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(OR. en)

15215/17

LIMITE

CORLX 563
CFSP/PESC 1096
CODUN 54
CONOP 100
MAMA 199

NOTA PUNTO "I/A"

Origine:	Segretariato generale del Consiglio
Destinatario:	Comitato dei rappresentanti permanenti/Consiglio
Oggetto:	Decisione a sostegno delle operazioni di bonifica presso l'ex deposito di armi chimiche in Libia

1. Il 12 dicembre 2003 il Consiglio europeo ha adottato la strategia dell'UE contro la proliferazione delle armi di distruzione di massa, che sottolinea i ruoli cruciali della Convenzione sulla proibizione dello sviluppo, produzione, immagazzinaggio ed uso di armi chimiche e sulla loro distruzione (*Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction – CWC*) e dell'Organizzazione per la proibizione delle armi chimiche (*Organisation for the Prohibition of Chemical Weapons – OPCW*) per liberare il mondo dalle armi chimiche.
2. Il 20 luglio 2016 il consiglio esecutivo dell'OPCW ha adottato la decisione EC-M-52/DEC.1 sulla "distruzione delle restanti armi chimiche in Libia". Il 22 luglio 2016 il Consiglio di sicurezza delle Nazioni Unite ha adottato la risoluzione 2298, in cui accoglie con favore e approva la decisione EC-M-52/DEC.1. Il 27 luglio 2016 il consiglio esecutivo dell'OPCW ha adottato la decisione EC-M-52/DEC.2 sui "requisiti dettagliati concernenti la distruzione delle restanti armi chimiche di categoria 2 in Libia".
3. Il 29 settembre 2017 l'OPCW ha chiesto all'Unione europea di valutare l'eventualità di un'assistenza tempestiva con il finanziamento della bonifica degli impianti di distruzione e stoccaggio in Libia.

4. Il 15 novembre 2017 l'alto rappresentante dell'Unione per gli affari esteri e la politica di sicurezza ha presentato al Consiglio una proposta di decisione del Consiglio a sostegno delle attività svolte dall'OPCW ai fini delle operazioni di bonifica presso l'ex deposito di armi chimiche in Libia nell'ambito dell'attuazione della strategia dell'UE contro la proliferazione delle armi di distruzione di massa (doc. 14466/17).
5. Il 29 novembre 2017 il Gruppo dei Consiglieri per le relazioni esterne (RELEX) ha approvato il testo di un progetto di decisione del Consiglio a sostegno delle attività svolte dall'OPCW ai fini delle operazioni di bonifica presso l'ex deposito di armi chimiche in Libia nonché la relativa scheda di incidenza sul bilancio che figura nell'allegato della presente nota.
6. Si invita pertanto il Coreper a:
 - confermare l'accordo sul testo della decisione del Consiglio;
 - approvare la scheda di incidenza sul bilancio riportata nell'allegato della presente nota;
 - raccomandare al Consiglio di adottare la decisione del Consiglio a sostegno delle attività svolte dall'OPCW ai fini delle operazioni di bonifica presso l'ex deposito di armi chimiche in Libia nell'ambito dell'attuazione della strategia dell'UE contro la proliferazione delle armi di distruzione di massa, il cui testo, messo a punto dei giuristi-linguisti, figura nel documento 14467/17;
 - decidere di pubblicare la decisione del Consiglio nella Gazzetta ufficiale.

BUDGETARY IMPACT STATEMENT

POLICY AREA(S): EXTERNAL RELATIONS

ACTIVITY (-IES): COMMON FOREIGN AND SECURITY POLICY

TITLE OF ACTION:

IN SUPPORT OF THE OPCW ACTIVITIES TO ASSIST CLEAN-UP OPERATIONS AT THE FORMER CHEMICAL WEAPONS STORAGE SITE IN LIBYA IN THE FRAMEWORK OF THE IMPLEMENTATION OF THE EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

1. BUDGET LINE(S) CONCERNED + HEADING(S)

19 03 02 Non-Proliferation and Disarmament (NPD)

2. LEGAL BASIS

Treaty on European Union, in particular 28(1) and Article 31(1).

Treaty on the Functioning of the European Union, in particular Article 317.

