2023/2296

24.10.2023

COUNCIL DECISION (CFSP) 2023/2296

of 23 October 2023

on Union support for activities of the Arms Trade Treaty Secretariat in support of the implementation of the Arms Trade Treaty

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) The Arms Trade Treaty (ATT) was adopted by the United Nations (UN) General Assembly on 2 April 2013 and entered into force on 24 December 2014. All Member States of the Union are States Parties to the ATT ('States Parties').

(2) The ATT aims to establish the highest possible common international standards for regulating or improving the regulation of the legal trade in conventional arms and to prevent and eradicate the illicit trade in conventional arms and prevent their diversion. Key challenges are its effective implementation by States Parties and its universalisation, bearing in mind that regulating the international arms trade is by definition a global endeavour. To contribute to addressing those challenges, the Council adopted Decision 2013/768/CFSP ([1]), thereby enlarging the export-control-related assistance portfolio of the Union with activities specific to the ATT. That Decision was followed by Council Decisions (CFSP) 2017/915 ([2]) and (CFSP) 2021/2309 ([3]) on Union outreach activities in support of the implementation of the ATT.

(3) The ATT established a secretariat ('the ATT Secretariat') to assist the States Parties in the effective implementation of the ATT. The ATT Secretariat receives, makes available and distributes the reports as mandated by the ATT; maintains and makes available to States Parties the list of national points of contact; facilitates the matching of offers of and requests for assistance for ATT implementation and promotes international cooperation as requested; facilitates the work of the Conference of States Parties, including making arrangements and providing the necessary services for meetings under the ATT; and performs other duties as decided by the Conferences of States Parties. The ATT Secretariat also administers the Voluntary Trust Fund, which was established by the States Parties under Article 16(3) ATT to assist requesting States Parties requiring international assistance to implement the ATT, and the ATT Sponsorship Programme, which was established to facilitate the participation of State representatives in ATT meetings.

(4) In the Global Strategy for the European Union's Foreign and Security Policy of 2016 and the Strategic Compass for Security and Defence of 2022, the Union committed itself to promoting a rules-based international order with multilateralism as its key principle and the UN at its core. The Union strongly supports the expanding membership, universalisation, full implementation and enforcement of multilateral disarmament, non-proliferation and arms-control treaties, including the ATT. In the context of those overarching policy goals, support for the ATT Secretariat fits well within the specific aim of strengthening the multilateral system underpinning responsible trade in arms.

([1]) Council Decision 2013/768/CFSP of 16 December 2013 on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy (OJ L 341, 18.12.2013, p. 56).
([2]) Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty (OJ L 139, 30.5.2017, p. 38).
([3]) Council Decision (CFSP) 2021/2309 of 22 December 2021 on Union outreach activities in support of the implementation of the Arms Trade Treaty (OJ L 461, 27.12.2021, p. 78).

(5) The ATT Secretariat is well placed to liaise with all multilateral, regional, national and civil-society stakeholders executing projects in support of ATT universalisation and implementation. The Union is also a longstanding provider of export-control assistance for dual-use goods, supporting the development of legal frameworks and institutional capacities for the establishment and enforcement of effective export controls on dual-use and military goods. The ATT Secretariat should ensure that its projects complement the Union's existing export-control assistance programmes for dual-use and military goods, such as the programme referred to in Decision (CFSP) 2021/2309.

(6) On 16 April 2021, the Council adopted Decision (CFSP) 2021/649 ([4]) on Union support for activities of the ATT Secretariat in support of the implementation of the ATT. Pursuant to that Decision, the Union provides support for: capacity building of ATT national points of contact; establishing an expert roster (training the trainers) to build the capacity of local and regional ATT experts to provide advice and training on ATT implementation at local and regional levels; and a database to match needs and resources for assistance in ATT implementation.

