



Council of the European Union  
General Secretariat

**Brussels, 25 May 2020**

**WK 5415/2020 INIT**

**LIMITE**

**COARM  
CFSP/PESC**

### WORKING PAPER

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#### **CONTRIBUTION**

From:	Swedish delegation
To:	Working Party on Conventional Arms Exports
Subject:	Swedish comments - Providing military technology and equipment in the framework of the EPF - Basic principles for compliance and control

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Brussels, 28 April 2020

**Providing military technology and equipment in the framework of the EPF  
Basic principles for compliance and control**

Sweden thanks the EEAS for the document "Providing military technology and equipment in the framework of the EPF – Basic Principles for compliance and control" (WK 4458/2020).

General remarks:

Sweden notes that the document in question (WK 4458/2020) does not address the broader political implications of granting the EPF a mandate to finance the provision of military equipment, as requested by Sweden in Coreper on 27 November 2019. Instead, the paper mainly provides technical guidance related to safeguards intended to mitigate the risks associated with the transfer of military equipment, which are issues that fall under the discretion of Member States. As such, Sweden's comments in this document are made without prejudice to the final decision on whether the EPF should include a military equipment dimension or not.

Sweden's initial and overall reflection to the document is that more information and clarification is needed regarding the roles and responsibilities of EU Member States and the EU on the EPF decision - making process. For instance, the document indicates that assistance measures "are without prejudice to the competences of exporting states and national export licence authorities as regards export licences". But, as raised by other delegations, how will it be possible for EUMS to exercise their export control assessments and judgements if the Council already has approved the export of military equipment and technology to a third country?

Sweden would also be in favour of a more in-depth discussion in COARM regarding the EPF and the important and different kinds of aspects relating to "diversion". For instance who is responsible for the measures when an export of military equipment to a third country is completed? And what kind of measures are at hand etc?

Against this background, please see below the initial Swedish comments in t/c, and please also note that the text proposals in square brackets have to be considered together with our general reflections above (especially pending the outcome of the discussions regarding the roles of the EUMS versus the EU in the EPF-process).

## I. INTRODUCTION

1. A key objective of the European Peace Facility (EPF) is to provide the EU with an instrument to finance, inter alia, assistance measures that could strengthen the military and defence capacities of third States, regional and international organisations<sup>1</sup>. EPF assistance

<sup>1</sup> Article 1.b.2 and 47c of the draft Council Decision establishing a European Peace Facility, REV 2 (doc. WK 14172/2019 ADD 1 of 13 December 2019).

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measures (AM) could potentially include the supply of equipment to foreign military or defence actors including equipment and/or technology on the EU common military list (hereafter military equipment<sup>2</sup>).

2. It is therefore essential that provision of military equipment through the EPF is in accordance with the highest international standards for the export of such equipment, in full respect of international law, including international human rights law (IHRL) and international humanitarian law (IHL) and with adequate assurances regarding its end-use. Breaches by the beneficiary of those conditions could lead to the suspension or termination of the EPF AM. In addition, the supply of military equipment by the EU to third States or regional or international organisations will continue to be subject to relevant Union, national and international arms export control laws and rules, and is without prejudice to the [national competences of exporting States and national export licence authorities as regards export licenses and other necessary authorizations](#). The annexes to the paper provide illustrative lists of some of the most relevant international instruments and European acquis applicable to the provision of military equipment, dual use goods and civil firearms.
3. This paper sets out guiding principles regarding the provision of military equipment. More specifically, it addresses the issue of compliance and conditionality, as well as control and accompanying measures, in relation to the supply and transfer of ownership of military equipment to the beneficiary.

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<sup>2</sup> The same principles could also apply to either civilian goods or technologies or items for dual use. Exports items under these categories are subject to specific laws and regulations according to their category (military, dual use, civil firearms).

