



European Union

EU Key Messages

Working Group on Effective Treaty Implementation

Arms Trade Treaty

Geneva, 15 February 2023

Working Group on Effective Treaty Implementation (WGETI)

Sub-working Group on Article 11

Mr. Chair,

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

The candidate countries North Macedonia, Montenegro, Republic of Moldova and Bosnia and Herzegovina¹ and the EFTA country Norway, member of the European Economic Area, align themselves with this statement.

In light of the focus on post-delivery cooperation, the EU emphasizes the importance of this topic for the prevention of diversion within the importing country or re-export under undesirable conditions. Such cooperation should build on the relationship of trust between the exporting and importing state which is necessary for the issuance of an export license, and on a shared commitment to international law, including international humanitarian law and human rights law. The private sector and civil society can have an important role to prevent and address diversion.

The EU thanks the German Presidency of CSP8 for its efforts in promoting this subject. We see merit in sharing best practices on post-delivery cooperation and support the German proposal to consider the necessity to develop additional voluntary guidance on post-delivery cooperation in the CSP9 cycle.

The unprecedented arms transfers from EU Member States to Ukraine, both bilaterally and under the European Peace Facility (EPF), is in itself a massive undertaking for national post-shipment cooperation and highlights a need for post-shipment capabilities at the EU level to the extent possible. These capabilities form a part of safeguard measures to ensure responsible transfers, and their adoption at the EU-level may supplement capabilities of Member States and thus ensure the highest possible standards for preventing diversion.

In its ongoing disinformation campaign, Russia has used the issue of potential arms diversion in its criticism of legitimate military support to Ukraine. While no facts support such claims,

¹ North Macedonia, Montenegro and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

this further shows the need of strengthened international cooperation to address diversion as a whole.

The EU welcomes the work of Diversion Information Exchange Forum and invites States Parties to explore ways to include the EU in its confidential work as an observer, given the already mentioned high interest and experience of the EU in preventing diversion and EU's record of support to initiatives such as iTrace. The EU also could consider the exploration of the possibility of a public component to the discussions of the Diversion Information Exchange Forum, to allow for broader, more inclusive exchanges.

Thank you, Mr. Chair.