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Statement on behalf of the European Union

by

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at the

Second session of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty

Scope of an Arms Trade Treaty

New York

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- CHECK AGAINST DELIVERY –

EU statement on the scope of an ATT

Mr Chairman,

1. I am taking the floor on behalf of the European Union.

2. First let me express my great satisfaction to see You, Ambassador García Moritán, once again in the Chair of this second session of the Preparatory Committee for the 2012 UN Conference on the Arms Trade Treaty. The EU continues to have full confidence in your chairmanship. We are convinced that, through Your able guidance and inclusive approach, we will manage to achieve further progress in the definition of the content of an Arms Trade Treaty.

3. The European Unions is very grateful to you for circulating ahead of the beginning of this session of the Preparatory Committee your papers on scope, parameters, and international cooperation. Your papers will certainly allow delegations to focus their comments and interventions. The EU generally supports your approach and will offer comments on specific aspects in the course of this week.

4. The European Union would like to express today its view on the scope of an ATT. The EU supports your proposed approach for the definition of the scope of an Arms Trade Treaty. In particular we share the view that the text of the treaty should contain references to general categories of activities and items covered by the scope of an ATT. More detailed descriptions for each category of items and activities could be included in an annex to the treaty.

5. As far as the items included in the scope on an ATT, in the view of the EU, the definitions of categories proposed in your paper is a good basis to ensure that the scope of an ATT is as wide as possible. This allows us to work on the basis of definitions that should be widely acceptable.

6. The EU strongly supports the inclusion of categories on Small Arms and Light Weapons in the scope of an ATT, given the impact that these weapons can have on

human suffering and the role they play in triggering and spreading conflicts. Transfers of munitions and ammunition should also be controlled in an Arms Trade Treaty. As for the case of small arms and light weapons and large calibre artillery systems, it is essential that no calibre gap exists. An ATT could also include in its scope military explosives, specifically designed or modified for military purposes, provided that they are clearly defined.

7. Parts and components, specially designed or modified for military use, of all items included in the scope of an ATT should also be covered. This could be achieved by amending paragraph II. *l* of your paper so that the notion of "parts and components" applies to all categories of the scope of an ATT, including category *m* on technology and equipment. As proposed in your paper, this category could include electronics, computers, telecommunications, information security, sensors and lasers, transportation and training devices that are specially designed or modified for military use.

Mr Chairman,

8. Let me now further elaborate on the EU's view on the specific activities that should be controlled by an ATT. The EU is in favour of a wide scope of an ATT also in terms of activities. While the list of activities provided in your paper is very comprehensive, the European Union considers that there might be some redundant elements in this section of the paper.

9. With regard to the proposed specific types of activities, the European Union believes that activities such as transfers, temporary transfers, leases, loans and gifts, can be considered as sub-categories of activities such as export, import, transit and trans-shipment. Therefore, there is no need to have them included as separate types of activities.

10. The EU considers that an ATT should not regulate transfers occurring exclusively within a national context, or transfers by a State out of its territory where those items are intended for its use and remain under its control, or domestic gun ownership. This principle could be reflected in the preamble of the Treaty.

11. While keeping in mind the need for a comprehensive scope, we should make sure that an ATT remains an implementable instrument. This is why the EU maintains that activities such as financing and research and development would hardly be controllable by States Parties to the Treaty. We do not favour their inclusion in the scope of an ATT.

12. The EU regards technology transfer and manufacture under foreign license as an important issue. We consider these activities as already covered by the reference to "technology and equipment, designed and used to develop, manufacture or maintain military systems listed in the scope of an ATT" that you propose in your paper.

13. As a general remark, the EU would like to stress that different provisions for different types of transfers could be envisaged.

14. As for the specific definitions of each of proposed activities, the EU might further comment on them later in the debate. However, let me flag at this stage that the EU considers that the definition of brokering contained in an ATT should be simplified.

15. In the view of the EU, a broker should be considered as a person or entity acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of conventional arms, between a state and another state, in return for some form of benefit, whether financial or otherwise.

16. Finally, the EU is not convinced about the appropriateness of having a specific section devoted to exclusions. The approach proposed in your paper for the definition of the scope is not holistic but rather descriptive and based on enumeration of items. Therefore, any item or activity not explicitly mentioned in the positive definition of scope would not be covered by the Treaty. Under these conditions, we fail to see the need for a specific section on exclusions.

I thank you Mr Chairman.