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4. It provides an overview of existing best practices and recommendations in the field of arms exports and post-shipment safeguards. It is based on a review of EU Member States' arms export policies as reflected in the National Reports to Parliament and Council<sup>3</sup>, inputs from Member States in the COARM Council Working Party<sup>4</sup>, EU funded export control and counter diversion projects<sup>5</sup> and activities, UN and OSCE best practices and recommendations<sup>6</sup>, US arms export control programmes<sup>7</sup>, NGOs and CSOs suggestions<sup>8</sup>. It also takes account of the EU legal framework, international treaties and standards, the Council User's Guide to Council Common Position 2008/944, the 2018 EU small arms and light weapons (SALW) strategy<sup>9</sup>, and the practices of EU Member States' Armed Forces.

## II. GENERAL PRINCIPLES AND CONSIDERATIONS

5. The implementation of AMs involving the supply of military equipment should be based on the following key principles:
- a) **compliance** with all relevant legal instruments and best practices based on international ~~and~~ EU ~~[and exporting States rules]~~ ~~and~~ standards ~~[and policies]~~ in the area of the supply of military equipment, and respect for human rights and international humanitarian law by the beneficiary ;
  - b) **control after delivery to the beneficiary**, to the extent deemed required in accordance with the relevant provisions of the Council decision establishing the EPF ~~and~~ of subsequent Council decisions on AMs ~~[and of the exporting States policy]~~.
6. The specific control and safeguards measures could be included on a case-by-case basis in the proposals for Council decisions on the supply of military equipment, as each AM will be tailored to a specific context. Therefore, beyond the common elements that should feature in every assessment for EPF AMs as set out above (notably respect of international law, including human right law (HRL) and international humanitarian law (IHL), the country specific environment, evidence of the beneficiary's commitment on correct use, and provisions on non-diversion and preservation of the EPF-supplied equipment, safe storage, stockpile management and – as required – legacy surplus disposal in the beneficiary country, should also be taken into account.

<sup>3</sup> Council reports according to Article 8(2) of Council Common Position 2008/944/CFSP defining Common Rules governing the control of exports of military technology and equipment.

<sup>4</sup> Online Tour de table on national practices regarding the framing of transfers of materials covered by the EU common military list, in particular lethal equipment, exported to third countries in the framework of a specific (bi- or multilateral) cooperation, Feb. to Apr. 2020.

<sup>5</sup> Including EU ATT Outreach Project, iTrace.

<sup>6</sup> In particular : UN Human rights due diligence policy on UN support to non-UN security forces (2013) and guidance note (2015), UN OHCHR internal working paper on Human rights and international humanitarian law compliance framework of the G5 Sahel Joint Force, and OSCE Handbook of Best Practices on Small Arms and Light Weapons (Decision N° 5/03).

<sup>7</sup> Blue Lantern (compliance of direct commercial sales of defence articles, defence services, and related export data), Golden Sentry End User Monitoring (Golden Sentry's execution include obtaining pre-delivery end-user assurances from the beneficiary governments and international organizations regarding authorized end-use, re-transfer restrictions, and protection of U.S.-origin defence equipment.) and Military Assistance Program (monitoring of military equipment provided to US allies between 1952 and 1990).

<sup>8</sup> *Inter alia*: SIPRI, GRIP, Small arms survey, Conflict Armament Research, Geneva International Centre for Humanitarian Demining, PAX for Peace, Saferworld.

<sup>9</sup> Council Conclusions on the Adoption of an EU Strategy against Illicit Firearms, Small Arms and Light Weapons and their Ammunition, 19 November 2018, 13581/18.