The EU funds allocated to this action shall be implemented by the beneficiary under indirect management according to the Regulation (EU, EURATOM) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union, in particular Part I Titles V and VI and Part II Title IV; and to Commission Delegated Regulation (EU) 1268/2012 of 29 October 2012 on the rules of application of Regulation 966/2012, in particular Part I titles V and VI and Part Two title II"

3. OVERALL FIGURES FOR THE FINANCIAL YEAR (IN EUROS)

▣ **3.a. - Current year**

		Commitments	Payments
Initial appropriation for the financial year		19 500 000.00	25 500 000.00
Supplementary budgets		0	0
Transfers		4 000 000.00	0
Total appropriation		23 500 000.00	25 500 000.00
Utilisation at	<i>Date 24/11/2017</i>	-16 267 479.68	-20 128 268.63
Balance available		7 232 520.32	5 371 731.37
Total for the measure proposed		2 580 252.18	1 756 917.17

▣ **3.b. - Carryovers**

		Commitments	Payments
Carryovers		1 846 859.15	1 846 859.15
Utilisation at	<i>Date 24/11/2017</i>	1 846 859.15	1 846 859.15
Balance available		0	0
Total for the measure proposed		0	0

▣ **3.c. - Following year**

(If the proposal covers year n+1)

■ **3.d. – Subsequent years (in the case of commitments in annual instalments)**

(If the programmes are adopted in annual instalments, the commitments should be divided over the whole period planned for the commitments)

	N	N+1	N+2	N+3	N+4	N+5	N+6	Total
Budget line								

4. DESCRIPTION OF THE ACTION

The overall objective of the Action is to contribute to the elimination and complete destruction of chemical weapons stockpile in Libya.

The specific objectives are as follows:

- to complete the full clean-up operations at the former chemical weapons storage site at Ruwagha (Al Jufra province), in an environmentally compliant manner, subject to the verification measures provided for in the Chemical Weapons Convention (CWC);
- to increase the capacity of the Libyan National Authority (LNA), as designated pursuant to Article VII(4) of the CWC, and those engaged in destruction, decontamination, and disposal of chemical materials in Libya.
- to train those engaged in these efforts to collect, record, and transport soil samples in and around the Ruwagha tank farm in accordance with OPCW standards with the use of live video feeds and sealed OPCW cameras, for compliance with the report of the Eighty-Third Session of the Executive Council.

The Project will be funded by EU financial contribution and contributions in kind by Member States as follows:

Financial Contributions (in €)		2017
EU Contribution:		EUR 2,580,252.18
<u>Bilateral contributions by Member States</u> [indicate acronyms of MS]:		
<u>Bilateral contributions by non-member states:</u> [indicate names of non-MS]	OPCW (15%)	EUR 455,338.62
TOTAL		EUR 3,035,590.80

Contributions in Kind	
<u>EU Member States and Institutions</u>	n/a
<u>Non-EU participants</u>	Not applicable / or see above if applicable

5. METHOD OF IMPLEMENTATION

5.1 Management mode

The total estimated cost of the Action is EUR 3,035,590,80. The EU contribution is EUR 2,580,252.18. This project will be implemented under indirect management mode through the signature of a Delegation Agreement with the Organisation for the Prohibition of Chemical Weapons (OPCW). The beneficiary will perform budget implementation tasks in accordance with the Financial Regulation.

The OPCW will co-finance EUR 455,338.62 corresponding to 15% of the total cost of the contract.

5.2 Implementing Body

The technical implementation of this Decision will be entrusted to the Organisation for the Prohibition of Chemical Weapons (OPCW). The OPCW has positively passed the pillar assessment in 2015.

5.3 Duration of the project

The total estimated duration of the projects will be 20 months.

6. METHOD OF CALCULATION ADOPTED

Please note that the contract will be signed in euros and that the payments will also be done in euros.