(7) In view of the fact that Decision (CFSP) 2021/649 is due to expire on 20 October 2023, and having in mind the persistent difficult financial situation of the ATT resulting from a number of States Parties remaining in arrears with regard to their ATT contributions, the continuation of Union support is important. Such support should focus on: training for national and regional experts who can deliver quality training and implementation assistance for States Parties, including on the Voluntary Trust Fund projects; and on improving the fulfilment of the ATT reporting obligations by States Parties, including by increasing the rate of submission of ATT annual and initial reports. In addition, the database to match needs and resources will require support for its maintenance by the ATT Secretariat after its launch, which is scheduled for 2023,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of supporting the effective implementation and universalisation of the Arms Trade Treaty (ATT), the Union shall support the ATT Secretariat in undertaking activities with the following objectives:

— to support States Parties to the ATT ('States Parties') in strengthening their arms transfer control systems for the effective implementation of the ATT;

— to strengthen the institutional set-up of the ATT Secretariat as the principal body to assist States Parties in implementing the ATT.

2. In order to achieve the objectives referred to in paragraph 1, the Union shall support the following project activities:

(a) training for national and regional ATT experts to provide support to States Parties in implementing the ATT at national level;

(b) strengthening of States Parties' understanding of ATT reporting obligations and capacity to meet such obligations, including through the development of a voluntary guidance document and training materials, practical workshops, and the coordination of other international assistance;

(c) maintenance of the database for matching offers of and requests for assistance to implement the ATT.

A detailed description of the project activities referred to in this paragraph is set out in the Annex.

([4]) Council Decision (CFSP) 2021/649 of 16 April 2021 on Union support for activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty (OJ L 133, 20.4.2021, p. 59).

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') shall be responsible for implementing this Decision.

2. The technical implementation of the project activities referred to in Article 1(2) shall be carried out by the ATT Secretariat.

3. The ATT Secretariat shall perform its tasks under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with the ATT Secretariat.

Article 3

1. The financial reference amount for the implementation of the project activities referred to in Article 1(2) shall be EUR 1 298 000,00.

2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union's budget.

3. The Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For that purpose, it shall conclude the necessary agreement with the ATT Secretariat. The agreement shall stipulate that the ATT Secretariat is to ensure the visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the ATT Secretariat. The reports shall form the basis for the evaluation carried out by the Council.

2. The Commission shall provide information on the financial aspects of the implementation of the project activities referred to in Article 1(2).

Article 5

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

It shall expire 24 months after the date of conclusion of the agreement referred to in Article 3(3), or six months after the date of its adoption if that agreement has not been concluded within that period.

Done at Luxembourg, 23 October 2023.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

UNION SUPPORT FOR ACTIVITIES OF THE ARMS TRADE TREATY SECRETARIAT IN SUPPORT OF THE IMPLEMENTATION OF THE ARMS TRADE TREATY

1. **Background**

The Arms Trade Treaty (ATT) Secretariat is established under Article 18 of the ATT to assist States Parties in the effective implementation of the Treaty. The ATT Secretariat is mandated to undertake certain core tasks, including: managing the process of receiving and distributing reports submitted under Article 13; maintaining a list of national points of contact; facilitating the matching of offers of and requests for assistance for Treaty implementation; and facilitating the work of the Conference of States Parties. In addition, the ATT Secretariat is the administrator of the Voluntary Trust Fund (VTF) established under Article 16(3) of the Treaty, as well as the ATT Sponsorship Programme.

The ATT Secretariat operates 'within a minimized structure', as determined by Article 18 of the Treaty and within a limited budget approved by the annual Conference of States Parties. A small percentage of financial contributions made to the VTF and the ATT Sponsorship Programme is allocated to the ATT Secretariat's administration of these programmes, but most of the funds received are allocated to applicant States to implement ATT projects (in the case of the VTF) and to attend ATT meetings (in the case of the ATT Sponsorship Programme). Accordingly, there is a limit to the capacity the ATT Secretariat has to provide implementation support or assistance beyond its core tasks identified by the Treaty. Nevertheless, through the process of fulfilling its mandate and supporting the ATT process and given its proximity to the Treaty and implementation efforts, the ATT Secretariat is in a unique position to identify areas or gaps where implementation support is needed.

