on 4 June 2010, also includes within its scope combating CBRN terrorism and establishes that all CBRN-related aspects must be enshrined in a national strategy that coordinates all bodies involved within Spain and facilitates international cooperation.

Consequently, in compliance with the obligations resulting from Security Council resolution 1540 (2004) and in line with the European Union CBRN Action Plan of 2009 and the objectives set in the National Security Strategy of 2013 and the Comprehensive Strategy to Combat International Terrorism and Radicalization, the present national action plan for the implementation of that resolution is hereby established.

1. National action plan for the implementation of Security Council resolution 1540 (2004)

The National Security Strategy considers the proliferation of weapons of mass destruction as a threat to national security and establishes preventing proliferation, depriving terrorists of access to hazardous substances and protecting the population as the main objectives in this high-priority action area.

Under the National Security Strategy, moreover, the following strategic lines of action, which should also be included in the objectives of the national action plan for the implementation of resolution 1540 (2004), must be followed:

- 1: Effective multilateralism and active cooperation.
- 2: Strengthening of the non-proliferation system.
- 3: Development and updating of the national proliferation prevention and risk mitigation plans.

³The Strategy was approved by the Delegated Committee of the Government for Crisis Situations on 4 June 2010 and endorsed by the Government in 2012.

4: Strengthening of policies and practices for the control of exports of dual-use products and technologies.

5: Enhancement of measures for combating transfers of knowledge, technology, goods and equipment.

6: Improvement of national and international capacities to prevent terrorist attacks that involve radioactive or nuclear materials.

7: Support for international efforts to limit the proliferation of long-range missiles, which can be used to launch weapons of mass destruction.

In this context, and in line with the principles on which the National Security Strategy is based (unity of action, anticipation and prevention, effectiveness and resilience), the national action plan for the implementation of resolution 1540 (2004) defines the objectives, operational lines of action and skills needed to achieve the principal objective of full compliance with the obligations resulting from that resolution. In addition, given the unsettled security situation and the need for the capacity to adapt to threats, the national action plan seeks to identify areas in which review, updating and improvement are possible, not only in planning and implementation but also in international cooperation.

The national action plan considers, *inter alia*, measures for preventive security and cooperation with States that require assistance in complying with their obligations under resolution 1540 (2004) and the international non-proliferation treaties, on the basis of Spain's international and strategic interests.

2. Priority objectives

The priority objectives of the national action plan for the implementation of resolution 1540 (2004) are intended to set the priorities for action and serve as monitoring indicators for the review, evaluation, improvement and updating of the plan.

For the full implementation of the resolution, the following seven priority objectives have been identified:

- Full development and updating of the regulatory framework

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- Protection of critical installations
 - Control of transfers of sensitive and dual-use materials and strategic goods, including intangible transfers
 - Protection of sea, land and air transport and border control
 - Mechanisms for intervention and response in the event of an incident
 - International cooperation and capacity-building
 - Strategic outreach measures

Because of the adaptive and evolving nature of the threat, compliance with the objectives requires continuous review and updating.

3. Lines of action

The analysis and periodic updating by the ministries with competence in each area of the matrix for the implementation of resolution 1540 (2004),⁴ which reflects the implementation of and degree of compliance with the resolution, is the starting point for setting the action plan priorities in each phase. Once the respective ministries and national bodies have identified those measures in the matrix for which they have competence and responsibility, each unit involved will develop a programme of specific measures for the implementation of resolution 1540 (2004),⁵ which will reflect the following, inter alia:

- Measures for which the unit has responsibility and competence
- Action necessary for compliance with the resolution, such as administrative, regulatory, operational, logistical, personnel and equipment-related measures
- Measures for coordination with other institutions and administrations concerned

⁴ See the annex containing the implementation matrix adopted by the Security Council Committee established pursuant to resolution 1540 (2004).

⁵ Access to such programmes will be restricted, if considered necessary, in accordance with the official secrets regulations in force.

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- Measures for reviewing and monitoring the degree of implementation achieved and, if necessary, updating measures
 - Development of the regulations needed for the full and effective implementation of the resolution, where no regulatory compliance framework exists

The measures in the implementation matrix that require specific interministerial coordination will be addressed by an interministerial contact group for compliance with the national action plan for the implementation of Security Council resolution 1540 (2004).

The lines of action for each objective in the national action plan are the following:

3.1 Full development and updating of the regulatory framework

The legal measures necessary for the effective implementation of the resolution must be identified or, if necessary, formulated and proposed, organized on the basis of obligations for the prevention of illicit acts related to CBRN materials and technologies in the following areas:

- Development and design
- Manufacturing and production
- Acquisition
- Possession and storage, including multiple storage for the purposes of brokering
- Transport
- Transfer
- Use
- Collection and destruction
- Provision of technical assistance
- Financing

Any other measures considered necessary to the prevention of the proliferation of weapons of mass destruction, their means of delivery and related materials, will also be taken.