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7. EPF AMs for the provision of military equipment will be implemented in a different context than the commercial exports of such equipment. The EU will therefore have full political and technical control of the definition and scope of the AM, of the specification of equipment as well as of the supply and logistical chain until the handover to the beneficiary, and [together with the exporting State](#) be fully entitled to set conditions for appropriate use and safekeeping of the equipment after the delivery to the beneficiary.
8. This will offer enhanced opportunities for reinforced conditions, accompanying mitigating measures and monitoring. Arrangements with the beneficiary partner presented in this paper are envisaged as options to be further explored<sup>10</sup>, and which will have to be adapted to each specific context.
9. EPF AMs should be conflict sensitive to ensure that activities will have a mitigating impact on conflict dynamics and be able to respond to external crises by strengthening the capacities of third countries or regional or international organisations in view of attaining EU goals and objectives as defined in EU global, thematic, regional and country strategies. They should reinforce the EU's political standing and the implementation of multi-faceted approaches. They should fill existing gaps by helping to establish adequately equipped partner country security forces that can safeguard peace, security and human rights, sustainable development and, where required, prevent terrorist violence.
10. Each EPF AM should ideally constitute support provided within the framework of the overall EU policy towards the beneficiary and, seek coordination, coherence and complementarity with relevant actions undertaken by EU Member States<sup>11</sup>, [especially the exporting State](#).<sup>12</sup> They should be implemented, in line with an integrated approach, rather than as stand-alone measures. This could reinforce the incentive for the beneficiary to comply with conditions and provide guarantees, thereby contributing to offer a more secure legal and operational environment for the implementation of a given AM.
11. EPF AMs should also contribute to the overall goal of implementing the European Union Guidelines on promoting compliance with IHL<sup>11</sup>, the European Union Strategy against illicit firearms, Small Arms & Light Weapons and their ammunition (2018)<sup>12</sup> and to strengthen capacities of beneficiary States in the implementation of the UN Programme of Action on Small Arms (UN PoA), the International Tracing Instrument (ITI), the ATT, and the 2030 Agenda for Sustainable Development (in particular Goal 16, target 16.4)<sup>13</sup>.

Commented [HR1]: There is no Footnote No 10.

<sup>11</sup> OJ C 303, 15.12.2009, pp.12-17.

<sup>12</sup> ST 13581/18.

<sup>13</sup> Goal 16 of the Sustainable Development Goals is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels. Target 16.4 refers to the combatting of organized crime and illicit financial and arms flows.

### III. LOCAL CONTEXT OF EPF ASSISTANCE MEASURES

12. EPF AMs will require careful identification and assessment of the conditions for providing the support. Case-by-case arrangements as regards commitments from the beneficiary to respect specific conditions should be developed in dialogue with the beneficiary country [\[and the exporting State\]](#). These conditions should as required be set out in the Council Decision approving an AM.
13. In a beneficiary country, EPF AMs should seek to improve the governance and hands-on management of conventional ammunition and arms in line with international best practices. Specific flanking measures could be implemented either by the EPF, under other EU instruments, by EU Member States and/or by international organisations or by other partners.<sup>14</sup> They should also contribute to the overall arms control effort by promoting the implementation of international standards and best practices that have been developed within the framework of the Modular Small Arms Control Implementation Compendium (MOSAIC) and the International Ammunition Technical Guidelines (IATG), and wherever appropriate OSCE and regional organisation guidelines, NATO<sup>15</sup> and relevant international standard setting systems (such as the International Organization for Standardization/ISO) system.
14. Where relevant to verify the post shipment use and sustainability of the equipment provided by the EPF, additional flanking measures may need to be implemented to help third countries to improve their physical security and stockpile management (PSSM) of state-held weapons by strengthening relevant national legislative and administrative frameworks (especially with regard to marking and record-keeping) and to promote and assist in the responsible disposal of surplus, seized and otherwise retrieved SALW, ammunition and other sensitive military equipment<sup>16</sup>.
15. Alongside discussions on the delivery of military equipment, when required, the beneficiary country should be invited to commit to take steps to sign, ratify and comply with the arms control and disarmament agreements listed in the Common Position.

<sup>14</sup> Such measures might comprise, for instance, political dialogue or specific assistance programmes.

<sup>15</sup> NATO AASTP: NATO Guidelines for the storages of military ammunition and explosives; NATO MSIAC: Munitions Transport and Storage Safety.

<sup>16</sup> In the EPF context, destruction is the preferred method of disposal.