In 2021 the ATT Secretariat received the European Union support (through Council Decision 2021/649) to undertake the following focused Treaty implementation project activities: 1) support for capacity building for ATT National Points of Contact; 2) capacity building for national and regional ATT experts (training the trainers); and 3) support for the establishment of a database for matching needs and resources. The period of implementation of the said project activities was extended through Council Decision 2023/161 to terminate on 20 October 2023.

It is noted that while some VTF projects have been implemented with the support of national organizations and national or regional consultants, most of the VTF projects implemented since the VTF was established have involved *international* experts and/or a project implementing partner that is an *international* organization (such as a UN entity) or an *international* NGO. Continued reliance on international expertise is not efficient or sustainable.

It is evident from VTF experience that some consultants and organizations would require development support in order to fully undertake their roles in the ATT implementation projects. In this regard, the ATT Secretariat would like to continue to make a contribution towards capacity building of national and regional experts to enable them to provide effective support to national Treaty implementation efforts.

Transparency in international trade in conventional arms is a key purpose of the ATT. In this regard, Article 13 of the Treaty obligates States Parties to submit an initial report of measures undertaken to implement the Treaty and annual reports concerning authorized or actual exports and imports. In this context, the ATT process has adopted a number of instruments/tools to support States Parties in their reporting efforts, including reporting templates, the FAQ-type guidance document on the annual reporting obligation, and the *"Outreach Strategy on Reporting"* incorporating several recommendations to promote ATT reporting.

The current rate of reporting and quality of some reports submitted demonstrate that the ongoing efforts of ATT stakeholders and the ATT Secretariat limited capacity to support compliance with ATT reporting are not sufficient. The ATT Secretariat believes that focused support and resources would enable it to roll out initiatives that could have a positive impact on the number and quality of ATT reports submitted.

2. Overall Project Objective

Contribution to international peace and security through a strengthened implementation of the ATT by means of continued capacity building for national and regional ATT experts to provide advice and training on ATT implementation; strengthened States Parties' understanding of ATT reporting obligations and capacity to meet such obligations; and maintenance of the established database for matching offers of and requests for assistance to implement the Treaty.

3. Expected Project Outcomes

(a) Increased number of national and regional ATT 'experts' that are endorsed by the ATT Secretariat who can deliver quality training and implementation assistance at the national and regional level including on VTF projects;

(b) Improved public list of consultants and experts that are endorsed by the ATT Secretariat as capable of delivering quality ATT training and implementation assistance (expert roster) including on VTF projects;

(c) Increased knowledge of ATT reporting obligations and compliance capacity of ATT States Parties;

(d) Increased rate of submission of ATT Annual and Initial Reports;

(e) Upgraded guidance material on reporting compliance and wide dissemination of such guidance material; and

(f) Enhanced information on States Parties' assistance needs, as well as available resources to address Treaty implementation constraints.

3.1. Intermediate Measurable Outcomes

(a) 5 x regional training workshop conducted.

(b) 50 x national and regional ATT experts trained to provide support to States in implementing the ATT at a national level.

(c) 5 x practical reporting workshops conducted in targeted regions or subregions with low reporting rates.

(d) 40 x designated reporting contact points trained on ATT reporting.

(e) 100 % maintenance of the ATT database to match needs and resources for ATT assistance.

4. Expected Outputs and Activities

4.1. Expert roster (training the trainers)

Continued capacity building for national and regional ATT experts to provide advice and training on ATT implementation at national and regional levels in order to improve the quality of training and implementation assistance and reduce the reliance on international consultants and organizations.

Taking full advantage of, and utilizing the training materials (Training Manual and Guide) developed under the 2021 – 2023 EU support, the following activities are proposed:

(a) Refining the 'train the trainers' programme to build the capacity of national and regional consultants to deliver quality training and implementation assistance;

(b) Undertaking outreach to consultants and experts in targeted regions to participate in the tailored 'train the trainers' workshops; and

(c) Holding and facilitating five (5) 'train the trainer' workshops in different regions.

4.2. Capacity building for ATT reporting

Strengthened States Parties' understanding of ATT reporting obligations and capacity to meet such obligations in order to increase the rate of reporting and further the Treaty's transparency purpose.

