

COUNCIL DECISION (CFSP) 2021/649**of 16 April 2021****on Union support for activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy.

Whereas:

- (1) The Arms Trade Treaty (ATT) was adopted by the United Nations (UN) General Assembly on 2 April 2013 through its Resolution A/RES/67/234 B. The ATT was subsequently opened for signature on 3 June 2013 and entered into force on 24 December 2014. All Member States are parties to the ATT.
- (2) The ATT aims to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms and to prevent and eradicate the illicit trade in conventional arms and prevent their diversion. Key challenges in achieving the aims of the ATT are its effective implementation by States Parties to the ATT ('States Parties') and its universalisation, bearing in mind that regulating international arms trade is by definition a global endeavour. To contribute to addressing those challenges, the Council adopted Decision 2013/768/CFSP ⁽¹⁾ on 16 December 2013 and Decision (CFSP) 2017/915 ⁽²⁾ on 29 May 2017, thereby enlarging the export control-related assistance portfolio of the Union with activities specific to the ATT.
- (3) The ATT establishes a Secretariat (the 'ATT Secretariat') to assist States Parties in the effective implementation of the ATT. The ATT Secretariat undertakes the following responsibilities: to receive, make available and distribute the reports as mandated by the ATT; to maintain and make available to States Parties the list of national points of contact; to facilitate the matching of offers of and requests for assistance for ATT implementation and promote international cooperation as requested; to facilitate the work of the Conference of States Parties, including making arrangements and providing the necessary services for meetings under the ATT; and to perform other duties as decided by the Conferences of States Parties. The ATT Secretariat also administers the Voluntary Trust Fund established by States Parties under Article 16(3) of the ATT to assist States Parties' implementation of the ATT. In addition, the Fourth Conference of States Parties entrusted the ATT Secretariat with the administration of the ATT Sponsorship Programme, established to facilitate the participation of State representatives in ATT meetings.
- (4) In its 2016 Global Strategy for the European Union's Foreign and Security Policy, the Union commits itself to promoting a rules-based global order. The Union has an interest in promoting agreed rules to provide global public goods and contribute to a peaceful and sustainable world. The Union promotes a rules-based global order with multilateralism as its key principle and the UN at its core. The Union strongly supports the expanding membership,

⁽¹⁾ Council Decision 2013/768/CFSP of 16 December 2013 on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy (OJ L 341, 18.12.2013, p. 56).

⁽²⁾ Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty (OJ L 139, 30.5.2017, p. 38).

universalisation, full implementation and enforcement of multilateral disarmament, non-proliferation and arms control treaties and regimes, including the ATT. In the context of those overarching policy goals, support for the ATT Secretariat fits well within the specific aim of strengthening the multilateral system underpinning a responsible trade in arms.

- (5) The ATT Secretariat is well placed to liaise with all multilateral, regional, national and civil society organisations executing projects in support of ATT universalisation or implementation. The Union is also a longstanding provider of export control assistance in dual-use goods, supporting the development of legal frameworks and institutional capacities for the establishment and enforcement of effective export controls on dual-use and military goods. The ATT Secretariat aims to ensure that its projects are complementary to the Union's existing dual-use goods and arms export control assistance programmes, such as those under Decision (CFSP) 2017/915,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of supporting the effective implementation and universalisation of the Arms Trade Treaty (ATT), the Union shall support activities of the ATT Secretariat that have the following objectives:

- to support States Parties to the ATT in strengthening their arms transfer control systems for the effective implementation of the ATT,
- to strengthen the institutional set-up of the ATT Secretariat as the principal body to assist States Parties to the ATT in implementing the ATT.

2. In order to achieve the objectives set out in paragraph 1, the Union shall support the following project activities:

- (a) support for capacity building of ATT national points of contact;
- (b) establishing an expert roster to build the capacity of local and regional ATT experts to provide advice and training on ATT implementation at local and regional levels ('training the trainers');
- (c) support for a database to match needs and resources.

A detailed description of the project activities referred to in this paragraph is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall be responsible for implementing this Decision.

2. The technical implementation of the project activities referred to in Article 1(2) shall be carried out by the ATT Secretariat.

3. The ATT Secretariat shall perform its tasks under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with the ATT Secretariat.

Article 3

1. The financial reference amount for the implementation of the project activities referred to in Article 1(2) shall be EUR 1 370 000.

2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union's budget.

3. The Commission shall supervise the proper management of the expenditure financed by the reference amount set out in paragraph 1. For that purpose, it shall conclude the necessary agreement with the ATT Secretariat. The agreement shall stipulate that the ATT Secretariat is to ensure the visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the ATT Secretariat. The reports shall form the basis for the evaluation carried out by the Council.

2. The Commission shall provide information on the financial aspects of the implementation of the project activities referred to in Article 1(2).

Article 5

This Decision shall enter into force on the date of its adoption.

