

ANALYSIS AND EVALUATION OF THE EU ACTION PLAN TO ENHANCE PREPAREDNESS AGAINST CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR SECURITY RISK AND THE NATIONAL PROGRAM FOR ITS IMPLEMENTATION

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Summary: *The present report considers the EU Action Plan to enhance preparedness against chemical, biological, radiological and nuclear security (CBRN) risk, adopted in 2009 by the EU Council. The Action Plan's overall goal is to reduce the threat of, and damage from, CBRN incidents of accidental or intentional origin, including terrorist acts. The Plan provides possibilities for the EU member states to implement the listed standards by including them into the national legislation. The National Program developed subsequently in Bulgaria for the implementation of the EU CBRN Action Plan is also analyzed. The strengths and weaknesses of the document are revised as well as the progress of its implementation.*

Key words: CBRN MATERIALS, PLAN, TERRORISM, STANDARD, NATIONAL PROGRAM

Introduction

In the recent years, the risks and threats of the possible use of chemical, biological, radioactive and nuclear (CBRN) materials from terrorist groups have been defined at European Union (EU) and at national level. Trends in the development of CBRN terrorism are considered as a potential threat to the critical infrastructure objects and the population as a whole. In this regard, coordinated actions have been undertaken, resulting in measures to prevent and detect such incidents.

In 2009 the Council of Europe has adopted the EU CBRN Action Plan on Strengthening Chemical, Biological, Radiological and Nuclear Security in the European Union [1]. The purpose of the Plan is reducing the threat of, or the damage from CBRN incidents, occurring accidentally or by intentional actions, including terrorist attacks.

Generally, in the event of a CBRN threat, the responsibility for the reaction lies primarily on the respective EU member state. Historically, at EU level, the first actions related to the identification of measures to counteract CBRN threats were undertaken in 2001; later a Program to improve cooperation in the European Union for preventing and limiting the consequences of chemical, biological, radiological or nuclear Terrorist Threats [2] was adopted in 2002. The latter was incorporated into the EU Strategy against Proliferation of Weapons of Mass Destruction (EU WMD Strategy) [3], adopted in 2003, updated and revised in 2008 when the "New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems" were adopted, and it was also incorporated into the EU Counter-Terrorism Strategy (2005) [4], as well.

The EU CBRN Action Plan

In 2008 a CBRN Task Force was set up, to work on the EU policy on CBRN materials. As a result of its activities, in

January 2009 the basis for the EU CBRN Action Plan (adopted later in the summer of that year) was developed. The main objective of European policy in this field is to minimize threats and damage to the population in CBRN incidents through: physical protection and security of the relevant facilities developed on the basis of the risk assessment; effective protection of the CBRN materials; improving information exchange between member states; development of detection systems in the EU and providing tools needed to manage CBRN incidents.

The Action plan concentrates on the following three main areas:

- *Prevention*, where the main focus should be on the development of risk assessment procedures to prioritize the high-risk CBRN materials. The next focus is on the security and control of these materials and related facilities. Follow-up actions are directed towards developing a high security culture for staff, enhancing the identification of suspicious transactions and behavior related to high-risk CBRN materials, improving the transport security, information exchange, import and export regimes, and strengthening cooperation on the security of nuclear materials.

- *Detection* – availability of capacity for detection is a necessary complement to the prevention, and on the other hand it is crucial to ensure an adequate response to CBRN incidents. In this regard, the plan subsequently provides for the detection system to be established within the territory of each of the member states as well as at the EU external borders. At EU level, standards for detection as well as standards for testing and certification should be developed and the exchange of good practices for CBRN detection should be improved.

- *Preparedness and response* - the measures consist in the ability to effectively respond to CBRN-related incidents and to recover after such incidents as quickly as possible. Further action has been identified to reinforce the existing measures, in particular with regard to malicious CBRN incidents. Special attention has to

be paid to planning of CBRN emergencies, increasing the responsiveness, strengthening the information flows and improving the crime investigation capacity.

These three areas of work are supported by a number of horizontal measures that are applicable to the entire CBRN activity. The horizontal actions focus on international cooperation, public communication, training, staff reliability assessment, research and estimation on the need and possibilities for criminalization of the CBRN-threatening activities.

Implementation of the EU CBRN Action Plan is intended to be applied by existing structures, both at European Commission level and at national level in each member state.

In 2012 a review of the implementation of the CBRN plan has been carried out at EU level and the strong and weak points in the implementation of the measures have been identified in a special progress report. For the period 2010-2015 there have been some significant successes at EU level, including the development of the CBRN-E Glossary provided to member states, opening of an EU Learning Center in Karlsruhe, Germany, and the European Nuclear Security Training Center (EUSECTRA).

