

(Acts adopted pursuant to Title V of the Treaty on European Union)

JOINT ACTION

of 1 October 1996

adopted by the Council on the basis of Article J.3 of the Treaty on European Union on
anti-personnel landmines

(96/588/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Having regard to the Treaty on European Union, and in particular Articles J.3 and J.11 thereof,

Having regard to the general guidelines of the European Council held on 26 and 27 June 1992 which identified the areas falling within the security sphere which could, as from the entry into force of the Treaty on European Union, be the subject of joint actions,

Whereas, in the light of the outcome of the Review Conference on the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects, hereinafter referred to as 'the 1980 Convention', it is appropriate to update and further develop the initiatives carried out by the European Union under the terms of Council Decision 95/170/CFSP of 12 May 1995 concerning the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel mines⁽¹⁾, and Common position 95/379/CFSP of 18 September 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning blinding lasers⁽²⁾;

Whereas Council Decision 96/251/CFSP, of 25 March 1996 complementing Decision 96/170/CFSP concerning the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on anti-personnel mines⁽³⁾ has already provided a contribution to assistance in mine clearance in Bosnia-Herzegovina and Croatia for 1996,

Article 1

The European Union has resolved to combat and end the indiscriminate use and spread throughout the world of anti-personnel landmines as well as to contribute to solving the problems already caused by these weapons. The aim of this joint action shall be to reinforce the extensive political and practical actions already taken by the European Union in pursuit of these objectives.

To this end, this joint action entails three elements, as set out in Titles I, II and III:

- continued efforts of the European Union with a view to ensuring full implementation of the results of the first Review Conference of the 1980 Convention on the one hand, and support for international efforts to ban anti-personnel landmines on the other hand,
- a common moratorium on exports of anti-personnel landmines,
- a multi-faceted contribution by the European Union to mine-clearance.

TITLE I

ENDING THE INDISCRIMINATE USE OF ANTI-PERSONNEL LANDMINES

Article 2

The European Union is committed to the goal of the total elimination of anti-personnel landmines and shall work

⁽¹⁾ OJ No L 115, 22. 5. 1995, p. 1.

⁽²⁾ OJ No L 227, 22. 9. 1995, p. 3.

⁽³⁾ OJ No L 87, 4. 4. 1996, p. 3.

actively towards the achievement at the earliest possible date of an effective international agreement to ban these weapons worldwide.

Article 3

1. As an immediate step, all Member States:
 - shall take all possible action to ratify at an early date without invoking the provisions concerning deferral of compliance, the amended Protocol II on landmines as well as the new Protocol IV on blinding laser weapons, annexed to the 1980 Convention,
 - shall take steps to ensure their compliance with the prohibitions and restrictions contained in these Protocols pending their entry into force.

2. The European Union shall promote universal accession to the 1980 Convention and in particular to its amended Protocol II and new Protocol IV.

To this end, the Presidency shall, as appropriate, carry out demarches under the conditions set out in Article J.5 (3) of the Treaty.

3. In addition, in order to promote accession to and compliance with the amended Protocol II, Member States shall contribute actively to the annual conferences of High Contracting Parties provided for in Article 13 thereof.

4. The European Union shall seek to raise without delay the issue of a total ban, to which it is committed under Article 2, in the most appropriate international forum.

5. The European Union shall focus attention on those third countries which continue the irresponsible supply and indiscriminate use of anti-personnel landmines.

Article 4

Member States shall endeavour to implement national restrictions or bans additional to those contained in amended Protocol II, particularly on the operational use of anti-personnel landmines.

TITLE II

MORATORIUM ON EXPORTS OF ANTI-PERSONNEL LANDMINES

Article 5

Member States shall implement a common moratorium on the export of all anti-personnel landmines to all

destinations. They shall refrain from issuing new licences for the transfer of technology to enable the manufacture of anti-personnel landmines in third countries.

