



EUROPEAN UNION
DELEGATION TO THE UNITED NATIONS

Statement on behalf of the European Union

by

Ms Annalisa Giannella

**Director for Non-Proliferation and Disarmament
European External Action Service**

at the

Preparatory Committee for the Arms Trade Treaty

on

Specific aspects of the implementation mechanism of the Arms Trade Treaty

United Nations

New York

12 July 2011

- CHECK AGAINST DELIVERY -

Mr Chairman,

1. I am speaking on behalf of the European Union. The Candidate Countries Turkey, Croatia*, the former Yugoslav Republic of Macedonia*, Montenegro* and Iceland†, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

2. The European Union would like to provide today further views on the implementation mechanism of an Arms Trade Treaty, on the basis of the draft paper you provided to delegations some weeks ago. I would like to focus my remarks on the introductory section of your paper, and on those devoted to national authority and systems, and enforcement. We will further intervene to comment on the issues of transfer denials, record keeping, reporting and transparency, and the implementation support unit.

3. Mr Chairman, the European Union recognizes that the ATT should not constrain the right of States to self-defence, as defined in Article 51 of the UN Charter, nor should it be seen as a discriminatory international instrument. However, we consider that these guiding principles would be better reflected in the preamble of the Treaty, rather than in its implementation section.

4. Let me also reiterate that in the view of the EU, an ATT should establish an obligation for each State Party to develop a legal and administrative system that would ensure it could control all transfers of items covered by the scope of the Treaty. The application of this system will remain a national responsibility for each State Party. Decisions taken in application of this system will be the result of an assessment process conducted at national level.

5. The European Union considers that in implementing the provisions of the Treaty, States Parties should ensure adequate coordination at national level between their national authorities in charge of controlling transfers of arms, including customs, licensing and enforcing authorities. In this regard, States Parties should also consider further measures aimed at preventing the risk of diversion to the illicit trade of weapons covered by the scope of the Treaty. *Inter alia*, that objective could be achieved through the development of measures to ensure the appropriate physical security of arms during storing in their territories, and to verify and prevent any falsification and misuse of relevant official documentation concerning the authorization and declared end-user/end use of transferred military systems.

6. Mr Chairman, let me now further elaborate on what the EU considers should be the provisions of an ATT in terms of controls to be applied to different types of weapons. As far as export is concerned, the Treaty should require States Parties to consider all exports applications against the parameters defined by the Treaty. The decision whether to authorize an export should be the result of a risk-assessment undertaken at national level by States Parties to the Treaty, taking into account, *inter alia*, the type and quantity of arms being

* Croatia, the former Yugoslav Republic of Macedonia and Montenegro continue to be part of the Stabilisation and Association Process.

† Iceland continues to be a member of the EFTA and of the European Economic Area.

transferred, their end-use and end-user. Prior authorisation, issued by relevant national authorities of the exporting State, should be required for all exports of military systems covered by the scope of the Treaty.

7. Concerning import, as well as transit, and transshipment, the European Union believes that, in accordance with the provisions of the Treaty, States Parties should be required to put in place adequate legislative and administrative measures that would allow them, where necessary, to monitor and control these types of transfers of arms, and to ensure compliance with relevant legally binding international obligations. As with other parts of this Treaty, any further details of these measures should be decided at national level.

8. We also consider that the section of an Arms Trade Treaty on controls to be applied to transfers of weapons should also cover the category of brokering activities. Also in this case, States Parties should be requested to put in place adequate measures that would allow them, where necessary, to monitor and control brokering of arms covered by the scope of the treaty. Such measures should include the obligation to obtain an authorization prior to a brokering activity. States Parties should apply the same parameters as for exports when assessing a brokering application.

9. In terms of enforcement, the EU believes that the national system to be put in place by States Parties should ensure that any transfer of arms not authorized by that system is effectively prohibited and associated with sanctions as appropriate. An ATT should also contain provisions to address the risk of corruption of public officials in international business transactions and of money laundering offences. Such provisions could include a reference to the obligation to combat such crimes in activities related to arms trade, consistent with relevant applicable international instruments, and to take adequate measure to prevent such crimes. We continue to consider that the inclusion of corruption in the list of parameters as a standalone criterion or as part of the criterion on the risk of diversion should be considered.

10. I thank you, Mr Chairman.