

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 26 June 1997 the Council adopted the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms, committing the EU and its Member States to take concerted action to assist other countries in preventing and combating the illicit trafficking of arms.
- (2) On 8 June 1998 the Council adopted the European Union Code of Conduct on Arms Exports which sets up eight criteria for the export of conventional arms, establishes a notification and consultation mechanism for denials and includes a transparency procedure through the publication of the EU annual reports on arms exports. Since its adoption, the Code has contributed significantly to the harmonisation of national arms export control policies and its principles and criteria have been officially subscribed to by various third countries.
- (3) Operative provision 11 of the European Union Code of Conduct on Arms Exports states that Member States will use their best endeavours to encourage other arms exporting States to subscribe to the Code's principles.
- (4) The European Security Strategy adopted by Heads of State and Government on 12 December 2003 enunciates five key challenges to be faced by the EU in the post-Cold War environment: terrorism, the proliferation of weapons of mass destruction, regional conflicts, State failure and organised crime. The consequences of the uncontrolled circulation of conventional weapons are central to four of these five challenges. Indeed, the uncontrolled transfer of arms contributes to a worsening of terrorism and organised crime, and is a major factor in triggering and spreading conflicts, as well as in the collapse of State structures. In addition, the Strategy underlines the importance of export controls to contain proliferation.
- (5) The International Instrument to enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, adopted by the United Nations General Assembly on 8 December 2005 aims to enhance

the effectiveness of, and complement, existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

- (6) The EU Strategy to combat illicit accumulation and trafficking of small arms and light weapons (SALW) and their ammunition, adopted by the European Council on 15 and 16 December 2005, provides that the EU should, at regional and international level, support the strengthening of export controls and the promotion of the criteria of the Code of Conduct on Arms Exports by, *inter alia*, helping third countries to draft national legislation on this and promoting measures to improve transparency.
- (7) On 6 December 2006 the United Nations General Assembly, with the support of all Member States of the European Union, adopted Resolution 61/89, entitled 'Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms'. In December 2006 and June and December 2007 the Council adopted conclusions underlining that it is important for the EU and Member States to play an active role and cooperate with other States and regional organisations in the process within the United Nations to establish common international standards for the import, export and transfer of conventional arms, which would be a major contribution to tackling the undesirable and irresponsible proliferation of conventional arms which undermines peace, security, development and full respect for human rights.
- (8) The action plans agreed between the EU and partner countries under the European Neighbourhood Policy contain either a direct reference to the EU Code of Conduct on Arms Exports or to the development of effective systems of national export controls,

HAS ADOPTED THIS JOINT ACTION:

Article 1

1. For the purposes of the practical implementation of:
 - the European Security Strategy,
 - the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition,

- operative provision 11 of the European Code of Conduct on Arms Exports,
- the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms,
- the International Instrument to enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,
- the action plans in the framework of the European Neighbourhood Policy, and
- the Council Conclusions on a International Arms Trade Treaty,

the European Union shall support activities in order to further the following objectives:

- (a) to promote the criteria and principles of the EU Code of Conduct on Arms Exports among third countries;
- (b) to assist third countries in drafting and implementing legislation to ensure effective control of arms exports;
- (c) to assist countries in the training of licensing officers to ensure adequate implementation and enforcement of arms export controls;
- (d) to assist countries in the elaboration of national reports on arms exports and the promotion of other forms of scrutiny in order to promote transparency and accountability of arms exports;
- (e) to encourage third countries to support the United Nations process aiming at the adoption of a legally binding international treaty establishing common standards for the global trade in conventional arms, and to assist in ensuring that they are in a position to comply with such possible common standards.

2. A description of the projects furthering the objectives, as referred to in paragraph 1, is set out in the Annex.

Article 2

1. The Presidency, assisted by the Secretary-General of the Council/High Representative for the Common Foreign and Security Policy (SG/HR), shall be responsible for the implemen-

tation of this Joint Action. The Commission shall be fully associated.

2. The technical implementation of the projects referred to in Article 1(2) shall be entrusted to:

- the Slovenian Centre for European Perspective, acting on behalf of the Ministry of Foreign Affairs of the Republic of Slovenia, with regard to the projects concerning the Western Balkans countries and Turkey,
- the Ministry of Foreign and European Affairs of the Republic of France, with regard to the project concerning North African and Mediterranean countries,
- the Ministry of Foreign Affairs of the Czech Republic, with regard to the projects concerning the Western Balkans countries and Ukraine,
- the Swedish Inspectorate of Strategic Products, acting on behalf of the Ministry of Foreign Affairs of the Kingdom of Sweden, with regard to the project concerning Armenia, Azerbaijan, Belarus, Georgia and Moldova.

