



**European Union**

**EU Key Messages**

**Working Group on Effective Treaty Implementation**

**Arms Trade Treaty**

**Geneva, 14 February 2023**

**Working Group on Effective Treaty Implementation (WGETI)**

**Sub-working Groups on Articles 6&7 and Article 9 (joint meeting)**

Mr. Chair,

I have the honour to speak on behalf of the European Union and its Member States.

The candidate countries North Macedonia, Montenegro, Serbia, Republic of Moldova and Bosnia and Herzegovina<sup>1</sup> and the EFTA country Norway, member of the European Economic Area, align themselves with this statement.

The EU would like to express its gratitude to Ambassador Ignacio SÁNCHEZ DE LERÍN of Spain and Mr. Rob WENSLEY of South Africa for their continuous efforts as Chairperson and facilitator respectively. The EU looks forward to continuation of productive discussions on the voluntary guide to implementing Articles 6, 7, and 9 of ATT.

Specifically, with regard to Articles 6 and 7:

While export risk assessments under article 7 remain a national prerogative to be carried out on a case-by-case basis, the exchange of good practices amongst States Parties has significant added value. EU Member States regularly consult on such issues with a view to raising coherence of their arms export policies.

In order to further promote convergence among EU Member States' arms export policies, the EU has launched in May 2022 an internal and confidential database accessible to all licensing officers from EU Member States. This database contains country pages on all potential export destinations for European military equipment and technology. Licensing officers are able to base their decisions on the information contained in these country pages, as well as on relevant and sometimes confidential national sources. The database supplements the already existing consultation system between Member States and European External Action Service, allowing Member States to, for example, consult on the reasons for denying an export license. The ultimate goal of this tool is to ensure that export licenses are only granted following a thorough risk assessment against the EU common set of criteria regarding respect for international

---

<sup>1</sup> North Macedonia, Montenegro, Serbia and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

obligations, international humanitarian law, international human rights law, counter-terrorism measures, and internal and regional stability.

With regard to the objectives of the current work of this Working Group, the EU strongly believes that sharing national practices with respect to the implementation of the provisions of the Treaty, will result in its coherent application, and this in turn will raise the overall effectiveness of export controls. Such an approach likewise forms the basis of the EU's User's Guide, which is a public document endorsed by the EU Council. The EU therefore reiterates its support for the Chairperson's objectives to agree on a Voluntary Guide, and encourages all States Parties to work towards its endorsement by the Conference of State Parties.

With regard to Article 9:

Since the concepts of transit and trans-shipment are not uniformly understood in relation to conventional arms transfers, the EU welcomes the preparatory work to provide a voluntary guide, also including EU law. It is essential for States Parties to implement measures that close any loopholes and prevent diversion at each stage of the movement of goods.

Identifying and clarifying the responsibilities of various private sector actors involved in transit and trans-shipment are also crucial for the effectiveness of state control.

More work is necessary at the national legislation level on transit and trans-shipment, where differences persist between States Parties. As a first step, States Parties should develop and share good practices on due diligence, and promote awareness raising and transparency both among States Parties and private sector entities, regarding their duties under various legal regimes and state practices.

Thank you, Mr. Chair.