


# Procedure file

Basic information		
NLE - Non-legislative enactments	<a href="#">2013/0225(NLE)</a>	Procedure completed
Arms Trade Treaty: ratification by Member States		
Subject		
6.10.03 Armaments control, non-proliferation nuclear weapons		
6.20.02 Export/import control, trade defence, trade barriers		
6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD		
7.30.12 Control of personal weapons and ammunitions		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>INTA</b> International Trade		10/07/2013
		S&D <a href="#">MARTIN David</a>	
		Shadow rapporteur	
		PPE <a href="#">QUISTHOUDT-ROWOHL Godelieve</a>	
		ALDE <a href="#">RINALDI Niccolò</a>	
		Verts/ALE <a href="#">KELLER Ska</a>	
		ECR <a href="#">CAMPBELL BANNERMAN David</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs		14/11/2013
		PPE <a href="#">LISEK Krzysztof</a>	
	<b>IMCO</b> Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">3298</a>	03/03/2014
European Commission	Commission DG	Commissioner	
	<a href="#">Internal Market, Industry, Entrepreneurship and SMEs</a>	TAJANI Antonio	

Key events			
28/06/2013	Preparatory document	<a href="#">COM(2013)0482</a>	Summary
17/07/2013	Legislative proposal published	<a href="#">12178/2013</a>	Summary
09/09/2013	Committee referral announced in Parliament		

21/01/2014	Vote in committee		
23/01/2014	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0041/2014</a>	Summary
04/02/2014	Debate in Parliament		
05/02/2014	Results of vote in Parliament		
05/02/2014	Decision by Parliament	<a href="#">T7-0080/2014</a>	Summary
03/03/2014	Act adopted by Council after consultation of Parliament		
03/03/2014	End of procedure in Parliament		
25/03/2014	Final act published in Official Journal		

### Technical information

Procedure reference	2013/0225(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the EU TFEU 207-p3; Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/13240

### Documentation gateway

Preparatory document		<a href="#">COM(2013)0482</a>	28/06/2013	EC	Summary
Legislative proposal		<a href="#">12178/2013</a>	17/07/2013	CSL	Summary
Committee draft report		<a href="#">PE524.685</a>	04/12/2013	EP	
Committee opinion	<b>AFET</b>	<a href="#">PE523.065</a>	16/01/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0041/2014</a>	23/01/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0080/2014</a>	05/02/2014	EP	Summary

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

### Final act

[Decision 2014/165](#)  
[OJ L 089 25.03.2014, p. 0044](#) Summary

**PURPOSE:** to authorise Member States to ratify, in the interests of the European Union, the Arms Trade Treaty.

**PROPOSED ACT:** Council Decision.

**ROLE OF THE EUROPEAN PARLIAMENT:** Council may adopt the act only if Parliament has given its consent to the act.

**BACKGROUND:** UN Resolution 61/89, adopted in 2006, initiated the process for developing a Treaty to regulate the international trade in conventional weapons, the so-called Arms Trade Treaty (ATT). The objective was to achieve a legally binding Treaty making the legal trade in conventional arms more responsible, by setting high common international standards on imports, exports and transfers.

Intensive preparatory work was carried out, followed by a First United Nations Conference on the ATT held in New York from 2 to 27 July 2012 which delivered a first draft Treaty adopted by qualified majority on 2 April 2013 and which is open for signature.

Due to reasons of competence, the European Union cannot sign and ratify the Treaty, as only States can be parties thereto. Therefore, in accordance with Article 2(1) TFEU, with respect to those matters falling under the exclusive competence of the Union, the Council should also authorise Member States to ratify the Treaty in the interests of the Union.

It is vital to fill the gap of the unregulated trade of conventional arms at an international level and to assist the development of peace-building and humanitarian efforts. The ATT's objectives are shared by the European Parliament, the Council and the Commission as this Treaty has the potential to reinforce international peace and security at global level.

**IMPACT ASSESSMENT:** no impact assessment was undertaken.

**LEGAL BASIS:** Article 114 and 207(3) in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** under this proposed Decision, the Council authorises the Member States to ratify the current Arms Trade Treaty with respect to those matters falling under the exclusive competence of the Union.

**Details and Scope of the ATT:** the ATT creates standards for transfers of conventional weapons and requires State Parties to review all arms exports to ensure conventional arms and munitions will not be used inter alia in Human Rights abuses, terrorism and violations of humanitarian law.

The ATT provides for the assessment of arms transfers and measures to prevent the diversion of conventional arms from the importing and exporting States. In addition, it enhances transparency in arms trading by requiring record keeping and reporting to the Secretariat and other State Parties.

The provisions of the ATT cover conventional arms of the following categories:

- battle tanks,
- armoured combat vehicles,
- large-calibre artillery systems,
- combat aircraft,
- attack helicopters,
- warships,
- missiles and missile launchers and
- small arms and light weapons.