Implementation of the EU CBRN Action Plan in the Republic of Bulgaria

An inter-department working group was established in Bulgaria to implement the measures set out in the Plan, which foresees participation of representatives from the departments with competences in the field of CBRN materials. On the basis of the EU-developed plan, an consent was achieved on the adoption of a National Program for its implementation. The latter reflects the responsibilities of each department for implementing the measures at national level as well as the deadlines for their implementation, respectively vertically and horizontally.

With the adoption of the National Program, inter-department working sub-groups were set up, and priority was given to the fields of activity - chemical, biological and radioactive/nuclear materials respectively. The Ministry of the Interior had the leading role in the implementation of the planned measures. For the implementation of concrete measures of the Plan responsibilities were assigned to a number of departments according to their competencies.

At the time of implementation of the measures set at the national level a number of problems were determined concerning the effective implementation of the National Program for Implementation of the CBRN Action Plan of the EU [5]. The following issues have been identified:

- The large volume of actions embedded in the EU CBRN Action Plan (124 actions) implies the commitment of serious human resources to their implementation and the coordination of joint work by several institutions in one measure. The latter further complicates and hinders the effective implementation of the Plan. Problems exist in the exchange of information resulting from the presence of co-ordinating procedures requiring coordination of each action of inter-department group participants with different

hierarchical levels in the respective departments, which further slows the implementation of tasks and hinders their timely implementation.

- Holding of meetings of the inter-department working sub-groups was not possible due to the permanent replacement of the participants. The reason for this were structural reforms implemented in the respective departments, which concern the sectors of activity with competence in the problems; leaving/replacing employees; long-term/short-term missions in the country and abroad of the participants in the working groups, etc., which leads to lack of continuity and consequently inability to fulfill the commitments under the National Program.

- At EU level, the implementation of the Plan was carried out in accordance with the deadlines set by the CBRN Advisory Group, while at a national level the information flow was fragmented, incomplete and at one stage completely discontinued, due to the fact that different representatives from different agencies were involved at the CBRN meetings at EU level without respecting the principle of continuity. Separate departments undertook their responsibilities implementation, others abdicated because of insufficient time and human resources. As a result the implementation of the measures was taken sporadically, inconsistently and in the incomplete volume of the actions.

- During the period of action of the Plan, it was found that the exchange of information on a CBRN incident of any kind occurring in the territory of the country is difficult, and in some cases totally absent, resulting in ineffective, untimely and inadequate response to competent authorities in the performance of their duties in terms of competence. It has been identified that the Ministry of Defense of the Republic of Bulgaria also has competence in responding to CBRN incidents but its participation in the implementation of measures of the plan was not foreseen.

- Last but not least is the fact that the measures set in the CBRN Action Plan are of recommending rather than binding nature.

A successful approach for improving the implementation of measures outlined in the EU documents at national level is development of projects within the member states. For Bulgaria, a significant contribution in this field was realization of the EU granted project "Development of tools needed to coordinate inter-sectoral power and transport CIP activities at a situation of multilateral terrorist threat. Increase of the capacity of key CIP objects in Bulgaria" - HOME/2010/CIP/AG/019. The project was implemented in the period 2011-2013 by the Institute of Metal Science, Equipment and Technologies "Acad. Angel Balevski" - BAS (leading organization), Directorate "Fire safety and protection of the population" at the Ministry of Interior, Military Academy "G.S.Rakovski" and the University of Russe. As a result of the joint activities, complex measures for protection of critical infrastructure facilities in Bulgaria from multi-variant terrorist threats, including CBRN materials threats, were elaborated. These results were presented in a comprehensive final report and popularized in [6-12] as well as in a number of other publications.

Conclusions

1. The effectiveness in the area of EU CBRN policy would be higher if the focus on implementing concrete measures was avoided but instead the strategic approach to the problem was emphasized.
2. It is necessary to consider the possibility taking specific measures in the CBRN field to be bound by specific obligations which are to be fulfilled by the member states.
3. It is essential to respect the principle of continuity in the member states, which is a coherent policy pursued by each institution, both in terms of participation according to its competencies and the fulfillment of the commitments.
4. There is insufficient exchange of information on CBRN incidents both at the country and at EU level. This is also the problem of coordinating actions to implement horizontal and vertical actions. As a result, a part of the measures concerning the involvement of different departments, as well as representatives of the private sector, are partially implemented.
5. It is advisable to consider engaging the Ministry of Defense at both national and EU level, given the capabilities available to the military.
6. Protecting the population from terrorism must remain a top priority for the EU and each of the member states. In this regard, international and national efforts to combat CBRN terrorism should be aligned with the new challenges and united in their overcoming. In October 2017 the EU adopted a new Action Plan to improve preparedness against chemical, biological, radiological and nuclear safety risks. An adequate and responsible approach by the member states to the problem will contribute to the commitments fulfillment.

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