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LIMITE

CORLX 44
CFSP/PESC 71
COARM 10

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION in support of a project on the promotion of effective arms export controls

COUNCIL DECISION (CFSP) 2025/...

of ...

in support of a project on the promotion of effective arms export controls

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 Global Strategy for the Union's foreign and security policy, entitled 'Shared Vision, Common Action: A Stronger Europe' and published in June 2016, confirms the Union's support for the universalisation, full implementation and enforcement of multilateral disarmament, non-proliferation and arms control treaties and regimes.
- (2) On 19 November 2018, the Council adopted the EU Strategy against illicit firearms, small arms and light weapons and their ammunition, entitled 'Securing Arms, Protecting Citizens'. That Strategy states, inter alia, that the Union will continue to promote responsible and effective arms export control and to support the universalisation and implementation of the Arms Trade Treaty (ATT).
- (3) Council Common Position 2008/944/CFSP¹ establishes eight criteria against which applications for the export of conventional arms are to be assessed. A number of third countries have aligned themselves with that Common Position.
- (4) Common Position 2008/944/CFSP states that Member States are to use their best endeavours to encourage other States which export military technology or equipment to apply the criteria set out in that Common Position.

¹ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99, ELI: <http://data.europa.eu/eli/compos/2008/944/oj>).

- (5) Union activities to promote effective and transparent arms export controls have developed since 2008 further to Council Joint Action 2008/230/CFSP² and Council Decisions 2009/1012/CFSP³, 2012/711/CFSP⁴, (CFSP) 2015/2309⁵, (CFSP) 2018/101⁶, (CFSP) 2020/1464⁷ and (CFSP) 2023/2539⁸. The activities carried out have, in particular, supported further regional cooperation and enhanced transparency and greater responsibility, in line with the principles of Common Position 2008/944/CFSP and the risk-assessment criteria set out therein. The activities in question have addressed third countries of the eastern and southern neighbourhoods of the Union, third countries in Central Asia, and Mongolia.

² Council Joint Action 2008/230/CFSP of 17 March 2008 on support for EU activities in order to promote the control of arms exports and the principles and criteria of the EU Code of Conduct on Arms Exports among third countries (OJ L 75, 18.3.2008, p. 81, ELI: http://data.europa.eu/eli/joint_action/2008/230/oj).

³ Council Decision 2009/1012/CFSP of 22 December 2009 on support for EU activities in order to promote the control of arms exports and the principles and criteria of Common Position 2008/944/CFSP among third countries (OJ L 348, 29.12.2009, p. 16, ELI: <http://data.europa.eu/eli/dec/2009/1012/oj>).

⁴ Council Decision 2012/711/CFSP of 19 November 2012 on support for Union activities in order to promote, among third countries, the control of arms exports and the principles and criteria of Common Position 2008/944/CFSP (OJ L 321, 20.11.2012, p. 62, ELI: <http://data.europa.eu/eli/dec/2012/711/oj>).

⁵ Council Decision (CFSP) 2015/2309 of 10 December 2015 on the promotion of effective arms export controls (OJ L 326, 11.12.2015, p. 56, ELI: <http://data.europa.eu/eli/dec/2015/2309/oj>).

⁶ Council Decision (CFSP) 2018/101 of 22 January 2018 on the promotion of effective arms export controls (OJ L 17, 23.1.2018, p. 40, ELI: <http://data.europa.eu/eli/dec/2018/101/oj>).

⁷ 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, ELI: <http://data.europa.eu/eli/dec/2020/1464/oj>).

⁸ Council Decision (CFSP) 2023/2539 of 13 November 2023 supporting a project on the promotion of effective arms export controls (OJ L 2023/2539, 14.11.2023, ELI: <http://data.europa.eu/eli/dec/2023/2539/oj>).