#### IV. GUIDELINES FOR ASSESSMENT, COMPLIANCE AND CONTROL MEASURES

##### 1) Aspects of the assessment and control process

###### a) Preparatory phase

16. During the preparatory phase of an AM involving the delivery of military equipment, the High Representative, assisted by the EEAS, ~~and~~ in close consultation with the relevant administrator for AM as regards any contractual implications [and the exporting State], should conduct an assessment of the beneficiary including context sensitive analysis, impact assessment, and prepare possible measures and arrangements for monitoring and evaluation<sup>17</sup>.
17. This assessment should as required review compliance with Common Position 2008/944/CFSP (as last amended by Council Decision (CFSP) 2019/1560), the Arms Trade Treaty (ATT), and analyse the context of the foreseen EPF assistance and potentially related accompanying measures, as set out below.
18. Before proposing an AM for the supply of military equipment, sufficient assurances on the correct use of military equipment must be provided by the declared end-user. Ex-ante assessments, final compliance evaluations of the commitment of the beneficiary as well as post-shipment monitoring should be undertaken as required. All available information on the appropriate end-use should be assessed and verified.
19. If agreements with the beneficiary for the supply of equipment are needed, they could be formalized using different formats and instruments, depending on the scope, the volume and the sensitivity of technology and/or equipment that would be provided, and the corresponding need for guarantees from the beneficiary.
20. The following formats and instruments could be considered, depending on requirements in the specific case:
- End User Certificate (EUC), which can incorporate all requirements for supply. On the beneficiary side, the signature would be at the level of the minister of defence, vice minister or chief of armed forces.
  - Exchange of letters between the Minister of Foreign Affairs of the beneficiary State, ~~and~~ the HR [and the exporting State].
  - International agreement between the EU, [the exporting State] and the beneficiary State. Such an agreement could be based on a standard text to be adapted as required.

<sup>17</sup> This assessment could be submitted with the concept note pursuant to Article 48 of the EPF CD or then after with the proposal for CD.

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21. As a minimum condition, an EUC (with the acceptance of a non-re-export clause) should be mandatory. Subsequently, practical arrangements on modalities to implement and monitor the conditions set out in the EUC (verification and control) might be required, in consultation with the competent authorities of the beneficiary country and of the country having granted the export licence.

### b) Suspension/termination of measures

22. Furthermore, Council decisions establishing EPF AMs should ~~always contain~~<sup>foresee</sup> the possibility to suspend or terminate the AM in the case of misuse, misconduct or breach of the initial agreement by the beneficiary. For example, ~~the following possible causes~~<sup>should normally be subject</sup> of suspension or termination ~~could be~~, inter alia, diversion of equipment, lack of compliance with conditions of delivery, infringement to, and evidence of violation of IHRL and IHL, and in the case of political developments in the beneficiary State contrary to international commitments, rules and standards. The practical and contractual consequences of such a decision with regard to the administrator for AM and the implementing actor(s) need to be further explored.

### c) Transparency

23. Once a year, in the first semester as part of the HR report to PSC provided in accordance with Article 51.c (1) of the draft EPF CD, the EEAS should present consolidated data from EPF administrators on military equipment delivered the year before in the framework of AM, summarising the implementations of the principles of EPF delivery policy during the previous calendar year, as well as providing a breakdown of EPF related export licences. That part could possibly be attached to the EU annual report on arms exports.

## 2) Criteria to be applied before implementing an AM

### a) Compliance with export control criteria

The legal criteria are those provided in national arms export control laws and regulations, in line with Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment (as last amended by Council Decision (CFSP) 2019/1560), ~~and~~ the ATT <sup>[and exporting States policy]</sup>.



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### b) Respect for international law and international guidelines and policies as regards IHRL and IHL

24. A beneficiary's respect for IHRL and IHL, and correct end-use must be given particular importance when deciding on supplying military equipment. Evaluating the human rights situation and compliance with IHRL and IHL in the beneficiary country (including in particular by its security and defence forces), and the consequence of providing or not providing EPF support is essential. Such an assessment should take into account policies and guidelines elaborated by the EU, the Council of Europe, the United Nations (UN), [\[the exporting State\]](#) as well as relevant regional and other international organization. Factual reports and evidence gathered, including from international human rights and other relevant civil society organisations should also be considered. IHRL and IHL expertise could also sought be among all relevant sectors (e.g. political, diplomatic, security/military, humanitarian, etc.). In line with the proposed Article 47c of the EPF proposal, AMs must respect the obligations of the Union and its Member States under international law, in particular IHRL and IHL.

