



Council of the
European Union

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LIMITE

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CFSP/PESC 1053
RELEX 1073
COARM 153
CODUN 32
CONUN 179

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION in support of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

COUNCIL DECISION (CFSP) 2022/...

of ...

**in support of the United Nations Programme of Action to Prevent, Combat and Eradicate
the Illicit Trade in Small Arms and Light Weapons in All Its Aspects**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 20 July 2001, the States participating in the United Nations (UN) Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects ('the UN Programme of Action').
On 8 December 2005, the UN General Assembly adopted the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons ('the International Tracing Instrument'). Both of those international instruments declare that States will cooperate, as appropriate, with the UN to support their effective implementation.
- (2) On 12 July 2002, the Council adopted Joint Action 2002/589/CFSP¹ on combating the destabilising accumulation and spread of small arms and light weapons ('SALW').
- (3) On 16 December 2005, the European Council adopted the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition. That Strategy identifies support for the UN Programme of Action as the first priority for action at international level, and calls for the adoption of a legally binding international instrument on the tracing and marking of SALW and their ammunition.

¹ Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP (OJ L 191, 19.7.2002, p. 1).

- (4) Following the adoption of the International Tracing Instrument, the Union supported its full implementation through the adoption and implementation of Council Joint Action 2008/113/CFSP¹. The Council assessed the implementation of the Joint Action positively.
- (5) On 18 July 2011, the Council adopted Decision 2011/428/CSFP², which supported the second United Nations Conference to Review Progress Made in the Implementation of the UN Programme of Action in 2012.
- (6) The 2030 Agenda for Sustainable Development launched on 25-27 September 2015 affirms that combating the illicit trade in SALW is necessary for the achievement of many sustainable development goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth, health, gender equality and safe cities. Therefore, in Sustainable Development Goal 16.4, all States have committed to significantly reducing illicit financial and arms flows.

¹ Council Joint Action 2008/113/CFSP of 12 February 2008 in support of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (SALW) in the framework of the EU Strategy to combat the illicit accumulation and trafficking of SALW and their ammunition (OJ L 40, 14.2.2008, p. 16).

² Council Decision 2011/428/CFSP of 18 July 2011 in support of United Nations Office for Disarmament Affairs activities to implement the United Nations Programme of Actions to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (OJ L 188, 19.7.2011, p. 37).

- (7) On 3 April 2017, the Council adopted Decision 2017/633/CFSP¹, which supported the third United Nations Conference to Review Progress Made in the Implementation of the UN Programme of Action in 2018. On 30 June 2018, the third Review Conference adopted an outcome document in which States renewed their commitment to preventing and combating the diversion of SALW. States reaffirmed their willingness to pursue international cooperation and to reinforce regional cooperation through improved coordination, consultation, information exchange and operational cooperation, involving relevant regional and sub-regional organisations, as well as law enforcement, border control and export and import licensing authorities.
- (8) In his Agenda for Disarmament ‘Securing our Common Future’, which was presented on 24 May 2018, the UN Secretary-General called for addressing the excessive accumulation of and illicit trade in conventional arms, and for supporting country-level approaches on SALW and their ammunition identified as a key enabler of armed violence and conflict.

¹ Council Decision (CFSP) 2017/633 of 3 April 2017 in support of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (OJ L 90, 4.4.2017, p. 12).

- (9) On 19 November 2018, the Council adopted the EU Strategy against Illicit Firearms, Small Arms & Light Weapons and their Ammunition, entitled ‘Securing Arms, Protecting Citizens’ (the ‘EU SALW Strategy’), which sets the guidelines for Union action in the field of SALW. The EU SALW Strategy considers the UN Programme of Action as the global framework to counter the threat posed by illicit SALW and supports its full and effective implementation at national, regional, and global levels.
- (10) On 17 December 2018, the Council adopted Decision 2018/2011/CFSP¹. The EU SALW Strategy states that the Union will systematically mainstream gender considerations in the design of new projects relating to the fight against gun violence and SALW control in general, and the sharing of good practices in that regard.
- (11) The final report of the 2022 ‘Eight Biennial Meeting of States to Consider the Implementation of the UN Programme of Action’ notes:
- that the full and effective implementation of the Programme of Action and the International Tracing Instrument is vital for advancing efforts towards sustainable peace, security, socioeconomic development, enjoyment of human rights and the protection of lives, also as outlined in the relevant provisions on SALW in the UN Secretary-General’s Agenda for Disarmament;