Activity 1 – Coordination Meetings OPCW/UNOPS/LNA/EU (EUR 52,570.00)

There will be negotiations with UNOPS in Tunis

- 4 Steering Committee Meetings
- LNA Libyan National Authority travel to Hague
- 2 Project management meetings in Tunis

Category of Expenditures	Type of expenditure	Description	Number of units	Unit Rate (EUR)	TOTAL (EUR)
Activity 1 Coordination Meetings OPCW/UNOPS/LNA/EU					
1.1. Travel	Transport Costs Staff	Meeting 1: Negotiations with UNOPS Tunis * 3 staff	3	€600	€1,800
1.2. Travel	Per Diem Staff	Meeting 1: Negotiations with UNOPS Tunis * 3 staff * 3 days	9	€118	€1,062
1.3. Travel	Terminal expenses	Meeting 1: Negotiations with UNOPS Tunis * 3 staff	3	€128	€384
1.4. Travel	Transport Costs Non-Staff	Meeting 1: Negotiations with UNOPS Tunis * 1 Libyan contractor	1	€300	€300
1.5. Travel	Per Diem Non-Staff	Meeting 1: Negotiations with UNOPS Tunis * 1 Libyan contractor * 3 days	3	€118	€354
1.6. Travel	Terminal expenses	Meeting 1: Negotiations with UNOPS Tunis * 1 Libyan contractor	1	€128	€128
1.7. Travel	Transport Costs Non-Staff	Meeting 1: Negotiations with UNOPS Tunis * 1 representative Libyan National Authority	1	€600	€600
1.8. Travel	Per Diem Non-Staff	Meeting 1: Negotiations with UNOPS Tunis * 1 representative Libyan National Authority * 3 days	3	€118	€354
1.9. Travel	Terminal expenses	Meeting 1: Negotiations with UNOPS Tunis * 1 representative Libyan National Authority	1	€128	€128
1.10. General Operating Expenses	Rental of Premises	Meeting 1: Negotiations with UNOPS Venue for meetings in Tunis * Lump sum amount	1	€500	€500
1.11. Travel	Transport Costs Staff	Meeting 2: Steering Committee * 4 staff members * 4 Meetings	16	€600	€9,600
1.12. Travel	Per Diem Staff	Meeting 2: Steering Committee * 4 staff members * 4 Meetings * 1 Day	16	€311	€4,976

1.13. Travel	Terminal expenses	<u>Meeting 2: Steering Committee</u> * 4 staff members * 4 Meetings	16	€128	€2,048
1.14. Travel	Transport Costs Non-Staff	<u>Meeting 3: Working level meetings with the LNA: LNA</u> Travel to The Hague * 4 participants	4	€800	€3,200
1.15. Travel	Per Diem Non-Staff	<u>Meeting 3: Working level meetings with the LNA: LNA</u> Travel to The Hague * 4 participants * 4 days	16	€275	€4,400
1.16. Travel	Terminal expenses	<u>Meeting 3: Working level meetings with the LNA: LNA</u> Travel to The Hague * 4 participants	4	€128	€512
1.17. Travel	Transport Costs Staff	<u>Meeting 4: Project Management Meetings</u> Tunis * 2 staff members * 2 meetings	4	€600	€2,400
1.18. Travel	Per Diem Staff	<u>Meeting 4: Project Management Meetings</u> Tunis * 2 staff members * 2 meetings * 2 days	8	€118	€944
1.19. Travel	Terminal expenses	<u>Meeting 4: Project Management Meetings</u> Tunis * 2 staff members * 2 meetings * 2 days	8	€128	€1,024
1.20. Travel	Transport Costs Non-Staff	<u>Meeting 5: Visits to manufacturing companies,</u> sales and service companies: estimate of 12 participants	12	€800	€9,600
1.21. Travel	Per Diem Non-Staff	<u>Meeting 5: Visits to manufacturing companies,</u> sales and service companies * estimate of 12 participants * estimate duration of a visit of 2 days * average DSA rate of 280 EUR per day (unknown locations)	24	€280	€6,720
1.22. Travel	Terminal expenses	<u>Meeting 5: Visits to manufacturing companies,</u> sales and service companies: estimate of 12 participants	12	€128	€1,536
TOTAL Activity 1					€52,570

Budget lines 1.1. to 1.10. – Meeting 1: Negotiations with UNOPS

Upon final approval of the budget, we will need to start working with UNOPS on the Contribution Agreement and scope of the contract that we will be asking them to do. This meeting should be scheduled in Tunis with the UNOPS division office to ensure the widest scope of attendees to include the Libyan National Authority. Meeting requires the rental of a small conference room for meetings in Tunis.