### c) Appraisal of beneficiary country's context

25. When assessing the context for a planned AMs, it would be important to also bear in mind:

- the beneficiary's political commitment and compliance with international standards in the proper use and management of military equipment;
- the availability of comparable systems from third country suppliers or potential donors;
- the ability of the beneficiary to field, support, and employ the requested system in accordance with their intended end-use;
- the possibility of corruption linked to the assistance after the transfer of the equipment to the beneficiary;
- the overall EU engagement in support of the security sector in the country and the existence of national security sector improvement strategies or policies (such as, for instance, SSR process);
- where required, the possibility to train and accompany the beneficiary country's armed forces.

26. It would also be important to consider the current and past behaviour of the beneficiary country with regard, but not limited, to:

- commitment to the fight against international terrorism and international organised crime;
- compliance with obligations under international law, including IHRL and IHL;
- taking on commitments in the areas of non-proliferation, arms control and disarmament.

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27. This exercise could also draw on recent UNSC presidential statements<sup>18</sup> and the following additional context specific elements:

- progress on the effective implementation where appropriate, by the beneficiary government, and within sustainable budgetary resources, of a National Program for Disarmament, Demobilization, Reintegration and Repatriation (PNDDRR), and in particular the socio-economic reintegration of former members of armed groups and the integration of vetted former members of armed groups into governmental forces;
- the establishment by the government of a planning document detailing the needs of the national authorities in terms of weapons and ammunition storage facilities and in terms of training and vetting of defence and security forces for the management of these weapons and ammunition and facilities, as well as working effectively towards the increase in adequate storage and management capacity and towards the effective training of defence and security forces, consistent with the final needs of the partner authorities;
- the keeping, by the government, of an arms registration and management protocol for defence and security forces, covering small arms, light weapons and ammunition, and other weapons and ammunition, delivered to the authorities;
- the establishment of a system of individual receipt of weapons and of a system for applying individual accountability measures in case of loss, theft, or diversion of weapons;
- effective engagement / work towards proficiency in arms registration and management and towards investigating when weapons were inappropriately managed, and existing related national law;
- the establishment and beginning of functioning of a national commission against illicit SALW proliferation;
- the establishment, by the government, of a protocol for the collection and destruction or transfer to the armed forces and internal security forces of surplus, unregistered or illicitly held weapons and ammunition seized by the authorities with the aim, in particular, of fighting against the illicit dissemination of weapons and ammunition, and working effectively towards implementing such a protocol.

<sup>18</sup> UN SC/13769, 9 April 2019, statement on the conditions for reviewing the arms embargo on the Government of the CAR. (<https://undocs.org/en/S/PRST/2019/3>).

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### V. CONTROL AFTER DELIVERY TO THE BENEFICIARY

28. Verification of end-use includes a range of possible actions aimed at avoiding diversion, ensuring proper use, reducing legacy stockpiles, as well as preserving equipment.

#### 1) End-user certificates and commitment from the beneficiary

29. Provision by the beneficiary of an EUC [in accordance with Section 1 in COARM User's Guide defining common rules governing the control of exports of military technology and equipment](#)<sup>19</sup> should be a precondition for the delivery. EUCs should include a non-re-export clause and could prescribe specific conditions and commitments (including, as required, use and user reserves and post-export verification procedures) as agreed with the [exporting State and the](#) beneficiary. EUC can be completed with other agreements (as set out in para. 20).

Commented [HR2]: Reference needs to be updated

#### 2) Delivery verification and controls

30. Delivery and transfer of ownership to the agreed end-user has to be verified and registered by the EPF. Subsequently, if so provided in the Council decision on the EPF AM, controls and physical examination could be carried out by EPF mandated actors [in consultation with the exporting State](#) after the delivery of the equipment.