This following activities are proposed:

(a) Promote ATT reporting, packaging and disseminating existing guidance material/tools;

(b) Develop a voluntary guidance document for States Parties with possible measures for the organization of ATT reporting duties (as an elaboration of the currently available summary document with national-level measures to facilitate compliance with reporting);

(c) Organize five (5) practical reporting workshops in targeted regions or subregions with low reporting rates. Where feasible, in collaboration with interested States Parties and relevant regional and subregional organizations as well as civil society;

(d) Prepare training materials for regular online informative sessions for designated reporting contact points and interested stakeholders;

(e) Explore coordination and cooperation opportunities with other international assistance providers and bodies of similar international, regional and subregional instruments.

4.3. **Support for the matching needs and resources database**

Maintained database for matching offers of and requests for assistance in order to support national Treaty implementation efforts.

This following activity is proposed:

(a) Publicise, maintain and enhance the database for matching needs and resources.

5. **Beneficiaries**

— National and regional experts and/or practitioners.

— Donors and recipients of the VTF.

— States Parties, in particular designated reporting contact points.

— States Parties and Signatory States seeking assistance for ATT implementation.

— Donor States seeking ATT implementation projects to support.

6. **Coordination with other relevant assistance activities**

The ATT Secretariat is familiar with other funds engaged in funding ATT implementation-related projects, such as the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) and, of course, the EU ATT Outreach Project. The ATT Secretariat has worked closely with the managers/implementers of both funds, including BAFA and Expertise France, in an effort to avoid duplication of funding. This has involved sharing information on a regular – and confidential – basis on applications received and projects approved by the different funds.

With continued EU support, the ATT Secretariat will continue to build and capitalize on the relationship developed with BAFA and Expertise France to ensure complementarity between the ATT Secretariat's EU-funded project and the ongoing work of the EU ATT Outreach Project. For example, the ATT Secretariat has engaged members of the EU's pool of experts to contribute to the validation of the training materials developed for the 'train the trainers' element of Project 2 (Expert roster (training the trainers)) of the 2021 – 2023 EU funded project. Some members of the EU's pool of experts participated in training workshops organized by the ATT Secretariat. The ATT Secretariat plans to build on this existing collaboration with EU experts.

In addition, the ATT Secretariat would continue to seek input from the implementing partners of the EU ATT Outreach Project in the identification of State representatives and other individuals to be selected for participation in the ATT Secretariat's 'train the trainers' programme. The ATT Secretariat could also work with EU ATT Outreach implementing partners and experts to extract assistance needs target States may have that were identified as part of the EU roadmap exercise and other EU outreach. Such information will be used to populate the needs and resources matching database.

To further improve on working arrangements with the EU ATT Outreach Project, we will further explore opportunities to enhance coordination of our workplans and calendars including the possibility for organising joint events, as appropriate.

In summary, the ATT Secretariat sees many opportunities for a continuing dialogue/partnership with the EU ATT Outreach Project to ensure complementarity between the two projects as they strive towards the shared goal of effective ATT implementation.

7. **Visibility toolbox**

— Inclusion of information related to the EU funded project in the ATT Secretariat annual reports to Conferences of State Parties (CSPs).

— ATT Secretariat update to one ATT informal preparatory meeting per each CSP cycle regarding ATT Secretariat project funded by the EU.

— Organisation of a side event per each CSP cycle promoting ATT Secretariat project funded by the EU.

— Ensuring that material produced under the EU funded project clearly indicates the material has been funded by the EU.

— Ensuring that at all events, trainings, workshops organised under the project it is clearly stated that these have been funded by the EU.

8. **Impact assessment**

In the past few years of the COVID-19 pandemic, the ATT Secretariat has learnt that pandemics and natural disasters can negatively impact the implementation of planned project activities and timeframes. In this regard, the 2021-2023 EU funded project was successfully managed on the basis of contingency plans adopted and implemented by the ATT Secretariat in response to circumstances prevailing at the time. The ATT Secretariat will leverage the recent experience gained and factor this into the planning and management of the new project.

9. **Reporting**

Reporting arrangements for the project will be instituted according to the provisions of the contract between the ATT Secretariat and the European Union.