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European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on Union support for activities of the Arms Trade Treaty Secretariat in support of the implementation of the Arms Trade Treaty

COUNCIL DECISION (CFSP) 2023/...

of ...

**on Union support for activities of the Arms Trade Treaty Secretariat
in support of the implementation of the Arms Trade Treaty**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) The Arms Trade Treaty (ATT) was adopted by the United Nations (UN) General Assembly on 2 April 2013 and entered into force on 24 December 2014. All Member States of the Union are States Parties to the ATT ('States Parties').
- (2) The ATT aims to establish the highest possible common international standards for regulating or improving the regulation of the legal trade in conventional arms and to prevent and eradicate the illicit trade in conventional arms and prevent their diversion. Key challenges are its effective implementation by States Parties and its universalisation, bearing in mind that regulating the international arms trade is by definition a global endeavour. To contribute to addressing those challenges, the Council adopted Decision 2013/768/CFSP¹, thereby enlarging the export-control-related assistance portfolio of the Union with activities specific to the ATT. That Decision was followed by Council Decisions (CFSP) 2017/915² and (CFSP) 2021/2309³ on Union outreach activities in support of the implementation of the ATT.

¹ Council Decision 2013/768/CFSP of 16 December 2013 on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy (OJ L 341, 18.12.2013, p. 56).

² Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty (OJ L 139, 30.5.2017, p. 38).

³ Council Decision (CFSP) 2021/2309 of 22 December 2021 on Union outreach activities in support of the implementation of the Arms Trade Treaty (OJ L 461, 27.12.2021, p. 78).

- (3) The ATT established a secretariat ('the ATT Secretariat') to assist the States Parties in the effective implementation of the ATT. The ATT Secretariat receives, makes available and distributes the reports as mandated by the ATT; maintains and makes available to States Parties the list of national points of contact; facilitates the matching of offers of and requests for assistance for ATT implementation and promotes international cooperation as requested; facilitates the work of the Conference of States Parties, including making arrangements and providing the necessary services for meetings under the ATT; and performs other duties as decided by the Conferences of States Parties. The ATT Secretariat also administers the Voluntary Trust Fund, which was established by the States Parties under Article 16(3) ATT to assist requesting States Parties requiring international assistance to implement the ATT, and the ATT Sponsorship Programme, which was established to facilitate the participation of State representatives in ATT meetings.
- (4) In the Global Strategy for the European Union's Foreign and Security Policy of 2016 and the Strategic Compass for Security and Defence of 2022, the Union committed itself to promoting a rules-based international order with multilateralism as its key principle and the UN at its core. The Union strongly supports the expanding membership, universalisation, full implementation and enforcement of multilateral disarmament, non-proliferation and arms-control treaties, including the ATT. In the context of those overarching policy goals, support for the ATT Secretariat fits well within the specific aim of strengthening the multilateral system underpinning responsible trade in arms.

- (5) The ATT Secretariat is well placed to liaise with all multilateral, regional, national and civil-society stakeholders executing projects in support of ATT universalisation and implementation. The Union is also a longstanding provider of export-control assistance for dual-use goods, supporting the development of legal frameworks and institutional capacities for the establishment and enforcement of effective export controls on dual-use and military goods. The ATT Secretariat should ensure that its projects complement the Union's existing export-control assistance programmes for dual-use and military goods, such as the programme referred to in Decision (CFSP) 2021/2309.
- (6) On 16 April 2021, the Council adopted Decision (CFSP) 2021/649¹ on Union support for activities of the ATT Secretariat in support of the implementation of the ATT. Pursuant to that Decision, the Union provides support for: capacity building of ATT national points of contact; establishing an expert roster (training the trainers) to build the capacity of local and regional ATT experts to provide advice and training on ATT implementation at local and regional levels; and a database to match needs and resources for assistance in ATT implementation.

¹ Council Decision (CFSP) 2021/649 of 16 April 2021 on Union support for activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty (OJ L 133, 20.4.2021, p. 59).

- (7) In view of the fact that Council Decision (CFSP) 2021/649 is due to expire on 20 October 2023, and having in mind the persistent difficult financial situation of the ATT resulting from a number of States Parties remaining in arrears with regard to their ATT contributions, the continuation of Union support is important. Such support should focus on: training for national and regional experts who can deliver quality training and implementation assistance for States Parties, including on the Voluntary Trust Fund projects; and on improving the fulfilment of the ATT reporting obligations by States Parties, including by increasing the rate of submission of ATT annual and initial reports. In addition, the database to match needs and resources will require support for its maintenance by the ATT Secretariat after its launch, which is scheduled for 2023,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of supporting the effective implementation and universalisation of the Arms Trade Treaty (ATT), the Union shall support the ATT Secretariat in undertaking activities with the following objectives:
 - to support States Parties to the ATT ('States Parties') in strengthening their arms transfer control systems for the effective implementation of the ATT;
 - to strengthen the institutional set-up of the ATT Secretariat as the principal body to assist States Parties in implementing the ATT.

2. In order to achieve the objectives referred to in paragraph 1, the Union shall support the following project activities:
 - (a) training for national and regional ATT experts to provide support to States Parties in implementing the ATT at national level;
 - (b) strengthening of States Parties' understanding of ATT reporting obligations and capacity to meet such obligations, including through the development of a voluntary guidance document and training materials, practical workshops, and the coordination of other international assistance;

- (c) maintenance of the database for matching offers of and requests for assistance to implement the ATT.

A detailed description of the project activities referred to in this paragraph is set out in the Annex.

Article 2

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

Article 3

1. The financial reference amount for the implementation of the project activities referred to in Article 1(2) shall be EUR 1 298 000,00.

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 Union's budget.
3. The Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For that purpose, it shall conclude the necessary agreement with the ATT Secretariat. The agreement shall stipulate that the ATT Secretariat is to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the 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 agreement.

Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the ATT Secretariat. The reports shall form the basis for the evaluation carried out by the Council.
2. The Commission shall provide information on the financial aspects of the implementation of the project activities referred to in Article 1(2).

Article 5

This Decision shall enter into force on the date of its adoption.

It shall expire 24 months after the date of conclusion of the agreement referred to in Article 3(3), or six months after the date of its adoption if that agreement has not been concluded within that period.

Done at ...,

For the Council
The President

ANNEX

[...]