It shall expire 24 months after the date of conclusion of the agreement referred to in Article 3(3), or six months after the date of its adoption if that agreement has not been concluded within that period.

Done at Brussels, 16 April 2021.

For the Council
The President
A. P. ZACARIAS

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ANNEX

PROJECT DOCUMENT**1. Projects****1.1. Project 1: Support for capacity building of ATT national points of contact****1.1.1. Overall project objective**

To build the capacity of States Parties national points of contact, including increasing their knowledge of ATT obligations and raising their awareness with respect to ATT process developments.

1.1.2. Background

Upon the recommendation of the Working Group on Transparency and Reporting, the 3rd Conference of State Parties mandated the ATT Secretariat to 'prepare a guidance document for National Points of Contact describing the role and possible tasks for that function, including that of ensuring that mandatory ATT reporting is prepared and submitted in a timely and complete fashion'. Beyond this, the ATT Secretariat has identified a need to ensure national points of contact participate in ATT meetings – including preparatory and Working Group meetings – in a constructive way.

1.1.3. Activities and outputs

This project would involve the following activities/deliverables:

- (a) Preparation of a guidance document for National Points of Contact describing the role and possible tasks for that function;
- (b) Creation of a web page /portal dedicated specifically to National Points of Contact, with links to information pertinent to them;
- (c) Organisation of three half- to one-day briefings in advance of every ATT meeting dedicated to National Points of Contact, in which they would be provided with information and updates on the forthcoming meeting and be given the opportunity to ask questions and clarify information; and
- (d) Establishment of a mechanism to regularly and systematically reach out to National Points of Contact on an individual basis to support their ATT engagement.

1.1.4. Expected outcomes of the project

- (a) Increased knowledge of ATT obligations (including reporting) among ATT national points of contact;
- (b) Increased awareness of the ATT process;
- (c) Wide dissemination of informational materials about the ATT to national points of contact and beyond.

1.1.5. Beneficiaries

States Parties' National Points of Contact.

1.2. Project 2: Expert roster (training the trainers)**1.2.1. Overall project objective**

To build the capacity of local and regional ATT experts to provide advice and training on ATT implementation at the local and regional levels in order to reduce the reliance on international consultants and organisations, improve the quality of training and implementation assistance and to contribute to better tailoring capacity-building efforts.

1.2.2. Background

While some Voluntary Trust Fund (VTF) projects have been implemented with the support of local organisations and national or regional consultants, the majority of VTF projects that have been implemented since the VTF was established by the 2nd Conference of State Parties have involved/engaged *international* experts and/or a project implementing partner that is an *international* organisation (such as a UN entity) or an *international* NGO. Continued reliance on international expertise is not efficient or sustainable for the following reasons:

- (1) The international travel required for international experts to attend and facilitate training workshops and the daily fees or honoraria demanded by international experts are expensive (relative to the costs associated with engaging a local or regional expert); and
- (2) Continued reliance on international experts does not build the capacity and expertise of local and regional consultants, who may be able to provide sustained and tailored training and implementation assistance over the longer-term.

In addition, it is clear from VTF experience that some consultants and organisations would require development support in order to fully undertake their roles in the ATT implementation projects. The ATT Secretariat would like to address the issues of dependence on international consultants and organisations and the quality of some of the training and assistance provided through a project that seeks to build the capacity of local and regional consultants to provide training and implementation assistance.

1.2.3. Activities and outputs

This project would involve the following activities/deliverables:

- (a) Designing a 'train the trainers' workshop that would build the capacity of local and regional consultants to deliver quality training and implementation assistance;
- (b) Preparing training materials to facilitate the 'train the trainers' workshops;
- (c) Undertaking outreach to consultants in targeted regions to participate in the tailored 'train the trainers' workshops; and
- (d) Holding six 'train the trainer' workshops in different regions.

1.2.4. Expected outcomes of the project

- (a) Increased number of local and regional consultants that are ATT 'experts', as endorsed by the ATT Secretariat, who can deliver quality training and implementation assistance at the local and regional level;
- (b) Development of a public list of consultants that are endorsed by the ATT Secretariat as capable of delivering quality ATT training and implementation assistance (expert roster). Such a list could, for example, be circulated to prospective VTF recipients who are searching for consultants or project implementing partners.

1.2.5. Beneficiaries

- Local and regional consultants.
- Donors and recipients of the VTF.

1.3. Project 3: Support for a matching needs and resources database

1.3.1. Overall project objective

To develop a mechanism for the matching of offers of and requests for assistance for Treaty implementation in order to reduce the duplication and overlap of ATT assistance projects and increase the number of States that receive targeted assistance.

