Council Decision (CFSP) 2019/2009 of 2 December 2019 in support of Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives, in cooperation with the OSCE

COUNCIL DECISION (CFSP) 2019/2009

of 2 December 2019

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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) On 19 November 2018, the Council adopted the EU Strategy against illicit firearms, small arms & light weapons (SALW) and their ammunition 'Securing Arms, Protecting Citizens' (the 'EU SALW Strategy'). The purpose of the EU SALW Strategy is to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition by terrorists, criminals and other unauthorised actors, and to promote accountability and responsibility with regard to the legal arms trade.

(2) At regional level, the EU SALW Strategy commits the Union and its Member States to provide assistance in strengthening law enforcement capabilities in order to identify, disrupt and prohibit trafficking networks and prevent firearms from reaching terrorists and criminals via the illicit market, inter alia, by blocking the illicit financing and transport of arms and enhancing the role of border police, customs and port authorities in tackling illicit arms flows by maritime transport.

(3) The EU SALW Strategy states that the current instability in Eastern Europe has raised the level of illicit trafficking of firearms in various countries in the region, such as Ukraine. This presents a significant long-term security threat to both Ukraine and the Union. Cooperation between the Union and Ukraine on this issue is thus of mutual interest. The Union is pursuing its bilateral engagement with Ukraine and other countries in the region and systematically integrates the fight against illicit SALW into any dialogue on security matters with partner countries in the neighbourhood.

(4) In May 2016, the State Border Guards Service of Ukraine requested the Secretariat of the Organisation for Security and Cooperation in Europe (OSCE) to carry out a needs assessment for combating the illicit trafficking in weapons, ammunition and explosives in and across Ukraine's borders. The needs assessment was carried out with support from France and Germany and published in April 2018. The results of the

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needs assessment were confirmed by the main law-enforcement and security agencies in Ukraine during a high-level meeting organised in Kyiv on 7 June 2018.

(5) The State Border Guard Service of Ukraine, the State Fiscal Service/State Customs Service of Ukraine and the Ministry of Internal Affairs of Ukraine have officially, in written form, expressed interest and requested cooperation with the OSCE Secretariat and the OSCE Project Coordinator in Ukraine in supporting Ukraine's efforts to combat illicit trafficking in weapons, ammunition and explosives in line with the results of the needs assessment.

(6) The Union's border control related assistance to Ukraine, such as the Integrated Border Management Strategy supported by the Commission's European Neighbourhood Instrument and the Union's civilian Common Security and Defence Policy missions, namely the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) and the European Union Border Assistance Mission to Moldova and Ukraine (EUBAM Moldova and Ukraine), and their support activities for border control do not include support specifically aimed at combating illicit trafficking in weapons, ammunition and explosives.

(7) On 30 June 2018, the third United Nations Conference to Review Progress Made in the Implementation of the UN Programme of Action against illicit Small Arms and Light Weapons adopted an outcome document in which States renew their commitment to preventing and combating the diversion of small arms and light weapons. States reaffirmed their willingness to pursue international cooperation and to reinforce regional cooperation through improved coordination, consultation, information exchange and operational cooperation, involving relevant regional and sub-regional organisations, as well as law enforcement, border control and export- and import-licensing authorities.

(8) The 2030 Agenda for Sustainable Development affirms that combating the illicit trade in small arms and light weapons is necessary for the achievement of many sustainable development goals, including those relating to peace, justice and strong institutions, poverty reduction, economic growth, health, gender equality and safe cities. Therefore, in Sustainable Development Goal 16.4, all States have committed to significantly reducing illicit financial and arms flows.

(9) In his Agenda for Disarmament 'Securing our Common Future', that was presented on 24 May 2018, the UN Secretary-General called for addressing the excessive accumulation of and illicit trade in conventional arms and for supporting country-level approaches on small arms.

