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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft Council Conclusions on Arms Export Control

Delegates will find attached the draft Council Conclusions on Arms Export Control, approved by the Conventional Arms Exports (COARM) subgroup of the Working party on Non-Proliferation on the 26 February 2025.

DRAFT COUNCIL CONCLUSIONS ON ARMS EXPORT CONTROL

1. 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 any export of military technology and equipment where the criteria of Common Position 2008/944/CFSP are met for denial of such an export.
2. The Council recalls its commitment to strengthening the control on the export of military technology and equipment through the adoption of Council Decision (CFSP) 2025/... of XX/XX 2025, 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 control 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 technology and equipment should be traded in a responsible and accountable way and every effort should be made to prevent its diversion to terrorists, criminals and other unauthorised users.
3. The Council welcomes Member States' renewed commitment to the legally binding Common Position as amended by Council Decision (CFSP) 2025/... and stresses the importance of thoroughly assessing export licence applications for military technology and equipment against the criteria stipulated therein.

4. The Council reaffirms the common goal that underpinned the adoption in 2008 of Common Position 2008/944/CFSP. The Council recalls earlier assessments that further progress is achievable in the implementation of the Common Position in order to maximise convergence among Member States in the field of arms export control. The Council welcomes 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 underlines that the consistent interpretation and operational application of those criteria support the convergence of national arms export policies.
5. The Council reaffirms its commitment to preventing and countering diversion of military technology and equipment, especially small arms and light weapons (SALW), which contribute to armed violence worldwide. The Council reaffirms the need to prevent circumvention of instruments established to limit trade in arms, including UN arms embargoes, OSCE sanctions, and EU restrictive measures.
6. The Council emphasises the commitment of Member States to multilateral export control regimes, as they uphold their actions supporting a continued multilateral approach to export control, and to strengthening the functioning of these regimes, which are fundamental, inter alia, to avoid the destabilising accumulation of conventional arms and to the promotion of international peace.
7. The Council recalls that the response of the EU and its Member States to Russia's war of aggression against Ukraine, including through European Peace Facility (EPF) assistance measures in support of Ukraine's inherent right to defend itself in line with international law including the UN Charter, demonstrated EU's unwavering commitment to providing continued support to Ukraine and its people for as long as it takes. The Council further recalls that military support is provided in full respect of the security and defence policy of certain Member States and taking into account the security and defence interests of all Member States.
8. The Council recognises that measures to facilitate exports of military technology and equipment jointly developed by Member States can stimulate cooperation within the Union and significantly contribute to strengthening the global competitiveness of the Union's defence technological and industrial base, which in turn contributes to the increase of Europe's overall defence readiness and capabilities.

9. The Council welcomes the Joint Communication of the European Commission and the High Representative on the European Defence Industrial Strategy which calls upon Member States to explore ways towards gradual further convergence of their arms export control practices, especially for those defence capabilities that are jointly developed, and encourages Member States to exchange best practice on export control rules for jointly developed capabilities.
10. The Council welcomes the adoption of Regulation (EU) 2025/41 on import, export and transit measures for firearms, essential components and ammunition (recast) on 19 December 2024. The Council underscores the importance of the commitment to uphold the same standards on exporting of civilian firearms as those for the export of military technology and equipment. The Council specifically welcomes the application of the criteria of the Common Position to the export of civilian firearms and the clear delineation between the scope of application of both legal acts.
11. The Council recognizes the value of arms exports for establishing long-term relationships between supplier Member States and end-users, which can help to build and reinforce partnerships in security and defence, thereby strengthening our ability to contribute to the peace and security of our continent, respond to external conflicts and crises, and protect the EU and its citizens, in line with the EU Strategic Compass;
12. The Council reaffirms its commitment to transparency in 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 2008/944 and User's Guide on the substance and process of reporting. The Council welcomes the results of the work of the Working Party on Conventional Arms Exports subgroup (COARM) of the Working Party on Non-Proliferation and Arms Exports on best practices to report the relevant information on actual exports. Member States commit to report on the value of actual exports, where available, and explore ways of making such information available, where relevant.
13. The Council welcomes the agreement of Member States to further improve the working methods of COARM, including the launch of a database for licensing officers in May 2022. The Council encourages Member States and EU institutions to contribute to developing the database.

14. The Council expresses commitment to continuing its efforts to promote the universalisation and effective implementation of the Arms Trade Treaty (ATT), including transparent reporting, through result-oriented and synergetic outreach. The Council reiterates its conviction 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. The Council expresses concern about negative dynamics in the ATT, including in submission of annual reports. While welcoming the significant number of States now parties to the ATT, the Council calls for strengthened efforts towards universal adherence. The Council calls upon States that have not yet done so to accede to, or ratify, the ATT, and, pending their accession or ratification, to adhere to its terms.
15. The Council underscores the significance and relevance of EU outreach to third countries in support of effective arms export controls and commits to continuing and strengthening cooperation with partner countries, especially EU candidate countries and in the EU neighbourhood. The Council encourages third countries to align themselves with Common Position 2008/944/CFSP and any subsequent revision thereof.
16. The Council commits to taking work forward on elements supporting responsible trade in military technology and equipment, and tasks COARM where relevant to:
- (1) continue exploring ways to support the tracing of military technology and equipment for prevention and prosecution of diversion, including through marking arms and tagging of ammunition, employing innovative technical solutions for tracing; continue supporting and work towards further development of the Global Reporting Mechanism on Conventional Arms and Their Ammunition (iTrace);
 - (2) in recognition of the value of good relationship and cooperation between exporter and importer states, including end-user verification and monitoring as a diversion prevention tool, encourage willing Member States and third countries to explore together such a relationship and cooperation, and work towards developing best practices for Member States;
 - (3) agree on means to facilitate exports of military technology and equipment jointly developed by Member States;

- (4) explore ways to address risks that the military technology or equipment to be exported might be used to commit or facilitate serious acts of violence against persons belonging to groups specifically protected by international human rights law and international humanitarian law;
- (5) support capacity building of third countries with respect to arms and ammunition stockpiles management;
- (6) foster further convergence towards minimum standards of controls of intangible technology and knowledge transfers;
- (7) continue outreach to the Union's defence industry to promote information sharing, transparency, and convergence of security policy and economic considerations, including in the context of the ATT;
- (8) evaluate the application of Council Decision (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition.
17. The Council recalls the obligation to ensure the consistency of the Union's external action, 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 military technology and equipment, and dual-use goods.
18. The Council tasks COARM to reassess the implementation of Common Position 2008/944/CFSP, as amended by Council Decision (CFSP) 2025/..., in five years' time.
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