



## **EU Statement**

### **Arms Trade Treaty**

#### **First Informal Preparatory Meeting for the Ninth Conference of States Parties (CSP9)**

**Geneva, 17 February 2023**

Madam Chair,

I have the honour to speak on behalf of the European Union.

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

First of all, let me congratulate you on assuming the Presidency of the Arms Trade Treaty and assure you of the EU's full support to your priorities and preparations of the Ninth Conference of States Parties (CSP9) to be held in August 2023.

The EU remains committed to all the objectives of the ATT through implementation and universalization efforts as well as financial support to the ATT Secretariat. We welcome several valuable initiatives for the CSP9 cycle, including voluntary guides, information exchange, post-shipment cooperation, re-structuring of universalization efforts and focus on the role of private sector in ensuring implementation of the Treaty and preventing diversion. The EU, being committed to transparency in arms transfers and operating a robust system of reporting of Member States export licenses, is deeply concerned by the decreasing trend in reporting and transparency among ATT States Parties. Such dynamics undermine efforts to assist States Parties in identifying potential gaps and good practices, and to provide assistance if needed.

With over 31.800 licenses issued in 2021 for a license value of almost €179 billion, the EU remains an important exporter of military equipment and technology. Decisions on issuing export licenses for military equipment remain a national competence, and compliance with ATT remains one of eight criteria of Council Common Position 2008/944/CFSP. Member States, following case-by-case risk assessments including a thorough examination into respect for international human rights law and international humanitarian law in the country of final destination, denied over 200 licenses

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

in 2021. Military equipment must be used in accordance with International Law, including International Human Rights Law and International Humanitarian Law, and traded in a responsible manner. The EU underlines the essential contribution that a responsible arms trade policy makes to the maintenance of international peace and security.

In this context, following Russia's illegal war of aggression in Ukraine, EU Member States assessed that the export of the military equipment in support of Ukraine's self-defence is fully in line with the legal obligations stemming from the Common Position 2008/944/CFSP on arms export and with obligations under the Arms Trade Treaty, as well as with the Wassenaar Arrangement Initial Elements.

The EU also takes this opportunity to draw attention of States Parties to Article 6 para 3 of the Arms Trade Treaty, prohibiting transfer of conventional arms if such arms would be used to commit genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes. In this light, the EU condemns in the strongest possible terms Russia's use of various types of conventional weapons against civilians in its war of aggression against Ukraine, as well as numerous war crimes and human rights violations. The EU strongly believes that this represents a compelling case against any arms transfers to Russia. The EU has an arms embargo in place against Russia, following the illegal annexation of Crimea by Russia in 2014. We call on all States Parties to refrain from any transfers to Russia in line with Article 6 para 3 of the ATT. At the same time the EU reiterates its support to Ukraine's wish for a just peace in line with the UN Charter.

Effective national implementation of the ATT will contribute to eliminating violence against women and girls, in line with SDG target 5.2. We recall that Article 7.4 of the ATT explicitly requires that the exporting State Party, in its assessment before authorising the export of conventional arms, shall take into account the risk of the conventional arms covered under Article 2(1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children. It is important that all States Parties conduct such risk assessments.

As in previous years, the EU would like to express its deep concern over the increasingly unfavourable financial situation of the ATT. While we note a number of proposals of the Management Committee to maintain efficiency of work, we believe that this can be best addressed by payment of duties of States Parties in full and encourage all those States to settle their outstanding arrears without further delay.

Thank you, Madam Chair.