#### 3) Non diversion after delivery and transfer of ownership to the beneficiary

31. Provisions to ensure that equipment will not be diverted should [always](#) be included in Council decisions on AMs.

#### 4) Physical security and stockpile management (PSSM)

32. PSSM of SALW and ammunition is instrumental to curbing losses, diversion and illicit proliferation of weapons and ammunition. Poor stockpile security is often a prime means through which arms and ammunition are diverted to illicit markets. Thus, weapons and ammunition need to be physically protected and stored. This includes the provision of secured infrastructures (armouries in protected and secured zones), storage rules (neutralization, separated storage of arms and critical parts, isolation of ordnance from firing sets, detonators, igniters, etc.). Adequate storage and rules of conservation should be provided for in permanent bases, as well as in forward/deployed operational bases, and in field units.

<sup>19</sup> COARM 172 CFSP/PESC 393, 20Jul. 2015: User's Guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment. Section 1: Best practices in the area of end-user certificates

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33. EPF AM should also contribute, beyond the actual provision of equipment, to reducing the possibility of diversion of SALW and to international arms trade control. They should offer additional opportunities to provide leverage for promoting international efforts to control the illicit trade in SALW. Recommendations, guidelines and practices developed by relevant international organisations, entities or mechanisms should be taken into account.

### 5) Traceability

34. All small arms and light weapons and ammunition should be marked according to international standards<sup>20</sup>. SALW provided by the EPF should also be marked, prior to delivery, with import markings identifying the end-user. Traceability of most sensitive items<sup>21</sup> must be ensured by the beneficiary country (or regional organisation) throughout the lifecycle of the item. This requires the use of ledger systems, and systematic recording of moves and transfers together with the identification of a responsible person at any given moment. Agreements/arrangements to be concluded with beneficiary countries should provide for an obligation to notify the country having granted the export licence and the EU in the case of theft or loss of EPF AM- weapons and ammunition, or other sensitive equipment.

**Commented [HR3]:** See footnote for comments

35. Beneficiary armed forces should take the necessary measures in order to ensure secure storage, registry of armaments, recording of each arms and ammunition movement (check-out, check-in) with regular control from each hierarchical level, as well as regular inspection and inventory checks. In case of inconsistencies and losses, the competent authorities of the beneficiary State should undertake effective investigations and launch disciplinary measures and impose sanctions against persons found responsible. They should also inform the country having granted the export licence and the EU.

**Commented [HR4]:** Question: Regarding “theft or loss”, should not a beneficiary country notify the country having granted the licence in all cases?

36. The EPF should keep data records of all sensitive equipment (in particular identification numbers) that it will supply, and of the related agreements with the beneficiary. These documents should be shared with the exporting State.

### 6) Stockpile management and reduction

37. In some cases, small arms and ammunition stockpiles greatly exceed, immediate and projected future needs. Surplus arms are best disposed of through destruction. Furthermore, significant stockpiles make traceability and inventories more complex and difficult to achieve. Thus, the reduction of excess inventory (including disabled equipment) through

<sup>20</sup> Markings should be easily recognisable, legible, durable and capable of being restored when fraudulently erased.

<sup>21</sup> The Council may not consider all equipment provided by an EPF AM as sensitive and may be willing to focus post-delivery monitoring on the most sensitive cases. The decision on the sensitivity of an item would lie with the Council in consultation with the exporting State and could include, indicatively: i) armaments, ii) explosives and ammunition, iii) Command and control (radio, crypto, etc.), but also certain medical drugs, CBRN materials and personal protective equipment.

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destruction could be considered in association (or as a condition) with the supply of EPF equipment.

**Commented [HRS]:** Maybe a stronger text:...should be considered as a condition with the supply of EPF equipment.”?

38. Provision of ‘New for Old’ could also be considered in particular for SALW deliveries. In such cases, destruction of old equipment is a recognized best practice and should be monitored<sup>22</sup>.

