Implementation of the EU SALW policy in the light of the ATT

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EU Non-Proliferation Consortium Seminar, 3-4 November 2014
- Arms Trade Treaty
- Brief overview of EU policy on SALW and key legislation
- Assessment of policy in light of ATT

→ **Goal:** Better understanding of
   - EU SALW policy and its limitations
   - How recent adoption of ATT can improve EU SALW policy
Arms Trade Treaty

- First “universal” framework for regulating international arms trade
- Entry into force on 24 December 2014
- Basic characteristics
  - Conventional weapons:
    - Large weapon systems & SALW (+components & ammunition)
  - Prohibitions (Art. 6) & Assessment criteria (Art. 7)
  - Emphasis on diversion and combatting illegal arms trade
  - Outreach activities
EU policy on SALW

→ 3 perspectives that determine strategy and policy instruments
  • External security (Council, EEAS)
  • Common market (DG Entreprise & Industry)
  • Internal security (DG Home)
External security

- Strengthening external security by:
  - enhancing Member States’ export controls
  - assistance programmes

  - Common list of **military** equipment
  - 8 assessment criteria
  - Confidential denial notification

- **Regulation 258/2012**: exports of **civilian** firearms outside EU
External security

- EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition (2005)
  - Promoting multilateralism to strengthen SALW-norms
  - Outreach initiatives
    - reactive & preventive
  - Mainstreaming SALW in broader peace and security initiatives

→ Several Council Decisions
Common market

- Schengen (1985) and the creation of the internal market (1993)
  → security risks: need for coordinated regulations to facilitate legal flow
- **Firearms directive 91/477/ECC** on control of the acquisition and possession of weapons (amended in May 2008)
  - Focus: civilian possession by private citizens
  - Minimal requirements that need to be implemented in national legislation:
    - Legitimate reason, age & public safety requirements, authorization for arms dealers, …
  - Movement of weapons within the EU
Common market

- **Directive 2009/43**: intra EU-trade in **military** equipment (including SALW)
  - Strengthening EU defence industry by facilitating transfers
  - Common and simplified licensing procedures
**EU policy on SALW trade**

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<th>Transfer within EU</th>
<th>Export outside EU</th>
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<td><strong>Civilian</strong></td>
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<td><strong>Military</strong></td>
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<td>Common Position 2008/944/CFSP</td>
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Internal security

- Growing policy attention in recent years:
  - Combating crime involving arms and explosives (2007)
  - European Action Plan to combat illegal trafficking in “heavy” firearms for criminal activities (2010)
  - EC Communication on firearms & internal security (2013)
    - Options for legislative action
    - Operational cooperation
    - Intelligence building & sharing
  - Priority in 2014-2017 Internal Security Strategy
  → Goal: 2015 Firearms Package for further action
Critical assessment of EU policy

- Illegal use and acquisition of SALW within EU are priority, but still in early stages of development of policy frame: need for better intelligence?

- Fragmentation of EU policy on SALW: need for more cooperation between prime actors involved?

- Review of legal instruments: need for significant changes?
  - Common Position 2008/944/CFSP under review (end 2014)
  - Firearms Directive 91/477 under review (July 2015)
Added value of ATT for EU SALW policy

**ATT will not significantly change EU framework for arms export policy**

- Assessment criteria:
  - Transnational organized crime
  - Gender based violence and violence against children
- Focus on exchange of information on diversion

*... but it can prove to be an incentive for enhanced attention of diversion and illicit acquisition in EU SALW policy*
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