

Council Decision (CFSP) 2019/2191 of 19 December 2019 in support of a global reporting mechanism on illicit conventional arms and their ammunition to reduce the risk of their diversion and illicit transfer ('iTrace IV')

COUNCIL DECISION (CFSP) 2019/2191

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in support of a global reporting mechanism on illicit conventional arms and their ammunition to reduce the risk of their diversion and illicit transfer ('iTrace IV')

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 2016 EU Global Strategy for the European Union's Foreign and Security Policy (the 'EU Global Strategy') emphasises that the Union will promote peace and guarantee the security of its citizens and territory and step up its contributions to collective security. It also strongly supports the full implementation and enforcement of multilateral disarmament, non-proliferation and arms control treaties and regimes and calls for 'the cross-border tracing of weapons' recognising that European security hinges on better and shared assessments of internal and external threats and challenges.
- (2) The EU Strategy of 19 November 2018 'Securing Arms, Protecting Citizens - EU Strategy against illicit firearms, small arms & light weapons and their ammunition' (the 'EU SALW Strategy') stresses that illicit firearms, small arms and light weapons ('SALW') continue to contribute to instability and violence in the Union, in its immediate neighbourhood, and in the rest of the world. The EU SALW Strategy sets out the framework for action for the Union in order to address those challenges and commits to supporting research efforts targeting the origins of illicit SALW in conflict zones, such as Conflict Armament Research's iTrace project.
- (3) Council Common Position 2008/944/CFSP⁽¹⁾, as amended by Council Decision (CFSP) 2019/1560⁽²⁾, reflects the determination of Member States to address, *inter alia*, the risk of military technology or equipment being re-exported to undesirable destinations or being diverted to terrorist organisations or to individual terrorists.
- (4) The 2005 EU Counterterrorism Strategy underscores the threat of weapon acquisition by terrorist groups, including of SALW, and calls on Member States to 'make best use' of Union level research activity.
- (5) The illicit manufacture, transfer, and circulation of conventional weapons and ammunition, and their excessive accumulation and uncontrolled spread fuels insecurity in Europe and its neighbourhood as well as in many other regions of the world,

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exacerbating conflict and undermining post-conflict peace-building, thus posing a serious threat to European peace and security.

- (6) The EU SALW Strategy asserts that the Union will support the work of UN panels that monitor arms embargoes, and that it will consider ways of improving access to their findings on diversion and on illicit firearms and SALW for arms export control purposes.
- (7) With the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (the ‘UN Programme of Action’), adopted on 20 July 2001, all UN Member States have undertaken to prevent illicit trafficking in SALW, or their diversion to unauthorised recipients and, in particular, to take into account the risk of diversion of SALW into the illegal trade when assessing applications for export authorisations.
- (8) On 8 December 2005, the United Nations General Assembly adopted an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit SALW.
- (9) At the 2018 Third Review Conference on the UN Programme of Action, all UN Member States affirmed their commitment to encourage States when tracing illicit SALW, including those found in conflict and post-conflict situations, to consult records within the State where the small arm or light weapon was found and/or consult with the State of manufacture of that weapon.
- (10) On 24 December 2014, the Arms Trade Treaty (‘ATT’) entered into force. The objective of the Treaty is to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms, to prevent and eradicate the illicit trade in conventional arms and to prevent their diversion. The Union should support all UN Member States in implementing effective arms transfer controls in order to ensure that the ATT will be as effective as possible, in particular as regards the implementation of Article 11 thereof.
- (11) The Union previously supported iTrace by Council Decisions 2013/698/CFSP⁽³⁾, (CFSP) 2015/1908⁽⁴⁾, and (CFSP) 2017/2283⁽⁵⁾ (iTrace I, II, and III) and wishes to support iTrace IV, the fourth phase of this global, reporting mechanism on illicit conventional arms and their ammunition so as to contribute to Europe’s collective security, as requested by the EU Global Strategy,

HAS ADOPTED THIS DECISION:

Article 1

1 With a view to the implementation of the EU Global Strategy, Common Position 2008/944/CFSP, the EU SALW Strategy, and the advancement of peace and security, the project activities to be supported by the Union shall have the following specific objectives:

