Council Decision (CFSP) 2018/1788 of 19 November 2018 in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans

COUNCIL DECISION (CFSP) 2018/1788

of 19 November 2018

in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans

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 16 December 2005 the European Council adopted the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition ('the EU SALW Strategy'), subsequently revised in 2018, which set the guidelines for Union action in the field of small arms and light weapons ('SALW'). The EU SALW Strategy noted that the Union will, as a priority, support regional initiatives to combat illicit SALW and their ammunition, providing financial and technical support for regional and national organisations responsible for implementing relevant regional instruments. The EU SALW Strategy mentioned the Balkans as a priority region for support.

(2) On 17 May 2018, at the EU-Western Balkans Summit in Sofia, the EU leaders agreed on the Sofia Declaration, to which the Western Balkans partners aligned themselves, and which includes the commitment to enhance significantly operational cooperation in the fight against international organised crime in priority areas such as firearms, drugs, migrant smuggling and trafficking in human beings.

(3) The Western Balkans region remains one of the sources of illicit arms trafficking into the Union.

(4) On 13 June 2018 the Commission and the High Representative of the Union for Foreign Affairs and Security Policy ('the High Representative') presented a Joint Communication to the European Parliament and the Council on elements towards an EU strategy against illicit firearms, SALW and their ammunition entitled 'Securing Arms, Protecting Citizens'.

(5) On 10 July 2018 the United Kingdom of Great Britain and Northern Ireland hosted the 5th Western Balkans Summit in London, which adopted the 'Regional Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/

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firearms and their ammunition in the Western Balkans by 2024' ('the Roadmap'), which was prepared by the SALW commissions of the Western Balkans in the framework of the Franco-German donor coordination initiative on illicit firearms trafficking in the Western Balkans. Those commissions are preparing their action plans for the implementation of the Roadmap.

(6) The United Nations (UN) 2030 Agenda for Sustainable Development, adopted on 25 September 2015, affirmed that sustainable development cannot be realised without peace and security and that illicit arms flows are amongst the factors which give rise to violence, insecurity and injustice.

(7) At the third UN conference to review progress made in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in June 2018, UN Member States undertook to strengthen partnerships and cooperation at all levels in preventing and combating the illicit trade in SALW, and to promote and strengthen border cooperation and regional and subregional coordination.

(8) The goals of the Roadmap agreed by the Western Balkans partners are consistent with the efforts within the Union and the UN to combat illicit accumulation and trafficking of SALW and their ammunition. Therefore, the Union should support the Western Balkans in implementing the Roadmap.

(9) SEESAC, established in Belgrade in 2002 and functioning under the joint mandate of the UN Development Programme (UNDP) and the Regional Cooperation Council (RCC), which is the successor to the Stability Pact for South-Eastern Europe, assists national and regional stakeholders in controlling and reducing the spread and misuse of SALW and ammunition, and thus contributes to enhanced stability, security and development in South-Eastern and Eastern Europe. SEESAC places particular emphasis on the development of regional projects to address the reality of cross-border flows of weapons.

(10) The Union previously supported SEESAC by means of Council Decision 2002/842/CFSP[(1)], extended and amended by Council Decisions 2003/807/CFSP[(2)] and 2004/791/CFSP[(3)], as well as by means of Council Decision 2010/179/CFSP[(4)], Council Decision 2013/730/CFSP[(5)], extended by Council Decision (CFSP) 2015/2051[(6)], and Council Decision (CFSP) 2016/2356[(7)].
The agreement concluded pursuant to Decision (CFSP) 2016/2356 expires on 29 December 2019.

(11) The Union considers SEESAC to be the preferred implementing partner for the implementation of the Roadmap in the Western Balkans, because of its proven experience and established network, the proven quality of its work and its coordinating role in the preparation of the Roadmap.

(12) In addition, this Union action should provide support for countering illicit arms trafficking in the Republic of Moldova, Ukraine and Belarus,

HAS ADOPTED THIS DECISION:

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2018/1788. (See end of Document for details)*

Article 1

1 With a view to fighting the illicit trade in firearms and SALW in the Western Balkans and reducing the risk of illicit arms entering the Union from the Western Balkans region, the Union shall support Western Balkans partners with the implementation of the 'Regional Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/ firearms and their ammunition in the Western Balkans by 2024', pursuing the support of the Western Balkans partners in reaching the goals set out in the Roadmap, namely:[8]

(1) By 2023, ensure that arms control legislation is in place, fully harmonized with the EU regulatory framework and other related international obligations and standardized across the region.

(2) By 2024, ensure that arms control policies and practices in the Western Balkans are evidence based and intelligence led.

(3) By 2024, significantly reduce illicit flows of firearms, ammunition and explosives (FAE) into, within and beyond the Western Balkans.

(4) By 2024, significantly reduce the supply, demand and misuse of firearms through increased awareness, education, outreach and advocacy.

(5) By 2024, substantially decrease the estimated number of firearms in illicit possession in the Western Balkans.

(6) Systematically decrease the surplus and destroy seized small arms and light weapons and ammunition.

(7) Significantly decrease the risk of proliferation and diversion of firearms, ammunition and explosives.

2 In addition to the objectives referred to in paragraph 1, this Union action shall provide support for countering illicit arms trafficking in the Republic of Moldova, Ukraine and Belarus.