1.3.2. Background

Under Article 18(3)(c) of the ATT, the ATT Secretariat is mandated to 'Facilitate the matching of offers of and requests for assistance for Treaty implementation'. While States Parties are encouraged to seek assistance, where needed, and provide assistance, upon request, there is no formal mechanism for seeking or offering assistance under the ATT. Furthermore, the current reporting templates do not include a facility to request or offer assistance (as templates in other processes – such as

the UN Programme of Action on Small Arms and Light Weapons – do). The ATT Secretariat would like to explore the options for developing a database or other mechanism for matching needs and resources for ATT implementation in fulfilment of its obligation under the Treaty and to enhance international cooperation and assistance.

1.3.3. Activities and outputs

This project would involve the following activities/deliverables:

- (a) Exploring options for establishing a mechanism for matching needs and resources, including through a comparative review of existing mechanisms in other fora, as well as consultations with both recipients and donors;
- (b) Designing and establishing a matching needs and resources mechanism, including an electronic database of requests for and offer of assistance as well as the development of an online tool for requesting assistance; and
- (c) Launching, publicising and maintaining the matching needs and resources mechanism.

1.3.4. Expected outcome of the project

Enhanced information on States Parties' assistance needs as well as available resources to address those needs.

The mechanism developed would be closely aligned with the Voluntary Trust Fund (administered by the ATT Secretariat) to ensure complementarity between the assistance mechanisms.

1.3.5. Beneficiaries

- States Parties and Signatory States seeking assistance for ATT implementation.
- Donor States seeking ATT implementation projects to support.

2. Considerations

2.1. Ensuring complementarity with ongoing ATT outreach

The ATT Secretariat is familiar with other funds engaged in funding ATT implementation-related projects, such as the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) and, of course, the EU ATT Outreach Project. The ATT Secretariat has worked closely with the managers/implementers of both actions, including the German Federal Office for Economic Affairs and Export Control (BAFA) and Expertise France, in an effort to avoid duplication of funding. This has involved sharing information on a regular – and confidential – basis on applications received and projects approved by the different funds.

In the context of the EU support to the ATT Secretariat, the ATT Secretariat would build/capitalise on the relationship developed with BAFA and Expertise France to ensure complementarity between the ATT Secretariat's EU-funded project and the ongoing work of the EU ATT Outreach Project. For example, the ATT Secretariat would engage members of the EU's pool of experts to participate in an expert workshop to validate the training materials developed for the 'train the trainers' element of Project 2 (Expert roster (training the trainers)), and to share their experiences and lessons learned.

In addition, the ATT Secretariat would seek input from the implementing partners of the EU ATT Outreach Projects in the identification of State representatives and other individuals to be selected for participation in the ATT Secretariat's 'train the trainers' programme. The ATT Secretariat could also work with EU ATT Outreach implementing partners and experts to extract assistance needs target States may have that were identified as part of the EU roadmap exercise and other EU outreach. Such information could be used to populate the matching needs and resources database contemplated in Project 3 (Support for a matching needs and resources database).

In summary, the ATT Secretariat sees many opportunities for a continuing dialogue/partnership with the EU ATT Outreach Project to ensure complementarity between the two projects as they strive towards the shared goal of effective ATT implementation.

2.2. Impact and implications of COVID-19

COVID-19 is impacting most countries around the world, albeit to varying degrees. The restrictions on movement, meeting size, and travel that many countries have put in place in response to the outbreak are likely to have an impact on the implementation of ATT projects over the coming months, possibly years.

Given, too, that the duration of the COVID-19 outbreak and its impacts are unclear and cannot be predicted at this stage, it will be difficult to know with any certainty what the implications are for those project activities that involve international travel and/or face-to-face meetings, as well as timelines.

The ATT Secretariat will factor these circumstances into its project planning in the following ways:

First, the ATT Secretariat has prepared a draft project schedule for the implementation of the three projects outlined in the proposal that ensures that as much of the desk-based preparation, planning, outreach, research, and drafting required for each of the projects is undertaken during the first 15 months of the project (April 2021-June 2022). Those activities that require face-to-face engagement – namely the ‘train the trainer’ workshops contemplated in Project 2 (Expert roster (training the trainers)) – would be scheduled to take place in the second year of the project (July – November 2022). Of course, in the event that the COVID pandemic is still impacting the ability to travel and conduct face-to-face workshops in October 2022, an extension of time or other contingency plan may need to be considered.

Second, the ATT Secretariat has contingency plans in place with respect to certain project activities that contemplate face-to-face or in-person engagement. For example, Project 1 (Support for capacity building of ATT national points of contact) contemplates the organisation of a half- to one-day briefing in advance of every ATT meeting (starting in the 8th Conference of State Parties cycle) dedicated to National Points of Contact, in which they would be provided with information and updates on the forthcoming meeting and be given the opportunity to ask questions and clarify information. While it is hoped these briefings can and will take place in person in advance of each ATT meeting (as well as the meeting itself), if this is not possible due to COVID constraints, such briefings could be held virtually, by region (if necessary) to address time-zone and language factors.