(10) On 25 October 2012, the Council adopted Decision 2012/662/CFSP[(1)] in support of activities to reduce the risk of illicit trade in, and excessive accumulation of, Small Arms and Light Weapons in the region covered by the OSCE and, on 4 August 2017, the Council adopted Decision (CFSP) 2017/1424[(2)] in support of OSCE activities to reduce the risk of illicit trafficking and excessive accumulation of small arms and light weapons and conventional ammunition in the former Yugoslav Republic of Macedonia and Georgia,

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HAS ADOPTED THIS DECISION:

Article 1

1 The purpose of this Decision is to strengthen the capacities of the State Border Guard Service of Ukraine, the Ministry of Internal Affairs of Ukraine and the State Fiscal Service/ State Customs Service of Ukraine in combating illicit trafficking in weapons, ammunition and explosives in Ukraine.

2 Pursuant to paragraph 1, the objectives of this Decision are the following:

a to enhance capabilities of the State Border Guard Service, the Ministry of Internal Affairs and the State Fiscal Service/State Customs Service of Ukraine with respect to preventing and combating illicit trafficking in weapons, ammunition and explosives;

b to enhance supervisory capacities of the Ministry of Internal Affairs with respect to their control of the manufacture, marking and record-keeping of weapons, ammunition and explosives corresponding to the needs identified in the needs assessment;

c to enhance operational capacities of the Ministry of Internal Affairs and of the National Police of Ukraine, which reports to the Ministry of Internal Affairs, with respect to forensics, analysis, detection, tracing, and investigation of illicit trafficking in weapons, ammunition and explosives;

d to enhance capacities of the Ministry of Internal Affairs for the improvement of legislative mechanisms for regulating and controlling the circulation and use of weapons, ammunition and explosives as well as raising public awareness on risks related to illegal possession, misuse and trafficking in weapons, ammunition and explosives corresponding to the needs identified in the needs assessment;

e to enhance inter-agency coordination and cooperation resulting in developing strategic approach, data-collection and analysis in preventing and combatting illicit trafficking in weapons, ammunition and explosives in Ukraine corresponding to the needs identified in the needs assessment.

3 Pursuant to paragraph 2, the Union shall support the following actions:

a enhancing the relevant normative and legislative framework;

b the collection, compilation and sharing of relevant data, including the development and unification of electronic databases;

c developing the capacities of relevant institutions;

d providing training;

e the acquisition of specialised equipment and infrastructure, including canine detection capacities;

f the creation of platforms for enhanced national inter-agency coordination and the clarification of mandates, facilitating cooperation and information exchange;

g raising awareness among the general public;

h regional and international exchange and cooperation.

4 The beneficiaries of the project shall be the national authorities of Ukraine responsible for preventing and combatting illicit trafficking in weapons, ammunition and explosives. The primarily targeted national authorities are: the State Border Guard Service, the Ministry of Internal Affairs and the National Police of Ukraine, which reports to the Ministry of Internal Affairs, and the State Fiscal Service/State Customs Service. Other mandated national authorities, such as the Security Service of Ukraine, shall be engaged on a case-by-case basis.

5 A detailed description of the project is set out in the Annex to this Decision.

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Article 2

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

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

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

Article 3

1 The financial reference amount for the implementation of the project financed by the Union shall be EUR 5 151 579.

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 general budget of the Union.

3 The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For that purpose, it shall conclude the necessary financing agreement with the OSCE Secretariat. The financing agreement shall stipulate that the OSCE Secretariat has to ensure the visibility of the Union's contribution, appropriate to its size.

4 The Commission shall endeavour to conclude the financing 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 financing agreement.

Article 4

1 The HR shall report to the Council on the implementation of this Decision on the basis of regular half-yearly narrative reports prepared by the OSCE Secretariat. Those reports shall form the basis of the evaluation to be carried out by the Council.

2 The Commission shall report on the financial aspects of the project referred to in Article 1.

Article 5

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

2 This Decision shall expire 36 months after the date of conclusion of the financing agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no agreement has been concluded within that period.

Done at Brussels, 2 December 2019.

For the Council

The President

M. OHISALO

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