- continued maintenance of a user-friendly global information management system on diverted or trafficked conventional arms and their ammunition (‘iTrace’) documented in conflict-affected areas in order to provide policy-makers, conventional arms control experts, and conventional arms export control officers with relevant information to

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- develop effective, evidence-based strategies and projects against the illicit spread of conventional arms and their ammunition;
 - training and mentoring of national authorities in conflict-affected states to develop sustainable national illicit conventional arms identification and tracing capacity, encourage sustained cooperation with the iTrace project, better identify physical security and stockpile management (PSSM) priorities, more effectively articulate national arms control and law enforcement assistance requirements, notably Union# funded initiatives, such as Interpol’s Illicit Arms Records and tracing Management System (iARMS), and the activities of the European Union Agency for Law Enforcement Cooperation (Europol), and strengthen dialogue with EU missions and initiatives;
 - enhanced frequency and duration of in-field research into conventional arms and their ammunition, illegally circulating in conflict-affected areas to generate iTrace data, in response to clear demands made by Member States and Union Delegations;
 - tailored support to Member State arms export control authorities and arms control policy makers, including repeat consultative visits by iTrace project staff to capitals of the Member States, a 24-hour help desk to provide instant advice on risk assessment and counter-diversion strategies, the maintenance of secure desktop and mobile dashboard applications to provide instant notification of post-export diversion, and the provision to Member States, on request, of post#shipment verification by iTrace project staff;
 - increasing awareness through outreach on the findings of the project, promoting the purpose and available functions of iTrace to international and national policy makers, conventional arms control experts and arms export licensing authorities, and enhancing international capacity to monitor the illicit spread of conventional arms and their ammunition and related materiel, as well as to assist policy makers in identifying priority areas for international assistance and cooperation and to reduce the risk of diversion of conventional arms and their ammunition;
 - providing key policy issue reports, drawn from the data generated by field investigations and presented on the iTrace system, about specific areas deserving international attention, including major patterns in the trafficking of conventional arms and their ammunition, and the regional distribution of trafficked conventional arms and their ammunition, and related materiel; and
 - the continued tracing of conventional arms and their ammunition, with the cooperation of Member States and non-EU States, as the most effective means to establish and verify, to the fullest extent possible, the mechanisms behind the diversion of conventional arms and their ammunition to unauthorised users; tracing will be supplemented by follow-up investigations focused on identifying the human, financial, and logistics networks behind illicit conventional arms transfers.
- 2 A detailed description of the project is set out in the Annex to this Decision.

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 shall be carried out by Conflict Armament Research Ltd. (‘CAR’).
- 3 CAR shall perform its tasks under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with CAR.

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Article 3

1 The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 5 490 981,87. The total estimated budget of the overall project shall be EUR 6 311 473,41, which shall be provided through co-financing by CAR and the German Federal Foreign Office.

2 The expenditure financed by the 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 financial reference amount referred to in paragraph 1. For that purpose, it shall conclude the necessary agreement with CAR. That agreement shall stipulate that CAR 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 that agreement.

Article 4

1 The HR shall report to the Council on the implementation of this Decision on the basis of regular narrative quarterly reports prepared by CAR. Those reports shall form the basis of the evaluation carried out by the Council. In order to assist the Council in its evaluation of the results of this Decision, an external entity shall carry out an evaluation of the impact of the project.

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 December 2019.

For the Council

The President

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ANNEX

PROJECT IN SUPPORT OF A GLOBAL REPORTING MECHANISM ON ILLICIT CONVENTIONAL ARMS AND THEIR AMMUNITION TO REDUCE THE RISK OF THEIR DIVERSION AND ILLICIT TRANSFER (‘iTrace IV’)

1. Background and rationale for CFSP support
 - 1.1. This Decision builds on successive Council Decisions to combat the destabilising impact of the diversion and trafficking of conventional arms and their ammunition in conflict-affected areas, in particular Decisions 2013/698/CFSP, (CFSP) 2015/1908, and (CFSP) 2017/2283 which established and enhanced the iTrace global reporting mechanism on conventional arms and their ammunition.