Who? 3 OPCW staff + 1 Libyan contractor + 1 LNA Representative

Where? Tunis

How long? 3 days

Budget lines 1.11. to 1.13. – Meeting 2: Steering Committee

Steering Committee meetings are tentatively scheduled for Brussels or Tunis, UNOPS to attend. These meetings will allow reviewing the implementation of the Council Decision.

Who? 4 OPCW staff + EEAS (+ UNOPS)

Where? Brussels or Tunis

How long? 1 day * 4 meetings

Budget lines 1.14. to 1.16. – Meeting 3: Working level meetings with the LNA. Participation of LNA in OPCW meetings at HQ in The Hague.

Who? 4 LNA Representatives with OPCW Staff

Where? The Hague OPCW HQ

How long? 4 days

Budget lines 1.17. to 1.19. – Meeting 4: Project Management Meetings

Those meetings will be required at least twice for purposes of project updates or changes.

Who? 2 OPCW staff + UNOPS

Where? Tunis

How long? 2 days * 2 meetings

Budget lines 1.20. to 1.22. – Meeting 5: Visits to manufacturing companies. At this time it is not possible to determine the visits that will be required for manufacturing companies and technical providers. We can anticipate meetings will be required with the lagoon design team, geomembrane providers and other assorted equipment that is highly technical in nature. Costs have been detailed for your information.

Activity 2 – Contracting of Services (EUR 857,240.00)

Planned activities are as follows:

- Engagement of a technical consultant for the Libyan National Authority;
- Contracting with an engineering company for the design of evaporation lagoon;
- Contracting of local staff for clean-up activities;
- Communication equipment in support of live video feeds for sampling

Category of Expenditures	Type of expenditure	Description	Number of units	Unit Rate (EUR)	TOTAL (EUR)
Activity 2 Contracting of Services					
2.1. Consultancy and Contractual Services	Consultant fee	Technical Assistance to LNA: 20 months * 4500 EUR per month	20	€4,500	€90,000
2.2. Consultancy and Contractual Services	Engineering Services	Contract with a company for the design of evaporation Lagoons	1	€80,000	€80,000
2.3. Consultancy and Contractual Services	Contract execution fee	Contract execution fee	1	€50,000	€50,000
2.4. Consultancy and Contractual Services	Staff costs	Personnel for implementation of works: 1874 worked days * 260 EUR per worked day	1874	€260	€487,240
2.5. Travel	Transport Costs Non-Staff	Contracting company personnel travel between company HQ and Ruwagha: 20 staff * 75 days * 100 EUR per day	75	€2,000	€150,000
TOTAL Activity 2					€857,240

Budget line 2.1. – Consultancy and Contractual Services – The role of a consultant is to assist the Libyan National Authority in handling the project being a rely and contact point between the UNOPS and LNA. Price is rough order of magnitude for a 20 month consultant. Costs have been detailed for your information. Tasks of the consultant: The Libyan National Authority does not possess the expertise to fully evaluate the work being requested. As neither UNOPS nor the OPCW can currently travel to Libya, the LNA acts as our interlocutor to validate the completion of milestones. A letter from LNA to the program manager triggers the payment authorization to UNOPS. They will need a technical advisor to assist them in this capacity. The technical advisor may also assist them with preparation of required documents such as environmental permits, government documentation, and reports.

Budget line 2.2. – Consultancy and Contractual Services – Contract with a company for the design of evaporation Lagoons. It is a rough order of magnitude price for an environmental design firm for the evaporation lagoons.

Budget line 2.3. – Consultancy and Contractual Services – A contract execution fee has been standard practice for Libyan companies.

Budget line 2.4. – Consultancy and Contractual Services – Personnel for implementation of works

Budget line 2.5. – Travel – Contracting company personnel travel between company HQ and Ruwagha. Ruwagha is located approximately 900km from Tripoli. At this time it cannot be determined if there are adequate personnel in the region. The security situation in Libya remains unstable with ISIS attacks on the road between Tripoli and Ruwagha. Personnel may be required to shelter in near-by towns or travel in support of operations

Activity 3 – Technical and Sampling Training LNA & Contractor (EUR 92,958.00)

Planned activities are as follows:

- Training of Libyan representatives by OPCW inspector training teams on sample collection, sealing and chain of custody;
- Delivery and training of Libyan representatives on camera and live video feeds in Tunis. On-site training cannot be done due to lack of United Nations Department of Safety and Security support as well as high costs of insurance for contracted individuals in a hazard zone.
- Conduct of sampling by the trained Libyan representatives.