3.2 Security and protection of high-risk CBRN materials and installations

The appropriate measures to account for, secure and physically protect sensitive nuclear, chemical and biological (pathogenic) or dual-use installations and materials must be identified or, if necessary, formulated and proposed, in the following areas:

- Research and development
- Production
- Storage
- Use
- Management and handling, including the protection of the information and communications systems that govern physical protection (cybersecurity)
- Development of a security culture among and security training of individuals who work with high-risk CBRN materials, including the establishment of the necessary security clearances for such individuals
- Cooperation with the private sector and joint participation in capacity-building
- Criteria for the assessment of security measures

Any other measures considered conducive to the physical protection and custody of sensitive and dual-use materials related to the purpose of this action plan will also be developed, taking into account, as appropriate, measures related to the National Plan for the Protection of Critical Installations and the related sectoral plans.

3.3 Control of transfers of sensitive CBRN and dual-use materials, including intangible transfers

Measures for the control of CBRN and dual-use products that require the issuance of export, transit, trans-shipment and re-export licences, and for the prevention of illicit trafficking in weapons

of mass destruction, their means of delivery and related materials, will be identified or, if necessary, formulated and proposed.

- Export, re-export, import and transit controls.
- Issuance of licences for the export, import, transit, trans-shipment and re-export of materials included in the lists of non-proliferation regimes of which Spain is a member, such as the Nuclear Suppliers Group, the Zangger Committee, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies, the Australia Group and the Missile Technology Control Regime.
- Systems for the inspection and verification of the conditions in which the issuance and renewal of such licences were requested, including, if necessary, the establishment of adequate databases and their possible connection with analogous international systems, mentioned in section 4.4 on suspicious cargoes.
- Controls related to transfers of sensitive technologies and materials in Spanish territory.
- Establishment of controls to address other proliferation risks not on the lists, through the inclusion of technologies other than the products currently under regulatory control.
- Intangible technology transfers and the flow of scientific and technical information and knowledge.
- Risk assessment systems.
- Controls related to financial services for commercial transactions and the financing of the activities identified in resolution 1540 (2004).
- Measures to protect the information and communications systems that govern the management and control of transfers.

Those measures considered necessary for the prevention of illicit tangible and intangible commercial, scientific and financial transactions related to the purpose of this national action plan will also be developed.

3.4 Security of the international logistical chain and border control for the detection of possible illicit trafficking, through the improvement of suspicious transaction identification and information

Appropriate measures for the security and protection of the international logistical chain for such materials, in particular sea, land and air transport and border controls, will be identified or, if necessary, formulated and proposed, in the following areas:

- Understanding and control of the supply chain in transfers of sensitive CBRN materials.
- Requirements for the companies and personnel responsible for transporting such materials.
- Security of transport of CBRN materials (regulations, qualitative and quantitative limits for each vehicle, monitoring and tracking systems).
- Risk assessment systems.
- Controls related to transport, loading, unloading, transit and trans-shipment by land, air and sea, at the national and international levels, particularly at ports and airports.
- Controls for the detection in the logistical chain of possible illicit trafficking in CBRN technologies and associated materials.
- Interception and inspection of and intervention regarding cargoes suspected of constituting the illicit trafficking mentioned in resolution 1540 (2004) or subject to embargoes and sanctions established pursuant to Security Council resolutions or by the European Union, and those measures necessary to ensure the storage and disposition of such cargoes, if necessary, at ports and airports to which funding is allocated for such emergencies.

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- Interministerial coordination and research measures, with the establishment of the decision-making levels necessary to respond expeditiously to requirements for the interception of cargoes related to resolution 1540 (2004), both at the national level and as a result of requests for information or cooperation derived from the international commitments made by Spain.
 - Exchange of information at the national and international levels on relevant means of transport, their point of departure, route, point of arrival, registry and flag.
 - Controls for the physical protection of critical transport related to resolution 1540 (2004).
 - Measures to protect the information and communications systems governing management and control in this area (cybersecurity).

Any other measures considered necessary for the protection of national and international transport by all means, including border controls related to sensitive and dual-use materials, will also be developed. To that end, the measures related to the sectoral plans of the National Centre for the Protection of Critical Installations will if necessary be taken into account, as will those measures designed to prevent the illicit transport of weapons of mass destruction, their means of delivery and related materials.

3.5 Mechanisms for intervention and response in the event of an incident

Measures for intervention and response in the event of an incident involving nuclear, bacteriological or chemical weapons or related materials will be identified or, if necessary, formulated and proposed, in the following areas:

- Design basis threats, risk analysis and the investigation and prevention of incidents.
- Establishment of resources, means and specialized CBRN personnel, including:
 - Teams for the detection, sampling, analysis and identification of movable and immovable CBRN substances
 - Teams for the decontamination of personnel and equipment

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- Medical and emergency teams with specialized personnel and equipment
 - Reconnaissance and rescue teams
 - Establishment of a reference centre for knowledge at the national level related to risks and CBRN-specific queries, with the possibility of making available an updated database of protocols and good practices and another database of experts in specific CBRN risks.
 - Emergency response and evacuation plans for the units involved, and assessment of those plans through simulation exercises.
 - Mechanisms for coordinated action at the interministerial level with decision-making and response levels and integrated public communication channels, including a mechanism enabling a return to normality.