3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed of the implementation of this Joint Action, in conformity with their respective competences.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 500 500, to be funded from the general budget of the European Union.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the general budget of the European Union. Expenditure shall be eligible, including indirect costs, as from the date of entry into force of this Joint Action.

3. The Commission shall supervise the proper implementation of the EU contribution referred to in paragraph 1. For this purpose, it shall conclude Financing Agreements with the implementing entities mentioned in Article 2 on conditions for the use of the EU contribution. The financing agreements shall stipulate that the implementing entities are to ensure visibility of the EU contribution, appropriate to its size.

Article 4

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action. Reports shall form the basis for the evaluation carried out by the Council. The Commission shall be fully associated and shall provide information on the financial implementation of the projects as referred to in Article 3(3).

Article 5

This Joint Action shall enter into force on the day of its adoption.

It shall expire on 17 March 2010.

Article 6

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 17 March 2008.

For the Council

The President

I. JARC

ANNEX

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**I. Objectives**

The overall objectives of this Joint Action are:

- (a) to promote the criteria and principles of the EU Code of Conduct on Arms Exports among third countries;
- (b) to assist third countries in drafting and implementing legislation to ensure effective control of arms exports;
- (c) to assist countries in the training of licensing officers to ensure adequate implementation and enforcement of arms export controls;
- (d) to assist countries in the elaboration of national reports on arms exports and the promotion of other forms of scrutiny in order to promote transparency and accountability of arms exports;
- (e) to encourage third countries to support the United Nations process aiming at the adoption of a legally binding international treaty establishing common standards for the global trade in conventional arms, and to assist in ensuring that they are in a position to comply with such possible common standards.

II. Projects

Purpose:

To provide technical assistance to interested third countries which have demonstrated a willingness to improve their standards and practices in the field of the control of exports of military equipment, and to align their standards and practices on those agreed and applied by European Union Member States, and laid down in the EU Code of Conduct of Arms Exports, and the accompanying User's Guide.

Descriptions and cost estimates:

- (i) Workshops with groups of countries

The project will take the form of 4 two-day workshops to which government and licensing officials from the selected group of countries will be invited. The workshops will preferably take place in one of the target countries and training in relevant areas will be imparted by experts from EU Member States' national administrations, and the EU Council Secretariat and/or the private sector (including NGOs).

- (ii) Workshops with individual countries

The project will take the form of 2 two-day workshops with individual target countries to which government and licensing officials from the target country will be invited. The workshops will preferably take place in the target countries and training in relevant areas will be imparted by experts from EU Member States' national administrations, the EU Council Secretariat and/or the private sector (including NGOs).

III. Duration

The total estimated duration of the implementation of the projects will be 24 months.

IV. Beneficiaries

Groups of beneficiary countries:

- (i) The Western Balkan countries (2 two-day workshops, one in first semester of 2008 and one in first semester of 2009):

— Albania, Bosnia and Herzegovina, Croatia, former Yugoslav Republic of Macedonia, Montenegro, Serbia

(ii) The North African Mediterranean partners of the European Neighbourhood Policy (1 two-day workshop in second semester of 2008):

— Algeria, Egypt, Libya, Morocco and Tunisia

(iii) The Eastern European and Caucasian partners of the European Neighbourhood Policy (1 two-day workshop in second semester of 2009):

— Armenia, Azerbaijan, Belarus, Georgia and Moldova

Individual beneficiary countries as follows (1 two-day workshop in the first semester of 2008 and one in first semester of 2009):

— Turkey, Ukraine

(Should any of the above countries not wish to take part in the workshop, additional countries will be selected ⁽¹⁾ from the following additional partners of the European Neighbourhood Policy: Israel, Jordan, Lebanon, the Palestinian Authority, Syria.)

V. **Financial arrangements**

The projects will be financed in their entirety by this Joint Action.

Estimated required total financial means: the total costs of the project as described in this Joint Action is EUR 500 500.

⁽¹⁾ To be agreed upon by the competent decision-making instances of the Council on a proposal from the Presidency, assisted by the SG/HR. The Commission shall be fully associated.