The Treaty also covers the related ammunition/ munitions and parts and components.

**Competences:** in accordance with the rules on external competence as laid down in Article 3 of the TFEU, the ATT includes matters that fall under exclusive competence of the Union.

The ATT provides, inter alia, for measures (such as import and export controls), which fall within the scope of the Union's Common Commercial Policy. In this domain, ATT addresses areas of Union law where the degree of regulation has already reached an advanced stage.

Moreover, the following EU-secondary legislation related to the internal market is also of relevance:

- [Directive 2009/43/EC](#) of the European Parliament and of the Council simplifying terms and conditions of transfers of defence-related products within the Community;
- [Council Directive 91/477/EEC](#) on control of the acquisition and possession of weapons;
- [Regulation \(EU\) No 258/2012](#) of the European Parliament and of the Council implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol).

As the ATT includes matters of exclusive EU competence, Member States are not in a position to decide autonomously on the signature and ratification of the Treaty. They can only do it, in the interest of the Union, after authorisation by the Council upon a proposal by the Commission.

**BUDGETARY IMPLICATION:** the proposal has no implication for the EU budget.

## Arms Trade Treaty: ratification by Member States

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**PURPOSE:** to authorise Member States to ratify, in the interests of the European Union, the Arms Trade Treaty.

**PROPOSED ACT:** Council Decision.

**ROLE OF THE EUROPEAN PARLIAMENT:** Council may adopt the act only if Parliament has given its consent to the act.

**BACKGROUND:** UN Resolution 61/89, adopted in 2006, initiated the process for developing a Treaty to regulate the international trade in conventional weapons, the so-called Arms Trade Treaty (ATT). The objective was to achieve a legally binding Treaty making the legal trade in

conventional arms more responsible, by setting high common international standards on imports, exports and transfers.

After intensive preparatory work was carried out, a First United Nations Conference on the ATT was held in New York from 2 to 27 July 2012. Although the Conference failed to reach a consensus, it delivered a first draft text. The Treaty was finally adopted by qualified majority on 2 April 2013 and is now open to signature.

The object of the ATT is 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 illicit trade in conventional arms and prevent their diversion.

Member States expressed their satisfaction for the outcome of the negotiations and their willingness to urgently proceed to the signature and ratification of the ATT.

The European Union cannot sign and ratify the ATT, as only States can be parties thereto.

On the 27 May 2013, Council adopted Decision 2013/269/CFSP authorising Member States to sign, in the interests of the European Union, the Arms Trade Treaty.

Therefore, in accordance with Article 2(1) of the Treaty on the Functioning of the European Union, with respect to those matters falling under the exclusive competence of the Union, the Council should authorise Member States to ratify the ATT in the interests of the Union.

It is vital to fill the gap of the unregulated trade of conventional arms at an international level and to assist the development of peace-building and humanitarian efforts. The ATT's objectives are shared by the European Parliament, the Council and the Commission as this Treaty has the potential to reinforce international peace and security at global level.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 114 and 207(3) in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: under this proposed Decision, the Council authorises the Member States to ratify the current Arms Trade Treaty with respect to those matters falling under the exclusive competence of the Union.

Details and Scope of the ATT: the ATT creates standards for transfers of conventional weapons and requires State Parties to review all arms exports to ensure conventional arms and munitions will not be used inter alia in Human Rights abuses, terrorism and violations of humanitarian law.

The ATT provides for the assessment of arms transfers and measures to prevent the diversion of conventional arms from the importing and exporting States. In addition, it enhances transparency in arms trading by requiring record keeping and reporting to the Secretariat and other State Parties.

The provisions of the ATT cover conventional arms of the following categories:

- battle tanks,
- armoured combat vehicles,
- large-calibre artillery systems,
- combat aircraft,
- attack helicopters,
- warships,
- missiles and missile launchers and
- small arms and light weapons.

The Treaty also covers the related ammunition/ munitions and parts and components.

Competences: in accordance with the rules on external competence as laid down in Article 3 of the TFEU, the ATT includes matters that fall under exclusive competence of the Union.

The ATT provides, inter alia, for measures (such as import and export controls), which fall within the scope of the Union's Common Commercial Policy. In this domain, ATT addresses areas of Union law where the degree of regulation has already reached an advanced stage.

Moreover, the following EU-secondary legislation related to the internal market is also of relevance:

- [Directive 2009/43/EC](#) of the European Parliament and of the Council simplifying terms and conditions of transfers of defence-related products within the Community;
- [Council Directive 91/477/EEC](#) on control of the acquisition and possession of weapons;
- [Regulation \(EU\) No 258/2012](#) of the European Parliament and of the Council implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol).

