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General Secretariat

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LIMITE

**COARM
CONOP
CFSP/PESC**

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WORKING DOCUMENT

From: General Secretariat of the Council
To: Working Party on Non-Proliferation
Working Party on Conventional Arms Exports

Subject: Draft Council Conclusions on arms export control - revised version (REV 1)

Delegations will kindly find attached the Draft Council Conclusions on Arms Export Control, with amendments proposed prior to and during informal discussion of COARM delegates on 7 October 2024.

Delegations are encouraged to present positions with regard to the entire text during COARM meeting on 14 October 2024.

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 in full respect of the security and defence policy of certain Member States to prevent the export of military technology and equipment which if there is a clear risk might be used for internal repression or international aggression or contribute to regional instability.
2. 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) 2024/... of XX/XX 2024, which amends the 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 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 ~~should be prevented~~.
3. The Council welcomes Member States' renewed commitment to the legally binding Common Position as amended by Council Decision (CFSP) 2024/... 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 Common Position in order to maximise convergence among Member States in the field of exports of control of conventional arms. 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 ingon 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 the 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 the avoidance of undesired 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

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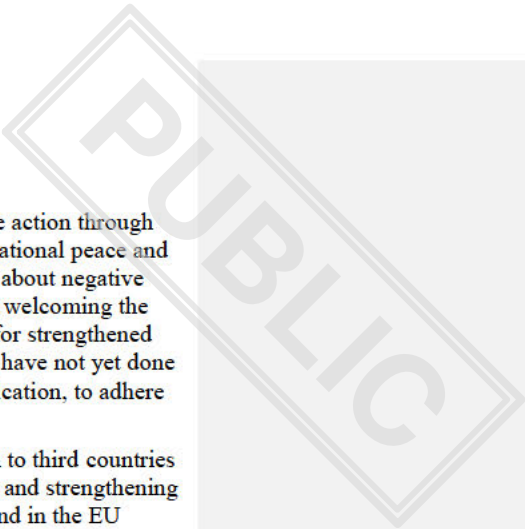
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measures in support of Ukraine's inherent right to defend itself in line with international law including the UN Charter, demonstrated the significance of security policy-driven and coordinated arms exports as a crisis response tool.

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 implementation of EU's CFSP, in particular the Common Security and Defence Policy (CSDP).
9. The Council welcomes the Joint Communication of the European Commission and High Representative / Vice-President of the European Commission on European Defence Industrial Strategy which calls upon Member States to explore ways towards the streamlining and 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. The Council welcomes the adoption of principles and a toolbox to facilitate exports of military technology and equipment jointly developed by Member States, as an element of the User's Guide.
10. The Council welcomes the adoption of the *[recast regulation on import, export and transit of civilian firearms / final agreement between Council and Parliament]*. 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 furthering the goals of the EU's CFSP and CSDP, in line with the EU Strategic Compass;
12. 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 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

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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 ammunition~~ 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);

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(2) in recognition of the value of ~~[post-shipment]~~ ~~[relationship and]~~ cooperation, ~~[including post-shipment controls]~~, as a diversion prevention tool, encourage willing Member States and third countries to explore together such cooperation and controls, and work towards developing best practices for Member States;

(3) support capacity building of third countries with respect to arms and ammunition stockpiles management;

(4) further develop coherence and work towards ~~[common]~~ minimum standards of controls of intangible technology and knowledge transfers;

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(5) 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;

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(6) 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 notes the current significant share of EU Member States' arms exports in global international arms trade. ~~The Council recognizes the value of employing the Union's external action toolbox for coordinated support of arms exports of Member States, and of making use of such arms exports as a tool of the Union's CFSP.~~ To that end, the Council recognises a need to gradually develop, without prejudice to sovereign prerogatives of Member States, a convergent EU security policy approach to arms trade towards geographic regions and third countries, through high-level political discussions and, where appropriate, EU regional or country-specific strategies, building on synergetic

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employment of available tools and processes of CFSP and CSDP, such as design and oversight of EPF assistance measures, conflict prevention analyses, EU delegations in third countries, security and defence partnerships, and CSDP missions and operations. The Council tasks the High Representative to take work forward, in cooperation with the Commission and the European Defence Agency.

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19. The Council tasks COARM to reassess the implementation of Common Position 2008/944/CFSP, as amended by Council Decision (CFSP) 2024/..., in five years' time.