¹ Council Decision (CFSP) 2018/2011 of 17 December 2018 in support of gender mainstreamed policies, programmes and actions in the fight against small arms trafficking and misuse, in line with the Women, Peace and Security agenda (OJ L 322, 18.12.2018, p. 38).

- the need for the full, equal, meaningful, and effective participation of women in all decision-making, and implementation processes relating to the Programme of Action and the International Tracing Instrument and encourages mainstreaming a gender perspective into their implementation efforts to address the differential impact of the illicit trade in SALW on women, men, girls and boys;
- the role which civil society plays in supporting States' efforts for the full and effective implementation of the Programme of Action and recognises the positive contributions youth can bring in this regard;
- the need for enhanced, effective and sustainable international cooperation and assistance;
- that recent developments in SALW manufacturing, technology and design, in particular polymer and modular weapons and firearms produced by 3D printing, have implications for the full and effective implementation of the Programme of Action and the International Tracing Instrument, and should be addressed by all States, taking into account opportunities, challenges, the role of industry, as well as, the need for financial and technical support, technological gaps between States and the need to foster international cooperation;

- the importance of effective tracing of SALW to combat the illicit trade in SALW in conflict and post-conflict settings;
- the importance of developing or establishing strict national regulatory frameworks for the marking, recording and tracing of SALW, in line with the International Tracing Instrument to prevent and combat the diversion and the illicit international transfer of SALW to unauthorised recipients;
- the need to implement the commitments on marking, record-keeping and tracing contained in the International Tracing Instrument regardless of the materials or methods used in the manufacture of SALW;
- the establishment of the open-ended working group established pursuant to General Assembly resolution 76/233 to elaborate a set of political commitments as a new global framework that will address existing gaps in through-life ammunition management;
- the respective roles of those involved in the different stages of the entire life cycle of SALW, including the importance of cooperation with industry and the private sector, as appropriate, to effectively prevent the illicit manufacture of and trade in SALW,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the EU SALW Strategy, the purpose of this Decision is to support the full and effective implementation of the UN Programme of Action and the International Tracing Instrument, enhance international, regional and national security, contribute to the realisation of human security, and promote sustainable development through SALW control.
2. Pursuant to paragraph 1, the objectives of this Decision are the following:
 - a) to support forward-looking global policy developments in the context of the fourth United Nations Conference to Review Progress Made in the Implementation of the UN Programme of Action in 2024;
 - b) to strengthen effective national and regional implementation of the Programme of Actions and the International Tracing Instrument;
 - c) to support gender-responsive SALW control policies and programmes.
3. A detailed description of the project is set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('HR') shall be responsible for implementing this Decision.
2. The technical implementation of the project referred to in Article 1 shall be carried out by the UN Office for Disarmament Affairs (UNODA).
3. UNODA shall perform its tasks under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with UNODA.

Article 3

1. The financial reference amount for the implementation of the project financed by the Union shall be EUR 4 524 465.05.
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 referred to in paragraph 1. For that purpose, it shall conclude the necessary financing agreement with UNODA. The financing agreement shall stipulate that UNODA is to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the financing 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 conclusion of the financing agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular narrative reports prepared by UNODA. Those reports shall form the basis of the evaluation to be carried out by the Council.
2. The Commission shall report on the financial aspects of the project 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 date of conclusion of the financing agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no financing agreement has been concluded within that period.

Done at ...,

For the Council

The President