Category of Expenditures	Type of expenditure	Description	Number of units	Unit Rate (EUR)	TOTAL (EUR)
Activity 3 Technical and Sampling Training LNA & Contractor					
3.1. Furniture and Equipment	Other equipment	Equipment in support of Libyan sampling training	1	€7,500	€7,500
3.2. Travel	Transport Costs Non-Staff	<u>Training 1</u> : Sampling training The Hague * 4 participants * 1 training	4	€600	€2,400
3.3. Travel	Per Diem Non-Staff	<u>Training 1</u> : Sampling training The Hague * 4 participants * 1 training * 4 days	16	€275	€4,400
3.4. Travel	Visa-related expenses	<u>Training 1</u> : Sampling training The Hague * 4 participants	4	€224	€896
3.5. Travel	Terminal expenses	<u>Training 1</u> : Sampling training The Hague * 4 participants	4	€128	€512
3.6. Consultancy and Contractual Services	Training course fee	<u>Training 2</u> : Fee and equipment for Hazardous Material Training (Hazmat) company in Tunis	1	€60,000	€60,000
3.7. Travel	Transport Costs Non-Staff	<u>Training 2</u> : Trainee transport/per diem * 10 participants	10	€1,500	€15,000
3.8. Travel	Transport Costs Non-Staff	<u>Training 2</u> : Training staff transport/per diem	1	€2,250	€2,250
TOTAL Activity 3					€92,958

Budget line 3.1. – Furniture and Equipment – It is necessary to obtain laboratory and personal protective equipment to support training of Libyans on sample collection.

Budget lines 3.2. to 3.5. – Travel – Training 1: This training will be accomplished by specialists within the Technical Secretariat of the OPCW and will be conducted in The Hague.

Budget lines 3.6. to 3.8. – Travel – Training 2: Handling of hazardous waste training is mandatory for this type of project. OPCW anticipates hiring a company to provide this training in Tunis.

Activity 4 – Equipment and Materials (EUR 1,111,150.00)

Category of Expenditures	Type of expenditure	Description	Number of units	Unit Rate (EUR)	TOTAL (EUR)
Activity 4 Equipment and Materials					
4.1. Furniture and Equipment	Hardware	Equipment to be purchased and retained by the Libyan National Authority	1	€217,300	€217,300
4.2. Furniture and Equipment	Supplies	Chemical consumables for processing	1	€99,450	€99,450
4.3. Furniture and Equipment	Supplies	Consumables, hosing, piping and repair parts needed for the purchased equipment	1	€160,000	€160,000
4.4. General Operating Expenses	Cargo / courier	Shipping costs: estimated amount for shipping purchased equipment to Libya	1	€85,000	€85,000
4.5. Furniture and Equipment	Other equipment	Rental of equipment for major construction	1	€321,400	€321,400
4.6. Furniture and Equipment	Supplies	Consumables, water, diesel fuel	1	€200,000	€200,000
4.7. Furniture and Equipment	Transportation of equipment	Rental of trailers for transportation of equipment - estimated amount	1	€15,000	€15,000
4.8. Furniture and Equipment	Hardware	Satellite equipment for live-video feed to be retained by OPCW: live streaming video and communication system equipment	1	€13,000	€13,000
TOTAL Activity 4					€1,111,150

Budget lines 4.1. to 4.8. Furniture and Equipment & General Operating Expenses represent rental and procurement of equipment in support of building of the evaporation lagoons.

Budget line 4.1. - Furniture and Equipment - Equipment purchased will remain with local authorities at the end of the Action.

Budget line 4.2. - Furniture and Equipment - Chemicals will be consumed during the destruction/neutralisation process.

Budget line 4.4. – General Operating Expenses – Most items of equipment and chemicals will need to be ordered from outside of Libya.

