Basic information

2013/0225(NLE) NLE - Non-legislative enactments	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
INTA International Trade	MARTIN David (S&D)	10/07/2013
	Shadow rapporteur QUISTHOUDT-ROWOHL Godelieve (PPE) KELLER Ska (Verts/ALE) CAMPBELL BANNERMAN David (ECR) SCHOLZ Helmut (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	LISEK Krzysztof (PPE)	14/11/2013
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3298	2014-03-03

European Commission

Commission DG	Commissioner

	Internal Market, Industry, Entrepreneurship and SMEs	TAJANI Antonio

Key events

Date	Event	Reference	Summary
28/06/2013	Preparatory document	COM(2013)0482	Summary
17/07/2013	Legislative proposal published	12178/2013	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	A7-0041/2014	Summary
04/02/2014	Debate in Parliament		
05/02/2014	Decision by Parliament	T7-0080/2014	Summary
05/02/2014	Results of vote in Parliament		
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 European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 114 Treaty on the Functioning of the European Union TFEU 207-p3
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/13240

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE524.685	04/12/2013	
Committee opinion	AFET	PE523.065	16/01/2014	
Committee report tabled for plenary, 1st reading/single reading		A7-0041/2014	23/01/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0080/2014	05/02/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	12178/2013	17/07/2013	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2013)0482	28/06/2013	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0165
OJ L 089 25.03.2014, p. 0044 Summary

Arms Trade Treaty: ratification by Member States

2013/0225(NLE) - 28/06/2013

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

2013/0225(NLE) - 28/06/2013 - Preparatory document

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.

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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

2013/0225(NLE) - 17/07/2013 - Legislative proposal

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

2013/0225(NLE) - 23/01/2014 - Committee report tabled for plenary, 1st reading/single reading

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

2013/0225(NLE) - 05/02/2014 - Text adopted by Parliament, 1st reading/single reading

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

2013/0225(NLE) - 03/03/2014 - Final act

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.