3 In order to achieve the objectives referred to in paragraphs 1 and 2, the Union shall, by means of this Decision:

a support the coordination and monitoring of the implementation of the Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/firearms and their ammunition in the Western Balkans;

b support authorities in the Western Balkans in fully harmonising their arms-control legislation with the Union regulatory framework and other related international obligations; and

c provide support for countering illicit arms trafficking in the Western Balkans, the Republic of Moldova, Ukraine and Belarus through capacity assessments and technical assistance to the law-enforcement and border-police authorities.

4 The project's geographic scope is the Western Balkans, with direct project beneficiaries being Albania, Bosnia and Herzegovina, Kosovo[9], Montenegro, Serbia and the former Yugoslav Republic of Macedonia. In addition, the project will seek to continue support to the Republic of Moldova, Ukraine and Belarus, which are dealing with similar SALW control challenges, through the transfer of knowledge and experiences gained and best practices developed in the Western Balkans since 2001.

5 The action resulting from this Decision will build upon the basis created by the achievements under the previous Council Decisions in support of SEESAC.

6 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 shall be responsible for implementing this Decision.

2 The technical implementation of the project referred to in Article 1 shall be carried out by SEESAC, where necessary in coordination with the Driver of the European multidisciplinary platform against criminal threats (EMPACT) Firearms.

3 SEESAC shall perform its tasks under the responsibility of the High Representative. For that purpose, the High Representative shall enter into the necessary arrangements with UNDP, which shall act on behalf of SEESAC.

Article 3

1 The financial reference amount for the implementation of the project financed by the Union referred to in Article 1 shall be EUR 4 002 587,52.

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 budget.

3 The Commission shall supervise the proper management of the expenditure referred to in paragraph 2. For that purpose, it shall conclude the necessary agreement with UNDP, which shall act on behalf of SEESAC. The agreement shall stipulate that SEESAC has 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 quarterly reports prepared by SEESAC. Those reports shall form the basis of the evaluation 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 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, 19 November 2018.

For the Council

The President

F. MOGHERINI

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ANNEX

UNION CONTRIBUTION TO THE SEESAC PROJECT ON SALW CONTROL ACTIVITIES IN THE WESTERN BALKANS IN IMPLEMENTING THE ROADMAP FOR A SUSTAINABLE SOLUTION TO THE ILLEGAL POSSESSION, MISUSE AND TRAFFICKING OF SALW/ FIREARMS AND THEIR AMMUNITION IN THE WESTERN BALKANS

1. Introduction and objectives

South-East Europe remains an area of concern and an important challenge in the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition ('the EU SALW Strategy'). While significant progress has been made in recent years, the accumulation of small arms and light weapons ('SALW') and ammunition, inadequate storage conditions, illicit possession, and policy-making and implementation capacity gaps coupled with fragile political systems continue to limit the effectiveness of SALW control efforts. Therefore, in order to ensure continuous progress, secure the gains made and pave the way for a long-term sustainable solution that includes full harmonisation with the Union legislative and regulatory framework and compliance with international standards, the continuation of support to combat the threat posed by the spread and illicit trafficking of SALW in and from South-East Europe forms an essential part of the Union's efforts to achieve the goals of the EU SALW Strategy.

To address the remaining challenges in SALW control and reinforce the commitment of the Western Balkans in combating illicit trafficking and misuse of firearms, a Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW/firearms and their ammunition in the Western Balkans by 2024 ('the Roadmap') was developed by the SALW commissions of the Western Balkans on 29 May 2018 in Tirana, following a consultation process with relevant institutions and international organisations. It was endorsed in the framework of the Western Balkans Summit in London on 9 July 2018. The Roadmap envisions the Western Balkans as a safer region and an exporter of security, where comprehensive and sustainable oversight and control mechanisms, fully harmonised with Union and other international standards, are in place to identify, prevent, prosecute and control the illegal possession, misuse and trafficking of firearms, ammunition and explosives. The Roadmap has been developed as a guiding document and, as such, envisages agreed levels of performance and outlines the commitment required at strategic, policy and operational level amongst the beneficiaries, building on the political commitment of the Western Balkans authorities to the UN and Union arms-control commitments and strategic documents.

The South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), as the executive arm of the Regional Implementation Plan on Combating the Proliferation of Small Arms and Light Weapons, supported the development of the Roadmap and will coordinate and support its implementation. This action will thus increase the assistance for SALW control provided by means of Council Decisions 2010/179/CFSP, 2013/730/CFSP and (CFSP) 2016/2356. It will advance further the processes and measures necessary for achieving sustainable SALW control in the Western Balkans.

This action will: (a) support the coordination of the Roadmap implementation; (b) provide support for the harmonisation of legislative and regulatory frameworks on SALW/firearms with those of the Union; and (c) enable a clear understanding of the current gaps and needs in order to improve further cross-border detection capacities with regard to illicit firearms trafficking by building on the establishment of the firearms focal points ('FFPs') in South-East Europe. It will also ensure a better overview of the current situation and identify areas for capacity support in preventing the illicit proliferation and trafficking of SALW/firearms in Ukraine and Belarus, building on the assistance provided under Decision (CFSP) 2016/2356 in support of reducing