TITLE III

CONTRIBUTION TO INTERNATIONAL MINE CLEARANCE

Article 6

Action by the European Community

The European Community has intensified its activity in the field of mine clearance in the context of humanitarian aid, reconstruction and development cooperation. The Commission of the European Communities intends to continue Community's support for these activities which constitute an important part of the Community's action *vis-à-vis* certain third countries. The Community will also continue to pursue research activities relevant to mine clearance.

Article 7

Financial contribution of the European Union

1. In addition to the European Community operations mentioned in Article 6 and without prejudice to Member States' contributions, the European Union shall, on an ongoing basis, support international mine clearance efforts, including through further contributions to the UN Voluntary Trust Fund for assistance in mine clearance and/or in response to the request of a regional organization or a third country's authorities. An amount of ECU 7 million shall be charged to the general budget of the European Communities. Half of this amount shall be allocated to the UN Voluntary Trust Fund. The remaining amount shall be allocated to European Union initiatives to be launched in the period up to 31 December 1997, in accordance with the procedures set out in Article 10.

2. Any contribution to the UN Voluntary Trust Fund for assistance in mine clearance will be allocated to operations having priority for the European Union. The Presidency, in association with the Commission, will establish the necessary contacts with the United Nations Secretary General to define the conditions for using the European Union's contribution. The expenditure financed by the amounts stipulated in paragraph 1 shall be managed in compliance with the European Community procedures and rules applicable to the budget.

*Article 8***Specific actions of the European Union**

1. The European Union may provide assistance for mine clearance undertaken in certain third countries. The European Union may act at the request of regional organizations or at the request of a third country's authorities. It may also intervene in the context of programmes conducted by the United Nations Organization or, where appropriate, in cooperation with the latter to complement its action. It recognizes the important role of the Department of Humanitarian Affairs of the United Nations secretariat as the focal point in the United Nations for coordinating de-mining and related issues.

2. When the Council decides to carry out a specific action *vis-à-vis* a third country, it shall determine the funding for it taking into account any contributions in kind from Member States. It shall define the priority guidelines for European Union assistance which may, in particular, take the following forms:

- mine awareness activities,
- training of mine clearance specialists and mine clearance instructors,
- participation in mine clearance operations,
- development of a database on mines,
- assistance towards the rehabilitation of victims.

When adopting the acts referred to in the first subparagraph the Council shall act unanimously.

3. Pursuant to Article J.3 (2) of the Treaty, the Council shall define the conditions for implementing specific actions of the European Union, taking into account the possible value of designating, in certain instances, a person responsible for implementing the specific action on the spot.

4. In accordance with Article J.4 (2) of the Treaty, the European Union shall retain the option of having recourse to the Western European Union for the elaboration and implementation of specific actions of the European Union in the field of assistance for mine clearance.

*Article 9***Consistency of the European Union's action**

1. The Council and the Commission shall be responsible for ensuring the consistency of the European Union's activities in the field of mine clearance. They shall ensure implementation of their respective action, each in accordance with its respective powers.

2. Member States shall seek to increase the effectiveness of their national contributions to mine clearance. As far as possible, actions under Article 8 will be coordinated with those of Member States and of the Commission.

*Article 10***Coordination of the contribution of the European Union**

1. The relevant Council Working Party shall be responsible in particular for:

- the allocation of funds in response to requests from regional organizations or third country's authorities and the establishment of priorities in that respect,
- establishing priorities for the use of the European Union contribution to the UN Voluntary Trust Fund,
- determining the conditions for implementing specific actions of the European Union in third countries under Article 8.

2. Under the conditions set out in Article J.5 (3) of the Treaty, the Presidency shall:

- ensure liaison with the United Nations Organization,
- establish, with regional organizations and third countries, the contacts needed to implement the European Union's specific actions.

It shall keep the Working Party regularly informed of the outcome of such contacts.

3. Any relevant information shall be submitted to the Working Party to enable the Council and the Commission to ensure, under the best possible conditions, the consistency of the European Union's external action.

Article 11

This joint action shall enter into force on the date of its adoption.

This joint action shall be published in the Official Journal.

Done at Luxembourg, 1 October 1996.

For the Council

The President

D. SPRING