



Council of the
European Union

**Brussels, 16 September 2019
(OR. en)**

12195/19

**COARM 154
CFSP/PESC 684**

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 16 September 2019

To: Delegations

No. prev. doc.: ST 11718/19 INIT + COR 1

Subject: Council conclusions on the review of Council Common Position
2008/944/CFSP of 8 December 2008 on the control of arms exports

Delegations will find attached Council conclusions on the review of Council Common Position 2008/944/CFSP of 8 December 2008 on the control of arms exports, as adopted by the Council ("General Affairs") on 16 September 2019.

**COUNCIL CONCLUSIONS ON THE REVIEW OF COUNCIL COMMON
POSITION 2008/944/CFSP OF 8 DECEMBER 2008 ON THE CONTROL OF ARMS
EXPORTS**

1. The Council recalls its commitment to strengthening the control on the export of military technology and equipment through the adoption of the Council Decision (CFSP) 2019/1560 of 16 September 2019, which amends Common Position 2008/944/CFSP, and its commitment to reinforce cooperation and promote convergence in the field of export of military technology and equipment, within the framework of the Common Foreign and Security Policy (CFSP) through the setting, upholding and implementation of high common standards for the management of transfers of military technology and equipment by all Member States. This will continue to be done, inter-alia, by the exchange among Member States of relevant information, including information on denial notifications and arms export policies, or by the identification of possible measures to further increase convergence. Military equipment and technology should be traded in a responsible and accountable way and its diversion to terrorists, criminals and other unauthorised users should be prevented.
2. The Council underlines the essential contribution that a responsible arms trade policy makes to the maintenance of international peace and security and respect for Human Rights and International Humanitarian Law. The Council renews its commitment to promote cooperation and convergence in Member States' policies to prevent the export of military technology and equipment which might be used for internal repression or international aggression or contribute to regional instability.

3. The Council expresses its commitment to continue its efforts to promote the universalisation and effective implementation of the Arms Trade Treaty (ATT), which entered into force on 24 December 2014. The Council welcomes the significant number of States now party to the ATT and the international momentum towards universal adherence. The Council calls upon States that have not yet done so to accede to, or ratify, the Treaty and, pending their accession or ratification, to adhere to its terms. Signatory States should strive to fulfil their initial commitment by concluding the ratification process. The Council is convinced that enhanced universalisation and implementation of the ATT promotes the treaty's aim of co-operation, transparency and responsible action through regulation of the international arms trade, thereby contributing to international peace and security and reducing human suffering.

4. The Council welcomes Member States' renewed commitment to the legally binding Common Position as amended by Council Decision (CFSP) 2019/1560 and stresses the importance of thoroughly assessing export licence applications for military technology and equipment against the criteria stipulated therein.

5. The Council reaffirms the common goal that presided over the adoption in 2008 of Common Position 2008/944/CFSP. The Council recalls its earlier assessment conveyed in its November 2012 and July 2015 Conclusions that further progress was achievable in the implementation of the Common Position in order to maximise convergence among Member States in the field of exports of conventional arms. The Council welcomes, in this regard, that the User's Guide to Common Position 2008/944/CFSP has been amended to further operationalise the risk assessment criteria laid down by the Common Position. The Council also underlines that the consistent interpretation and operational application of those criteria support the convergence of national arms export policies.

6. The Council reaffirms its commitment to transparency in the international arms trade, with a number of concrete measures that are intended to facilitate correct, coherent and timely reporting on Member States' arms exports. These include clear reporting deadlines for the EU Annual Report and further guidelines in the amended Common Position and User's Guide on the substance and process of reporting.
7. The Council welcomes the development of a searchable online database on the website of the European External Action Service that will allow all stakeholders to consult and analyse the data on Member States' arms exports in a user-friendly manner.
8. Concerning information-sharing between Member States on their arms export policies, the Council notes the clear guidelines on this topic in the revised User's Guide and welcomes the expansion of the COARM Online System to allow a broader range of information-sharing and exchange between Member States.
9. Recognising the importance of ongoing efforts to enhance the work in the field of export control of military technology and equipment, the Council tasks the Working Party on Conventional Arms Exports to:
 - a. continue discussing measures to support Member States to collect and report the relevant information on their actual exports, with a view to working towards comprehensive reporting and increased transparency;
 - b. explore possibilities to further improve the working methods of the Working Party on Conventional Arms Exports;
 - c. further investigate the possible benefits of a database for licensing officers that would facilitate the finding of relevant information, in particular in sources mentioned in the User's Guide.

10. The Council will consider technological advances in the field of military technology and equipment, recognising the importance of all relevant items being covered under the common rules governing the export control of military items.
11. The Council notes that the strengthening of a European defence technological and industrial base, which contributes to the implementation of the Common Foreign and Security Policy, in particular the Common European Security and Defence Policy, should be accompanied by closer cooperation and convergence in the field of export control of military technology and equipment.
12. The Union ensures the consistency of its external activities as a whole in the context of its external relations, in accordance with article 21(3) second paragraph of the Treaty on European Union; in this respect the Council notes the importance of a consistent export control policy regarding defence-related materials and dual-use goods.
13. The Council recalls that on 19 November 2018, it adopted a revised EU Strategy against illicit Small Arms and Light Weapons and their Ammunition entitled "Securing Arms, Protecting Citizens". In this light, the Council tasks the Working Party on Conventional Arms Export Controls to consider a decision on end-user certificates for the export of small arms and light weapons and their ammunition.
14. The Council tasks the Working Party on Conventional Arms Export Controls (COARM) to reassess the implementation of Common Position 2008/944/CFSP as amended by Council Decision (CFSP) 2019/1560 in five years' time.