The illicit proliferation of conventional arms and their ammunition is a major factor undermining State stability and exacerbating conflicts, which poses a serious threat to peace and security. As stated in the EU SALW Strategy, illicit firearms and SALW continue to contribute to instability and violence in the Union, in its immediate neighbourhood, and in the rest of the world. Illicit small arms are fuelling global terrorism and conflicts, thwarting the Union's development and crisis management, humanitarian and stabilisation efforts in parts of the Union's neighbourhood and Africa. Within the Union, illicit firearms have a clear impact on internal security, by fuelling organised crime and providing terrorists with means to carry out attacks on European soil. Recent findings from the iTrace project in Afghanistan, Iraq, Libya, Syria, Ukraine, and Yemen, and other conflicts close to the Union's external borders, confirm the assertions in the EU SALW Strategy.

The activities conducted under Decision (CFSP) 2015/1908 confirmed iTrace as a global conflict weapon monitoring initiative. The iTrace Project has operated in more than 40 conflict-affected states, including in Africa, the Middle East, Central Asia, and South and East Asia. and has created the world's largest public repository of diverted conventional arms and their ammunition to support States in their efforts to detect and address diversion in line with commitments to Criterion 7 of Common Position 2008/944/CFSP and Article 11 of the ATT. It provides for precise reporting on the diversion of arms and their ammunition flowing to armed insurgent and terrorist forces that pose a threat to the security of the Union, including Al Qaeda in the Islamic Maghreb and Daesh/Islamic State, and alerts Member State export control authorities confidentially, and rapidly, to post-export diversion risks, providing critical, real-time information to EU Delegations and Member State diplomatic missions in conflict-affected regions on arms trafficking and conflict dynamics. It mainstreams awareness of arms control and counter-diversion measures through balanced and responsible global news media engagement.

- 1.2. The iTrace project, however, faces sustained calls by Member States to provide direct, face-to-face briefings to national arms export licensing authorities (including frequent visits to capitals) and to provide a greater range of resources bilaterally to Member State arms export control policy makers.

This Decision therefore aims to continue and enhance the work of the project under Decision (CFSP) 2017/2283 by further providing Union policy makers, arms control experts and arms export control officers with systematically compiled, relevant information, which will support them in developing effective, evidence-based strategies against the diversion and illicit spread of conventional arms and their ammunition in order to improve international and regional security. It will thus continue to support them to combine a successful reactive strategy with adequate preventive action to address illegal supply and demand, and to ensure effective conventional arms control in third countries.

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- 1.3. This Decision provides for the continued maintenance and further enhancement of the publicly accessible iTrace Global Weapon Reporting System. The projects listed in Decision (CFSP) 2017/2283 will be reinforced by: 1) the increased frequency and duration of missions to gather data on illicit conventional arms supplies into conflict-affected regions; 2) tailored support packages provided to Member States comprising direct consultation, bespoke data and reports, a 24-hour help desk, and post-shipment verification tasking; and 3) the training and mentoring of national authorities in conflict-affected States to trace illicit conventional arms found or seized on their territorial jurisdiction, to build counter-diversion capacity, including tracing capacities in the framework of the International Tracing Instrument (ITI), to enhance weapon management, including record keeping, and to boost the collection of iTrace data.

2. Overall objectives

The Action described under Section 4 will further support the international community in combating the destabilising impact of the diversion and trafficking of conventional arms and their ammunition. It will continue to provide policy makers, arms control experts, and arms export control officers with relevant information, which will support them in developing effective, evidence-based strategies against the diversion and illicit spread of conventional arms and their ammunition in order to improve international and regional security. Specifically, the Action will:

- (a) provide concrete information on the diversion and trafficking of conventional arms and their ammunition, to support the effective implementation of Common Position 2008/944/CFSP, the ATT, the UN Programme of Action and the ITI;
- (b) provide tailored support to Member States to assist in diversion risk assessment and mitigation;
- (c) expose routes and entities involved in the diversion of conventional arms and their ammunition into conflict-affected regions or to international terrorist organisations and to provide evidence of groups and individuals engaged in illicit trade, in support of national legal proceedings;
- (d) enhance cooperation between relevant UN organs, missions and other international organisations, in the field of tracing conventional arms and their ammunition, and of providing information directly in support of existing monitoring mechanisms, including INTERPOL's iARMS, and EUROPOL, the latter having concluded an information-sharing memorandum of understanding with CAR in 2019;
- (e) provide relevant information to identify priority areas for international cooperation and assistance to combat effectively the diversion and trafficking of conventional arms and their ammunition, such as funding for projects with regard to stockpile security and/or border management; and
- (f) offer a mechanism to assist in monitoring implementation of the ATT, specifically to detect the diversion of transferred conventional arms as well as to assist governments in appraising the risk of diversion prior to the export of conventional arms, specifically the risk of diversion within the recipient country or re-export under undesirable conditions.

3. Long-term project sustainability and outcomes

The Action will provide a durable framework for sustained monitoring of the illicit spread of conventional arms and their ammunition. It is expected to increase substantially existing

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arms-related information and to support significantly the targeted development of effective conventional arms control and arms export control policies. Specifically, the project will:

- (a) populate further the iTrace information management system that will ensure long-term collection and analysis of illicit conventional arms data;
- (b) provide conventional arms control policy makers and experts with a tool to define more effective strategies and priority areas for assistance and cooperation, for example, by identifying sub-regional or regional cooperation, coordination and information-sharing mechanisms that need to be established or strengthened, by identifying insecure national stockpiles, inadequate inventory management, illegal transfer routes, weak border controls, and insufficient law enforcement capacities;
- (c) contain the in-built flexibility to generate policy relevant information, regardless of rapidly changing policy requirements;
- (d) increase substantially the efficacy of international arms monitoring organisations and individuals by providing an information-sharing mechanism of continually expanding scope; and
- (e) build sustainable national capacity in conflict-affected States to identify and trace illicit conventional arms and engage more effectively in international arms control and law enforcement processes.

4. Description of Action

4.1. Project 1: Training and mentoring of national authorities in conflict-affected states in weapon identification and international tracing.

4.1.1. Project objective

iTrace training and mentoring programmes provide national authorities in conflict-affected states with the methods and skills to self-diagnose and address conventional arms diversion. Training aims to enhance often non-existent capacity to identify and trace illicit conventional arms, while mentoring allows iTrace project staff to identify critical capacity gaps in real time and immediately tailor solutions to address them. iTrace training and mentoring programmes, moreover, cement relations between the iTrace project and national authorities, allowing its field investigation teams greater access to seized and recovered conventional arms —thereby enhancing the full spectrum of iTrace data gathering, analysis, and reporting.

4.1.2. Benefit to EU arms control initiatives

iTrace training and mentoring programmes respond to actions addressed in the EU SALW Strategy - to support national capacities to 'track and trace the origins of illicit SALW and ammunition in conflict zones' - and directly and indirectly enhance a wide array of Member State-supported arms control initiatives. Direct impacts include supporting national law enforcement authorities to trace SALW in line with the International Tracing Instrument, enhancing national capacity to gather data on traced arms within the framework of Sustainable Development Goal (SDG) indicator 16.4.2, and supporting Member State-initiated weapon and ammunition management programmes. Indirect impacts include 'feeding back' information gathered on site, such as alerting Member States to diversion risks encountered in partner countries and detecting diversion from national stockpiles and providing this information to Union-supported PSSM programmes.

4.1.3. Project activities

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In 2018, CAR established the Technical Support Unit (TSU), a unit formed to deliver training and mentoring activities to national authorities in the conflict-affected states in which iTrace Project operates. Those training and mentoring activities are designed to boost national counter-diversion initiatives across the board by providing instruction and capacity development on conventional arms tracing, marking and record keeping, following ITI established procedures, of seized and captured illicit conventional arms, and PSSM assessments that are designed to identify and address diversion risks at source. CAR will provide specialist, needs-assessed training on the full spectrum of activities listed above to local partners and, where required, to peace support staff, including UN and EU Missions and UN sanctions monitoring groups/panels. In this respect, the iTrace Project will continue to respond directly to the action listed in the EU SALW Strategy, which calls for EU support to 'UN panels that monitor arms embargoes' and for consideration of 'ways of improving access to their findings on diversion and illicit firearms and SALW for arms export control purposes'. Training under the iTrace Project will build on a range of services offered by CAR since 2014, which has proved critical to supporting local partners in conflict-affected states, aiding UN panels, and also to securing greater access to iTrace field investigation teams. The project will deploy staff from its field investigation teams and TSU to instruct, at progressively more technical levels, with regard to:

- (a) an introduction to conventional arms data collection, with reference to specific cases;
- (b) basic conventional arms identification and effective documentation techniques;
- (c) evidence collection standard operating procedures and the evidentiary chain of custody;
- (d) the requirements of long-range, regional, and international investigations;
- (e) the implementation of the International Tracing Instrument; where appropriate, authorities in partner countries will be trained and encouraged to initiate trace requests;
- (f) international arms tracing and arms tracing systems (notably Interpol and Europol);
- (g) the use of 'big data' and trend analysis; and
- (h) avenues for technical assistance (international) and law enforcement intervention.

Those activities will be conducted alongside iTrace field investigations—including joint investigations (mentoring) conducted with national government authorities.

4.1.4. Project results

The project will:

- (a) encourage national authorities to grant greater access to iTrace field investigation teams, responding to repeated calls for iTrace teams to provide technical assistance and joint investigation capacity and equating to increased iTrace data gathering;
- (b) provide concrete capacity assistance to national governments that, while suffering the impacts of conventional arms diversion, lack the tools to identify and report on diverted conventional arms; this is often a precursor to more effective domestic conventional arms management and, as such, supports implementation of the ATT, the ITI, the UN Programme of Action, and SDG 16.4.2 and PSSM programming and liaison with international law enforcement bodies, including Interpol (iARMS) and Europol.
- (c) support enhanced dialogue, notably identifying key stakeholders for other Union-supported initiatives, for example EU Mission relations with host governments, and

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kick-starting initiatives, such as PSSM programming, for example Union-supported stockpile management projects.

4.1.5. Project implementation indicators

Up to 40 in-field training and mentoring visits, with an emphasis on repeat visits to support national authorities in building tracing capacity.

The project will be implemented over the full three-year iTrace project period.

4.1.6. Project beneficiaries

iTrace training and mentoring activities will have direct benefits for national stakeholders in conflict-affected states, including law enforcement bodies and prosecutors. The programme will offer indirect support to national dialogues with Union-funded and other arms control initiatives, encouraging the use of international tracing mechanisms, including Interpol's iARMS system and Europol, and facilitating engagement with Union-supported stockpile management projects and other SALW-control projects.

4.2. Project 2: Enhanced field investigations required to further populate the iTrace system with real-time documentary evidence of the diversion and trafficking of conventional weapons and ammunition, and other relevant information.

4.2.1. Project objective

The project will enhance the frequency and duration of in-field research into conventional arms and ammunition circulating in conflict-affected areas. The project will prioritise countries of particular concern to Member States, including, *inter alia*, Afghanistan, Iraq, Libya, Mali, South Sudan, Somalia, Syria, Ukraine, and Yemen. These on-the-ground investigations will provide concrete evidence of diverted conventional arms in the hands of insurgent and terrorist forces, which would otherwise be invisible to external observers (including arms-exporting Member States). CAR will request the prior approval of the EU Working Party on Conventional Arms Export (COARM) before substantive engagement in all countries not previously subject to iTrace field investigations or iTrace training and mentoring programmes.

Using new technologies and advanced forensic techniques, CAR will employ a range of in-field activities, including enhanced photographic documentation, forensic exploitation, and obliterated mark recovery. CAR has proved that these methods reveal traceable information on previously untraceable weapons, ammunition, and related materiel, allowing investigations into a growing range of illicit material, whose identifying information has been removed to conceal provenance.

The resulting data will improve Member States' collective understanding of diversion and illicit transfers, methods used by traffickers to conceal them, and substantially enhance their capacities to disrupt illicit trade.