### 7) Preservation of EPF-provided equipment

39. Sustainability is an important criteria for responsible supplies of equipment. This implies that the beneficiary has a sense of ownership and commitment to value the assistance effort through *inter alia* logistics policies, allocation of necessary means (e.g. human and financial resources, budget plan, infrastructures, maintenance tools) and professional care of equipment.

### 8) Appropriate environment in the beneficiary country

40. Such an environment should include: genuine political commitment by the beneficiary at the appropriate level and buy-in of security sector actors to improve practices; a legal framework providing a sound basis for law enforcement in case of identified deficiencies; end-user internal regulations, rules on accountability as well as a disciplinary code. This framework should be accompanied by education and training, as appropriate.

## VI. EPF FOLLOW UP AND CONTROL OF DELIVERED ITEMS THROUGHOUT THE LIFE CYCLE

41. Council decisions on AM should in consultation with the exporting State provide for follow up and monitoring of delivered items. For its part, the EEAS<sup>23</sup> could keep records of all sensitive equipment (including identification numbers) which would be provided under the EPF.

## VII. CONCLUSION

42. It is incumbent on the Council as the decision-making body to ensure that the supply by the EU of military technology and equipment through the EPF is subject to appropriate safeguards for the proper delivery, management, maintenance, use and disposal of the items, and follow up monitoring. In accordance with the principles in Article 21(3) TEU, the consistency of such support with the broader EU approach to a given country or region needs to be ensured, notably from the perspective of efforts to strengthen the rule of law,

<sup>22</sup> See 2018 EU SALW Strategy.

<sup>23</sup> This report would be prepared by the future EEAS division in charge of EPF affairs.

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good governance, and more accountability of their military, in the framework of the European integrated and multidimensional approach to prevention and stabilisation.

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### ANNEX I

#### A. Illustrative list of international instruments related to conventional arms control

Instrument	Scope	Status
Convention on Certain Conventional Weapons (Geneva Convention), 1980	Aims to regulate or prohibit the use of certain conventional weapons	Legally binding Entered into force in 1983
<u>Protocols:</u> - Protocol I - Protocol II - Protocol III - Protocol IV - Protocol V	<u>Protocols:</u> - Non-detectable fragments - Mines, booby-traps and other devices - Incendiary weapons - Blinding laser weapons - Explosive remnants of war	Legally binding: - 1980 - 1980 (amended in 1996) - 1980 - 1995 - 2003
Anti-personnel Landmine Convention (Ottawa Convention), 1997	Total ban on anti-personnel land mines	Legally binding Entered into force in 1999
Convention on Cluster Munitions (Oslo Convention), 2008	Total ban on cluster munitions	Legally binding Entered into force in 2010
Firearms Protocol	Fight against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition	Legally binding Entered into force in 2005
Arms Trade Treaty (ATT), 2013	Common rules for the regulation of trade in conventional weapons	Legally binding Entered into force in 2014

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**B. Illustrative list of the European acquis on the control of arms and sensitive goods transfers applicable to EPF provisions of equipment**

	<b>Instrument</b>	<b>Scope</b>
<b>Military equipment</b>	Common Position (CFSP) 2003/468 of 23 June 2003	Common rules for the control of military equipment brokering
	Council decision (CFSP) 2008/944 of 8 December 2008	Common rules governing the control of exports of military technology and equipment
	Council decision (CFSP) 2019/1560 of 16 September 2019	amending Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment
<b>Dual-use goods and technologies</b>	Regulation (EC) No 428/2009 of 5 May 2009	Control regime for exports, transfers, brokering and transit of dual-use goods and technologies
<b>Others</b>	Regulation (EU) 2019/125 of 16 January 2019	Regulates the import and export of goods that might be used to inflict capital punishment, torture or other inhuman or degrading treatment or punishment
	Regulation (EU) No 258/2012 of the Parliament and of the Council of 14 March 2012	Regulates the transfer of firearms, parts, components and ammunition for civil use to non-European Union member states