

- Increased EU provision of technical assistance to establish or strengthen export control systems in third countries identified as a potential BW proliferation concern;
- Significant expansion of the EU Co-operation Programme for Non-Proliferation and Disarmament in the Russian Federation;
- EU promotion of an international Biosecurity Convention;
- EU promotion of an international deterrence posture;
- EU encouragement for the establishment of an international working group looking into BW criminalisation;
- Full implementation of the EU Programme of Cooperation on Preparedness and Response to Biological and Chemical Agent Attacks;
- Enhancement of measures in the area of safety and security, inventory and registration of relevant facilities in Member States; and
- Increased biodefense co-operation with the United States, EU Associate Countries and the Russian Federation.

Tier 2: (Medium Term) Development of common positions and legally binding measures:

- Developing a common position or European Convention on CBMs, including commitments to reciprocal visits and mandatory return elements;
- Developing an EU Biosecurity Convention;
- Developing a common position setting out an EU BW deterrence posture; and
- Developing an EU Criminalisation Convention for BW.

Tier 3: (Conditional) Development of a legally binding EU inspections and verification regime At the moment the prospect of developing such a regime appears extremely unlikely due to political difficulties, both internal and external. However, if stalemate continues to surround the BTWC process a radical alternative may be required.

Impact on the Biotechnology and Pharmaceutical Industries

The biotechnology and pharmaceutical industries represent a key commercial sector in the EU. It is unlikely that measures in the first two tiers would place much of a burden on business, but the third tier is unlikely to be welcomed by business on grounds of intellectual property rights (IPR). However, safeguards for on-site inspections could be designed to protect the IPR of European companies and to minimise the burden of 'red tape', especially if they are involved in consultations on its drafting. There are also likely to be potential benefits to industry: improvements in corporate responsibility and image; and protection of patents and compensation mechanisms.

Impact on the EU's Relationship with the United States

EU-US relations are currently strained over a wide range of issues, and are particularly acute over the future of the BTWC. However, a European regime does not necessarily have to be a further irritant. On the contrary, many of the first two tier commitments would tie closely into US objectives and approaches. However, moves towards the third-tier commitment of a multilateral, legally binding inspections regime, as envisioned in the Protocol, could be more problematic. The unwillingness of the United States to countenance the Protocol approach could translate into hostility towards any European regime based upon it. A European regime might also lead Washington to further disengage on the issue.