4.2.2. Benefit to EU arms control initiatives

iTrace field investigations provide a dynamic baseline of diverted conventional arms in conflict-affected states. This baseline provides a rolling measure of the efficacy of Common Position 2008/944/CFSP and of arms control agreements that Member States have committed to, *inter alia*, the ATT, the UN Programme of Action and the EU SALW Strategy. The thorough documentation of conflict arms also serves as a launch pad for formal conventional arms traces and for comprehensive investigations into conflict financing and arms supply networks.

4.2.3. Project activities

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The following activities will be undertaken in the framework of this project:

- (a) the deployment of qualified arms experts to conduct in-field analysis of illicit conventional arms and their ammunition, recovered from conflict-affected states;
- (b) the analysis, review and verification of documented evidence on conventional arms, their ammunition and their users, including, *inter alia*, photographic documentation, forensic exploitation, and obliterated mark recovery of weapons, their component parts and internal and external markings, packaging, and associated shipping documentation, combined with the results of field investigations (users, suppliers, and transfer routes);
- (c) the uploading of all collected and reviewed evidence onto the iTrace information management system and, once verified, onto the iTrace online mapping portal;
- (d) the identification and support to local partners to ensure sustained data collection in support of iTrace throughout the duration of the proposed Action and beyond;
- (e) the continued liaison with Governments of the Member States to pre-define national points of contact, and a coordination mechanism, in order to clarify the scope of CAR's investigations, and alleviate possible conflicts of interest, in advance of its investigations.

The project will be implemented incrementally over the full three-year iTrace project period.

4.2.4. Project results

The project will:

- (a) document, *in situ*, the physical evidence of diverted or trafficked conventional arms and their ammunition in conflict-affected regions;
- (b) verify and develop illicit trafficking cases from evidence gathered by CAR, by organisations with standing information-sharing agreements with CAR, and, as appropriate, other organisations, on diverted or trafficked conventional arms and their ammunition across all regions;
- (c) provide concrete visual and physical evidence of diverted or trafficked conventional arms and their ammunition, including photographs of items, serial numbers, factory marks, boxes, packing lists, shipping documents, and end user documentation and information obtained through forensic exploitation and obliterated mark recovery;
- (d) generate textual accounts of illicit activity, including trafficking routes, actors and financial and support networks involved in diversion or illicit transfer and assessments of contributing factors (including ineffective stockpile management and security and deliberate, state-orchestrated illicit supply networks);
- (e) upload the aforementioned evidence into the iTrace information management system and, once verified, onto the iTrace online mapping portal for full public dissemination and to Member States through secure desktop and mobile platforms.

4.2.5. Project implementation indicators

Up to 75 field deployments (including extended deployment where required) throughout the three-year period to generate evidence to upload into the iTrace information management system and online mapping portal.

The project will be implemented over the full three-year iTrace project period.

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4.2.6. Project beneficiaries

iTrace will continue to provide increasingly comprehensive information explicitly targeted first and foremost at EU national arms control policy makers, and arms export licensing authorities, as well as Union institutions, agencies, and missions. These Union beneficiaries will also have access to confidential information through secure desktop and mobile platforms provided by iTrace.

Public information will continue to be accessible also to all Union beneficiaries, as well as to non-Union beneficiaries, such as arms control policy makers and arms export licensing authorities in third countries, non-governmental research organisations, advocacy organisations and the international news media.

4.3. Project 3: Tailored support to Member State arms export control authorities and arms control policy makers.

4.3.1. Project objective

The project will provide Member States with consistent bilateral support, including regular face-to-face visits and bespoke reporting, which will be tailored to the specific arms control interest areas and information requirements of each Member State. Information provided by Member States' arms exports licensing authorities will be treated with due respect and confidentiality. CAR will also continue to be in contact with a range of national arms export licensing authorities of third countries. These relationships will support several critical aspects of international efforts to address diversion and the trafficking of conventional arms and will reinforce international counter-diversion measures, including:

- (a) providing detailed data and evidence on documented diversion to exporting licensing authorities; and
- (b) supporting or providing, on official request by EU national arms export licensing authorities, post-shipment/post-delivery verification capacity to Member States.