3.6 International cooperation and support for capacity-building

Measures for international cooperation and assistance to States that require support in complying with their obligations under resolution 1540 (2004) and the international non-proliferation treaties, on the basis of Spain's international and strategic interests, will be identified or, if necessary, formulated and proposed.

- Identification of priorities by country or strategic geographical area.
- Evaluation of requests received directly or through the Security Council Committee established pursuant to resolution 1540 (2004) or other related international organizations, with a view to ensuring that resources are optimized.
- Establishment of measures governing cooperation with international, regional and subregional organizations related to non-proliferation, in particular the European Union and such others as the United Nations Office for Disarmament Affairs, the Organization for Security and Cooperation in Europe, the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons, the United Nations Office on Drugs and Crime and the International Criminal Police Organization (INTERPOL).

- Measures to promote active participation in international initiatives whose aims are linked to the objectives of resolution 1540 (2004), including the Global Initiative to Combat Nuclear Terrorism, the Nuclear Security Summits process, the Global Health Security Agenda, the Proliferation Security Initiative, the European Union CBRN Risk Mitigation Centres of Excellence and support for relevant IAEA activities.
- Measures to promote active participation in the various regimes designed to control exports of materials related to the purposes of resolution 1540 (2004), including the Nuclear Suppliers Group, the Zangger Committee, the Wassenaar Arrangement, the Australia Group and the Missile Technology Control Regime.

Measures contributing to capacity-building in other States of strategic interest to Spain through the provision of additional assistance in the areas included in this action plan will also be developed.

3.7 Strategic communication measures

Security Council resolution 1810 (2008) establishes the need for the Committee established pursuant to resolution 1540 (2004) to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), including through outreach and dialogue with civil society. To that end, States will promote:

- Effective outreach programmes to inform and raise awareness at universities and research and development centres regarding their responsibilities, through the organization of seminars, courses and research programmes.
- Effective outreach programmes to inform and raise awareness among companies falling within the scope of this action plan, regarding the responsibilities and consequences, both moral and criminal, of diverting materials to illicit activities related to resolution 1540 (2004).
- Dialogue and cooperation with civil society and academia to address the threat posed by illicit trafficking in nuclear, biological, chemical or dual-use technologies and substances and their delivery systems.

- Dialogue and communication with industry, transport companies and financial bodies so that they facilitate the detection of and report suspicious transactions in the relevant areas.

In a society of globalization and communication, the cooperation of citizens, academia and the affected commercial sectors, such as industry and transport, is essential to preventing the proliferation of weapons of mass destruction, their means of delivery and related materials.

4. Organizational structure for the action plan for the implementation of resolution 1540 (2004)

4.1 Anchoring of the action plan for the implementation of resolution 1540 (2004) in the national security system

The National Security Council is responsible for supervising the implementation of the action plan, in line with the functions assigned to it by Royal Decree No. 385/2013 of 31 May 2013, amending Royal Decree No. 1886/2011 of 30 December 2011 establishing the Delegated Committees of the Government.

4.2 Coordination of the action plan for the implementation of resolution 1540 (2004)

The Ministry of Foreign Affairs and Cooperation, as the national point of contact for the Security Council Committee established pursuant to resolution 1540 (2004), is responsible for coordinating the action plan for the implementation of that resolution and submitting it to the Committee.

In accordance with the principles of unity of external action and integrated action, established under the National Security Strategy, an interministerial contact group will act as the coordination platform.

4.3 Interministerial contact group for the implementation of resolution 1540 (2004)

The group is the platform for the coordination of the action plan for the implementation of resolution 1540 (2004), in accordance with article 40 of Law No. 6/1997 of 14 April 1997 concerning the organization and operation of the general State administration. It will meet on an ad hoc basis in accordance with planning needs, and will establish synergies with other existing contact groups related to the non-proliferation of weapons of mass destruction, such as the Contact Group

for Nuclear Affairs, the Contact Group for the Prohibition of Biological Weapons and the Working Group of the National Authority for the Prohibition of Chemical Weapons.

To avoid duplication as a result of the State implementation of the European Union CBRN Action Plan, possible synergies with the national group and with each subgroup in the respective CBRN areas, whose leadership and coordination are the responsibility of the National Security Department in the Office of the Prime Minister, will also be taken into account.

5. Reports

The prevention, protection and response measures designed to address adaptive threats such as illicit trafficking in weapons of mass destruction, their delivery systems and related materials must be continuously adapted in order to ensure their ongoing development. The United Nations Security Council encourages the Committee established pursuant to resolution 1540 (2004) to work closely with States to promote the exchange of experience, lessons learned and effective practices in the areas covered by the resolution, using information provided by States. Consequently, the obligation to report to the Committee established pursuant to resolution 1540 (2004) involves:

- Immediately notifying the Security Council of any violation of the resolution, so that the necessary measures can be taken.
- Informing the Secretary-General of the United Nations of measures to prevent terrorists from acquiring weapons of mass destruction.

The competent ministries will annually submit to the national point of contact at the Ministry of Foreign Affairs and Cooperation, before 30 January, information regarding the measures taken in this area.
