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European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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

COUNCIL DECISION (CFSP) 2021/...

of ...

**on Union outreach activities 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 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) 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 Union Member States are States Parties to the ATT ('States Parties').
- (2) The ATT aims to establish the highest possible common international standards for regulating 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 a global endeavour. To contribute to addressing those challenges, the Council adopted Decision 2013/768/CFSP¹ on 16 December 2013, thereby enlarging the export control-related assistance portfolio of the Union with activities specific to the ATT. That Decision was followed by Council Decision (CFSP) 2017/915² of 29 May 2017, 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) Activities carried out under Decisions 2013/768/CFSP and (CFSP) 2017/915 have helped partner countries to cover a wide range of areas relevant to the establishment and development of a national arms transfer control system as required by the ATT. Certain partner countries have been identified as mature and will be phased out from, or not included in, the third project phase. Cooperation has been developed with a number of beneficiary countries that had not previously been addressed under other Union export control-related assistance activities, thereby reflecting the global nature of the ATT. Follow-up with some of those beneficiary countries is advisable to ensure that progress is sustained and to encourage regional outreach by those countries themselves.
- (4) In addition to the continuation of activities with those partner countries that are mentioned in the Annex, it is advisable to pursue a demand-driven approach whereby assistance activities could be activated at the request of countries having identified needs with regard to ATT implementation. Such an approach has proven to be successful in providing assistance to countries that have expressed commitment and ownership regarding the ATT through their requests for Union assistance. This Decision therefore retains a specific number of activities that will be available to countries upon request, including countries not yet party to the ATT.

- (5) Union assistance provided under Council Decision (CFSP) 2020/1464¹ regarding the promotion of effective arms export controls addresses a number of countries in the close eastern and southern neighbourhoods of the Union. The Union supports the ATT Secretariat in its implementation of the ATT through Council Decision (CFSP) 2021/649². The Union is also a long-standing provider of export control assistance in dual-use goods, supporting the development of legal frameworks and institutional capacities for the establishment and enforcement of effective export controls on dual-use goods.
- (6) The Union also supports the implementation of UN Security Council Resolution (UNSCR) 1540 (2004) which mandates effective transfer controls over weapons of mass destruction-related goods. Controls developed for the implementation of UNSCR 1540 (2004), and under the Union dual-use goods export control assistance programmes, contribute to the overall capacity to effectively implement the ATT since, in many instances, the laws and administrative procedures relating to, and agencies in charge of, dual-use goods export control overlap with those for conventional arms export control. It is thus crucial to ensure close coordination between activities carried out in dual-use goods export control and activities supporting the implementation of the ATT, including activity in support of the ATT Secretariat.

¹ Council Decision (CFSP) 2020/1464 of 12 October 2020 on the promotion of effective arms export controls (OJ L 335, 13.10.2020, p. 3).

² 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) The large number of activities provided for in this Decision justifies using two implementing entities. The German Federal Office for Economic Affairs and Export Control (*Bundesamt für Wirtschaft und Ausfuhrkontrolle* - BAFA) has been entrusted by the Council and the Commission with the technical implementation of earlier export control-related projects. BAFA has accordingly developed a large body of knowledge and expertise. Expertise France is in charge of Union P2P dual-use goods related projects. Expertise France's role in implementing this Decision will help ensure proper coordination with dual-use goods related projects,

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 undertake activities with the following objectives:
 - (a) reinforcement or development of arms transfer control capacities and expertise for ATT implementation in new and existing beneficiary countries, through instruments such as legal assistance and training of licensing and enforcement officials;
 - (b) outreach to other countries, including non-States Parties to the ATT, with a view to supporting universalisation of the ATT at national, regional and multilateral levels.

2. In order to achieve the objectives set out in paragraph 1, the Union shall undertake the following project activities:
 - (a) engagement with the community of experts: such activities will focus on intensifying cooperation with and among experts from the project pool of experts established under Decisions 2013/768/CFSP and (CFSP) 2017/915, as well as with new experts, especially those from beneficiary and former beneficiary countries in the context of the phasing-out process;

- (b) national activities: national activities will be offered to individual beneficiary countries based on a dedicated assistance programme tailored to the specific needs of the beneficiary country concerned;
- (c) study visits: study visits provide beneficiary countries with the opportunity to have access to government authorities and officials in other countries that apply the ATT;
- (d) short-term targeted assistance on specific questions or issues raised by beneficiary countries;
- (e) train-the-trainer approach, consisting of workshops and an online platform;
- (f) regional, cross-regional and international activities in response to requests from beneficiary countries that wish to learn from the experience of countries in other parts of the world;
- (g) side events in the margins of ATT Conferences of States Parties;
- (h) a closing conference to increase awareness and ownership of the ATT among the partner countries, relevant stakeholders such as national parliaments, regional and international organisations, and civil society representatives.

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 organised by the German Federal Office for Economic Affairs and Export Control (*Bundesamt für Wirtschaft und Ausfuhrkontrolle* - BAFA) and Expertise France.
3. BAFA and Expertise France shall perform their tasks under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with BAFA and Expertise France.

Article 3

1. The financial reference amount for the implementation of the project activities referred to in Article 1(2) shall be EUR 3 499 892,39. The total estimated budget of the overall project shall be EUR 3 824 892,39. The part of that estimated budget not covered by the reference amount shall be provided through co-financing by the Government of the Federal Republic of Germany.
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 budget.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For that purpose, it shall conclude the necessary agreements with BAFA and Expertise France. The agreements shall stipulate that BAFA and Expertise France are to ensure the visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the agreements 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 those agreements.

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 implementing entities. 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 36 months after the date of conclusion of the agreements referred to in Article 3(3), or six months after the date of its adoption if those agreements have not been concluded within that period.

Done at ...,

For the Council

The President

ANNEX

[...]