- (6) A number of Union candidate countries have received support under Union activities to promote effective and transparent arms export controls. Further such activities should aim to support the Union accession aspirations of those countries and, prior to accession, their partnership with the Union and its Member States in relation to arms export controls.
- (7) The ATT aims to strengthen transparency and responsibility in the arms trade. The Union supports the effective implementation and universalisation of the ATT through its dedicated programmes adopted under Council Decisions 2013/768/CFSP⁹, (CFSP) 2017/915¹⁰ and (CFSP) 2021/2309¹¹. Those programmes assist a number of third countries, upon their request, in strengthening their arms transfer control systems in line with the requirements of the ATT.
- (8) It is therefore important to ensure complementarity between the outreach and assistance activities provided for in this Decision and those under Union programmes to support the effective implementation and universalisation of the ATT. To that end, a coordination mechanism in the form of regular exchanges of information should operate among the implementing agencies for Union outreach activities in the field of arms export control, as well as between those implementing agencies and the European External Action Service. That coordination mechanism will involve the participation of experts from other Member States whenever relevant.

⁹ 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, ELI: <http://data.europa.eu/eli/dec/2013/768/oj>).

¹⁰ 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, ELI: <http://data.europa.eu/eli/dec/2017/915/oj>).

¹¹ 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, ELI: <http://data.europa.eu/eli/dec/2021/2309/oj>).

- (9) In recent years, the Union has also provided assistance to improve export controls on dual-use goods in third countries. Effective coordination between activities under the project provided for in this Decision and activities relevant to such export controls should be ensured.
- (10) The German Federal Office for Economic Affairs and Export Control, Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA), has been entrusted by the Council with the technical implementation of Decisions 2009/1012/CFSP, 2012/711/CFSP, (CFSP) 2015/2309, (CFSP) 2018/101, (CFSP) 2020/1464 and (CFSP) 2023/2539. BAFA is also an implementing agency for projects supporting the effective implementation of the ATT under Decisions 2013/768/CFSP, (CFSP) 2017/915 and (CFSP) 2021/2309. Since 2005, BAFA has been engaged in the implementation of a number of Union cooperation projects in the area of export controls on dual-use goods. BAFA is the competent export control authority of Germany, and has developed a large body of knowledge and expertise on outreach activities, in addition to sharing its core competencies with the competent authorities of other states.
- (11) Activities supported through this Decision contribute to Sustainable Development Goal 16 of the United Nations 2030 Agenda for Sustainable Development,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the implementation of the EU Strategy against illicit firearms, small arms and light weapons and their ammunition, entitled ‘Securing Arms, Protecting Citizens’, and Council Common Position 2008/944/CFSP, the Union shall further support a project on the promotion of effective arms export controls.
2. The objective of the project referred to in paragraph 1 shall be:
 - (a) to render international trade in conventional weapons more responsible and transparent;
 - (b) to mitigate the risk of the diversion of arms to unauthorised users.

The objectives set out in the first subparagraph of this paragraph shall be achieved through the transfer of expertise with the aim of supporting alignment with the legal and operational standards of the Union and its Member States, in line with Common Position 2008/944/CFSP, with a particular focus on the Union candidate countries.

3. Project activities shall be implemented in a manner that is complementary to, and in synergy with, Union assistance projects in the field of export controls on conventional arms and on dual-use goods and, where appropriate, with other donors’ assistance projects in the field of export controls.
4. 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 (the ‘High Representative’) shall be responsible for the implementation of this Decision.
2. The technical implementation of the project referred to in Article 1 shall be carried out by the German Federal Office for Economic Affairs and Export Control, Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA).
3. BAFA shall perform its tasks under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with BAFA.

Article 3

1. The financial reference amount for the implementation of the project financed by the Union, referred to in Article 1, shall be EUR 2 100 000,00.
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 budget.
3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2. For that purpose, it shall conclude the necessary agreement with BAFA. That agreement shall stipulate that BAFA 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 six-monthly reports prepared by BAFA.
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 agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no such agreement has been concluded within that period.

Done at ..., ...

For the Council

The President
