

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

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Presentation

- 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 Enterprise & Industry)
 - Internal security (DG Home)

External security

- Strengthening external security by:
 - enhancing Member States' export controls
 - assistance programmes
- **Code of Conduct (1998) → Common Position 2008/944**
 - Common list of military equipment
 - 8 assessment criteria
 - Confidential denial notification
- **Regulation 258/2012**: exports of civilian firearms outside EU
 - Implementation of Art.10 of UN Firearms Protocol (2002)

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

	Transfer within EU	Export outside EU
Civilian	Directive 91/477/EC	Regulation 258/2012
Military	Directive 2009/43/EC	Common Position 2008/944/CFSP

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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