All efforts will be made to rent as much equipment as possible; however some equipment will be considered contaminated and not returnable. As such, title will vest with and it will be retained by the Libyan National Authority at the conclusion of the project. Chemicals for the neutralisation process as well as piping and tubing will be a part of the consumables to the project. All equipment needed for the major construction; i.e. cranes, bulldozers, forklifts, will be rented.

Procurement and rental of equipment and materials from Libyan companies will be conducted by UNOPS. However, some items, dependent upon expediency and cost, may be procured by the OPCW.

Timeline: throughout the duration of the project, as and when equipment and services are required.

Activity 5 – Procurement of Protective Equipment (EUR 240,710.00)

Category of Expenditures	Type of expenditure	Description	Number of units	Unit Rate (EUR)	TOTAL (EUR)
Activity 5 Procurement of Protective Equipment					
5.1. Furniture and Equipment	Other equipment	Personnel Protective equipment for hazardous operations	1	€69,210	€69,210
5.2. Furniture and Equipment	Lab equipment	Chemical detector equipment	1	€151,500	€151,500
5.3. Furniture and Equipment	Supplies	Supplies and repair parts for personnel protective equipment	1	€20,000	€20,000
TOTAL Activity 5					€240,710

Personnel Protective equipment (PPE) is required for use around hazardous chemicals. It is expected that all PPE will be contaminated and must be destroyed in country. Unused equipment will become the property of the Libyan National Authority to the Chemical Weapons Convention.

Procurement of the equipment and materials will be specified between OPCW and UNOPS.

Timeline: throughout the duration of the project

Activity 6 – Project Implementation (EUR 405,000.00)

Category of Expenditures	Type of expenditure	Description	Number of units	Unit Rate (EUR)	TOTAL (EUR)
Activity 6 Project Implementation					
6.1. Consultancy and Contractual Services	External Administration Services	UNOPS Project Implementation Fee	1	€300,000	€300,000
6.2. Consultancy and Contractual Services	Consultant fee	Program Management Support: 1 Consultant * 50% FTE * 20 months	20	€5,000	€100,000
6.3. Consultancy and Contractual Services	Communication costs	EU Visibility activities: graphic design, printing of documents, stickers and materials promoting EU support	1	€5,000	€5,000
TOTAL Activity 6					€405,000

The OPCW Technical Secretariat will provide program management oversight; to include, development of milestones, internal reviews, oversight of contractual agreements, and financial management. Funds will not be released by UNOPS to Libyan firms until the Libyan National Authority validates in writing to the OPCW program manager that the work has been completed to its satisfaction. Anticipated activities include:

- Procurement of external services or Special Services Agreement for technical assistance in implementing the project.
- Payment of management fees for Procurement and contracting services conducted by the United Nations Office for Project Services.

Timeline: throughout the duration of the project

7. Indirect costs (remuneration) 7% of subtotal direct eligible costs (EUR 193,173.96)**8. Contingency (EUR 82,88.84)**

The contingency reserve, which shall be used only with a prior written approval of the Commission, is 3 per cent of the sub-total, or EUR 82.788,84.

9. Itemised breakdown of cost (indicative)

Budget heading	Proposed budget
1. Coordination Meetings OPCW/UNOPS/LNA/EU	EUR 52,570.00
2. Contracting of Services	EUR 857,240.00
3. Technical and Sampling Training LNA & Contractor	EUR 92,958.00
4. Equipment and Materials	EUR 1,111,150.00
5. Procurement of Protective Equipment	EUR 240,710.00
6. Project Implementation	EUR 405,000.00
Sub-total (1-6)	EUR 2,759,628.00
Contingency (3%)	EUR 82.788,84
Indirect eligible costs (7%)	EUR 193.173,96
EU contribution	EUR 2,580,252.18
OPCW contribution (15%)	EUR 455.338,62
Total	EUR 3.035.590,80

The authorising officer responsible is hereby authorised to vary each of the above amounts related to the budget according to exact operational requirements and possibilities and in keeping with sound financial management, while not exceeding the overall amount of the financing decision.

6. SCHEDULE OF PAYMENTS (IN EUROS)

Line	Value	Year n	Year n+1	Year n+2
19 03 02	EUR	EUR	EUR	
NPD				
	Total	1,756,917.17	501,976.33	321,358.68
	2,580,252.18			