As the ATT includes matters of exclusive EU competence, Member States are not in a position to decide autonomously on the signature and ratification of the Treaty. They can only do it, in the interest of the Union, after authorisation by the Council upon a proposal by the Commission.

BUDGETARY IMPLICATION: the proposal has no implication for the EU budget.

## Arms Trade Treaty: ratification by Member States

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The Committee on International Trade unanimously adopted the report by David MARTIN (S&D, UK) on the draft Council decision authorising Member States to ratify, in the interests of the European Union, the Arms Trade Treaty.

Whilst regretting the loopholes and limited scope of the Treaty, Members considered that a quick ratification by all EU Member States would send a message to third countries that have not yet ratified such as the United States.

The committee recommended the European Parliament to give its consent to the approval of the draft Council Decision with respect to the matters falling under the exclusive competence of the Union.

## Arms Trade Treaty: ratification by Member States

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The European Parliament adopted a legislative resolution on the draft Council decision authorising Member States to ratify, in the interests of the European Union, the Arms Trade Treaty.

Parliament gave its consent to the draft Council decision.

A [resolution](#) on the ratification of the Treaty was adopted on the same day and outlined the European Parliament's position in this area.

## Arms Trade Treaty: ratification by Member States

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**PURPOSE:** to authorise Member States to ratify, in the interests of the European Union, the Arms Trade Treaty.

**NON-LEGISLATIVE ACT:** Council Decision 2014/165/EU authorising Member States to ratify, in the interests of the European Union, the Arms Trade Treaty.

**BACKGROUND:** on 11 March 2013 the Council authorised the Commission to negotiate the Arms Trade Treaty (ATT) in the framework of the United Nations on those matters coming under the exclusive competence of the Union.

On 2 April 2013 the General Assembly of the United Nations adopted the text of the ATT. The General Assembly also requested the Secretary-General, as depositary of the ATT, to open it for signature on 3 June 2013 and called upon all States to consider signing and, thereafter, according to their respective constitutional processes, becoming parties to the ATT at the earliest possible date.

The object of the ATT is 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 illicit trade in conventional arms and prevent their diversion. Member States expressed their satisfaction for the outcome of the negotiations and their willingness to urgently proceed to the signature and ratification of the ATT. However, some of the provisions of the ATT concern matters that fall under the exclusive competence of the Union because they are within the scope of the common commercial policy or affect the internal market rules for the transfer of conventional arms and explosives.

The European Union cannot sign and ratify the ATT, as only States can be parties thereto.

On the 27 May 2013, the Council adopted Decision 2013/269/CFSP authorising Member States to sign, in the interests of the European Union, the Arms Trade Treaty.

Therefore, in accordance with Article 2(1) of the Treaty on the Functioning of the European Union, with respect to those matters falling under the exclusive competence of the Union, the Council should authorise Member States to ratify the ATT in the interests of the Union.

**CONTENT:** with this Decision, the Council authorises Member States to ratify the Arms Trade Treaty with respect to those matters falling under the exclusive competence of the Union.

**Details and Scope of the ATT:** the ATT creates standards for transfers of conventional weapons and requires State Parties to review all arms exports to ensure conventional arms and munitions will not be used, inter alia, in human rights abuses, terrorism and violations of humanitarian law.

It provides for the assessment of arms transfers and measures to prevent the diversion of conventional arms from the importing and exporting States. In addition, it enhances transparency in arms trading by requiring record keeping and reporting to the Secretariat and other State Parties.

The provisions of the ATT cover conventional arms of the following categories:

- battle tanks,
- armoured combat vehicles,
- large-calibre artillery systems,
- combat aircraft and attack helicopters,
- warships,
- missiles and missile launchers and
- small arms and light weapons.

The Treaty also covers the related ammunition/ munitions and parts and components.

**Competences:** in accordance with the rules on external competence as laid down in Article 3 of the TFEU, the ATT includes matters that fall under exclusive competence of the Union. It provides, inter alia, for measures (such as import and export controls), which fall within the scope of the Union's Common Commercial Policy. In this domain, ATT addresses areas of Union law where the degree of regulation has already reached an advanced stage. Moreover, the following EU-secondary legislation related to the internal market is also of relevance:

- [Directive 2009/43/EC of the European Parliament and of the Council](#) simplifying terms and conditions of transfers of defence-related products within the Community;
- [Council Directive 91/477/EEC](#) on control of the acquisition and possession of weapons;
- [Regulation \(EU\) No 258/2012 of the European Parliament and of the Council](#) implementing Article 10 of the United Nations' Protocol

against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol).

Ratification: as the ATT includes matters of exclusive EU competence, Member States are not in a position to decide autonomously on the signature and ratification of the Treaty. They can only do it, in the interest of the Union, after authorisation by the Council upon a proposal by the Commission.