



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

General aspects of the implementation mechanism of the Arms Trade Treaty

United Nations

New York

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- CHECK AGAINST DELIVERY -

Mr Chairman,

1. I am speaking on behalf of the European Union.
2. Mr Chairman, the EU is pleased to continue to see the process leading to the adoption of an Arms Trade Treaty unfolding under your leadership. We have full confidence in your chairmanship and we strongly support the inclusive, gradual and incremental approach you have proposed for the work of the Preparatory Committee. We have witnessed the progress that such working methods have achieved in the previous sessions of the PrepCom and we are confident that this approach will continue to prove successful also during this week. To that end, we invite all delegations to continue to participate in the process with substantive national contributions.
3. The EU would like to express today some general remarks about the main elements of the implementation mechanism of the Arms Trade Treaty. We will intervene in the days to come to further develop our specific views on particular topics related to the implementation mechanism of the treaty, such as controls on specific type of transfers, transparency provisions, and the implementation support unit of an ATT. Let me stress already at this stage that the EU supports the general approach of your draft paper and consider it a good basis for further discussions.
4. Firstly, the EU considers that the implementation of the treaty should remain a national responsibility. We also believe that the "subjects" of the Treaty are the States and therefore an ATT could only impose obligations on States, not on individuals or entities.
5. Secondly, there should be a clear distinction between the implementation of the treaty and its application, and the consequences that such a distinction implies in terms of national obligations and transparency measures should be recognised.
6. The implementation of the treaty *stricto sensu* relates to the measures that each State Party should put in place at national level to control arms transfers according to the provisions of the treaty. It is only in this context that one could refer to

national obligations of States Parties deriving from the treaty, and compliance thereof.

7. The application of the treaty refers instead to the way controls and other relevant measures are applied. The application of such measures will result in national decisions on arms transfer authorizations or denials. Such decisions remain a national responsibility only, and are the outcome of the application of national controls and procedures that have been established in order to ensure compliance with the treaty. We note that the differentiation between implementation and application of the treaty is already visible in some sections of your paper, Mr Chairman, and we consider that such distinction should be kept in mind in our future discussions.
8. Thirdly, while the EU considers that treaty provisions on controls of exports will be central to the architecture of the Treaty, it is important that the treaty also contains some general provisions related to transfers other than exports. Mr Chairman, your paper already proposes separate provisions for different types of transfers and we consider that it offers a good starting point from which to work. Let me flag already at this stage that we consider that transshipment and brokering should also be regarded as activities to be addressed in the implementation section of an ATT. We believe that the ATT has the potential to contribute significantly to curbing illegal transfers. But to reach that objective, transshipment and brokering too need to be covered
9. Finally, let me underline once again the importance the EU attaches to the transparency provisions of an Arms Trade Treaty. The European Union has long maintained that an ATT should increase transparency in the conventional arms trade. This objective should be reached through, inter alia, the inclusion of provisions in the treaty requiring States Parties to regularly report on their implementation and application of the treaty. The content of reports should be detailed enough to serve the effective functioning of the treaty and to make possible an appraisal of the way the provisions of the treaty are applied. Concerning the detail of reporting obligations, the system should be carefully tailored, having regard in particular to the implications that could derive from

detailed reporting on denials and transfers other than exports. We should aim at a reporting system that would be effective, but not overly burdensome and that would pay due regard to confidentiality.

10. We agree that transparency under the Arms Trade Treaty should be achieved also through information exchange among States Parties. In this regard, the relevant provisions contained in your paper constitute a good basis for discussions.

11. Mr Chairman,

Let me conclude by wishing you and all colleagues in the room a very successful week of consultations and by reassuring you of the full engagement that will continue to guide the actions of the European Union in this process.

12. I thank you Mr Chairman.