

**EU Key Messages**

**Working Group on Effective Treaty Implementation**

**Arms Trade Treaty**

**Geneva, 25-27 February 2025**

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, Albania, Republic of Moldova, Bosnia and Herzegovina[[1]](#footnote-1) and Georgia as well as the EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

The EU supports the selection of topics for the CSP12 WGETI meeting, while understanding that the opening of new topics should depend on the progress on the currently discussed ones and ability to generate deliverables such as comprehensive compilation of national practices, voluntary guidance and deliverables otherwise useful for facilitating implementation and fostering universalization of the Treaty.

**Sub-working Group on Exchange of National Implementation Practices**

The EU wants to express gratitude to Mr. Kawa and Ms. Weldemichael of Sierra Leone for assuming duties of facilitators of this sub-working group, and for focusing the discussion around clear-cut guiding questions.

Let me use this opportunity to inform about the EU Common Military List, which is a unique control list in terms of being both legally binding and having a regional scope,   
before I proceed to comment on the benefits of use of common control lists by groups of States in regions.

EU Member States apply the EU Common Military List, which is a transposition of the Wassenaar Arrangement’s Munitions List to EU law, and is binding on EU Member States. In order to have a direct effect for natural and legal persons in legal systems of Member States, it must be transposed into national legislation. It may be supplemented by additional elements on the national level, thereby forming the common part of possibly broader national control lists.

The EU Common Military List:

* as to the scope of coverage and definitions, shares all features of the Wassenaar Arrangement’s Munitions List;
* is updated each time following updates to the Wassenaar Arrangement’s Munitions List;
* applies to export, transit, transshipment, and brokering involving arms transfers to non-EU States. It also applies to transfers of defence-related products between EU Member States under simplified terms and conditions.

The EU’s offer of technical assistance to partner states under the EU ATT Outreach programme also includes assistance in establishing national control lists, if and as requested.

The EU recognizes, chiefly from its own experience, the value of common control lists for facilitation of tracking of arms transfers, increasing transparency and building confidence. The EU ATT Outreach experiencereveals that the adoption of national control lists has also been a significant, often time-consuming step in domestication of the ATT during preparations for joining the Treaty. Therefore, the EU would like to propose exploring, within the ATT process, the possibilities of promoting the adoption of uniform or coherent control lists, especially among actual or prospective States Parties who still do not have them, with particular focus on regional coherence. The Wassenaar Arrangement’s Munitions List, based on objective criteria, and itself being a widespread standard, could be a valuable point of departure.

**Sub-working Group on Current and Emerging Implementation Issues**

The EU thanks Mr. Robinson of Ireland for assuming the role of facilitator in this sub-working group, and commends the decision to involve also industry actors in the discussion. We are pleased to see the ASD responding to the call and sharing experience of European industry.

The EU recognizes the vital role of industry in ensuring responsible trade in arms, including its contribution to information gathering about destinations, its risk assessment distinct from that performed by States, and post-delivery cooperation with end users. Therefore, the EU and its Member States encourage due diligence standards and practices by industry, supplementing risk assessment by governments that retain responsibility for licensing decisions.

While EU law, due to the nature of the EU arms export control legal framework, does not set requirements for due diligence in arms transfers for entities other than EU Member States, the EU legal acts establishing criteria for arms export licensing and methodology to be followed by licensing officers in governments, are publicly accessible. We want to underline especially the value of public User’s Guide to the EU Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment. The User’s Guide intended primarily for use by export licensing officials, is also relevant, as a public document, for raising predictability of governmental decisions to all actors concerned, and for performing their own risk assessment in order to avoid the submission of license applications that are likely to be denied. This proactive approach fromnon-governmental stakeholders inthe arms trade is one of thefactors contributing to the low percentage of arms export license denials in the EU, and reduces administrative burden on governmental licensing officers.

Likewise, the EU is working to raise awareness withindustrial actors regarding arms export control laws and policies of its Member States, in order to provide reference for their own risk assessment and reassurance that governmental licensing decisions remain in compliance with applicable national and international law.

We encourage this sub-working group to continue work on the list of reference documents, and we recognize the value of developing a voluntary document linking human rights and International Humanitarian Law (IHL) due diligence for industry with ATT obligations. Such guidance would help reinforce the application of criteria of the EU Common Position on arms export related to human rights and IHL.

1. North Macedonia, Montenegro, Serbia, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process. [↑](#footnote-ref-1)