4.3.2. Benefit to EU arms control initiatives

Regular iTrace Project's Team visits to Member State capitals permit bilateral discussions on sensitive subjects (i.e. post-export diversion), allow Member States to input directly into the design of iTrace and its outputs (direction and scope of investigations and types of reporting), and help develop confidence-building measures (i.e. the iTrace 'advance notification' and 'right of reply' processes). Critically, iTrace outreach to Member States provides a forum for often-nuanced discussion of national challenges and opportunities related to commitments under Criterion 7 of Common Position 2008/944/CFSP and Article 11 of the ATT. Under past iTrace Projects (I, II and III), outreach visits have been critical to understanding Member States' information requirements, whether of a general nature (i.e. 'what is your threat assessment regarding weapons entering a particular theatre of armed conflict') or those that are specific to the iTrace Project (i.e. 'we need a dashboard that alerts us instantly to every domestically produced weapon that iTrace field teams document').

4.3.3. Project activities

The following activities will be undertaken in the framework of this project:

- (a) iTrace teams sent on repeat visits to relevant authorities in Member State capitals to brief on counter-diversion issues and report on their investigations;

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- (b) the continuation of a 24-hour helpdesk to provide instant advice on counter#diversion or potentially negative press allegations arising from unverified third party reporting;
- (c) the maintenance for Member State export licensing authorities of online dashboards, which will stream encrypted data from the iTrace information management system, red-flagging parties with a history of diverting conventional arms, profiling high-risk destinations, and reporting, in real time, the diversion of domestically manufactured arms; and
- (d) the support or provision, on official request by Member States' arms exports licensing authorities, of post-delivery end use checks (verification) to Member States by iTrace field investigation teams.

The project will be implemented over the full three-year iTrace project period.

4.3.4. Project results

The project will:

- (a) assist Member State arms export licensing authorities, on their request in identifying post-export diversion;
- (b) supply information in support of diversion risk analysis by Member State arms export licensing authorities, in line with Common Position 2008/944/CFSP and the ATT, prior to granting export licences;
- (c) provide Member State arms export licensing authorities with post-shipment verification capacity on their demand;
- (d) support Member State arms control policy makers with real-time information on diversion and trafficking trends in support of national engagement in international policy processes; and
- (e) assist Member State national law enforcement agencies in support of criminal investigations, where applicable and on their request.

4.3.5. Project implementation indicators

The maintenance of bespoke desktop and mobile dashboards, which will stream information from secure partitions within the iTrace system to Member States' national authorities. A help desk, which will be manned by iTrace project staff, to provide full support to Member State arms export control authorities and arms control policy makers. Up to 45 visits to Member State capitals on request.

The project will be implemented over the full three-year iTrace project period.

4.3.6. Project beneficiaries

All interested Member States, with visits to capital and post-shipment verification missions conducted on request.

4.4. Project 4: Stakeholder outreach and international coordination

4.4.1. Project objective

The project will showcase the benefits of iTrace to international and national policy makers, conventional arms control experts, and arms export licensing authorities. Outreach initiatives will also be designed to further coordinate information-sharing and build sustainable

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partnerships with individuals and organisations capable of generating information that can be uploaded into the iTrace system.

4.4.2. Benefit to Union arms control initiatives

The project will showcase, at numerous conferences, events, and processes, Union support for the iTrace Project and demonstrate the project's role in providing concrete information in support of international arms control initiatives. Successive iTrace projects (I, II and III) have demonstrated that international outreach plays a critical role in: 1) shaping the international agenda regarding international arms control processes; and 2) generating opportunities for non-EU State cooperation with the iTrace project and Union arms control initiatives more generally.

4.4.3. Project activities

The following activities will, with due attention given to avoiding overlap with other undertakings for instance on ATT outreach, be undertaken in the framework of this project:

- (a) iTrace project staff presentations to relevant international conferences dealing with the illicit trade in conventional arms in all its aspects. Staff presentations will be designed to showcase iTrace, with an emphasis on 1) its concrete benefits for assisting in monitoring the implementation of the ATT, the UN Programme of Action, and other relevant international instruments; 2) its utility in identifying priority areas for international assistance and cooperation; and 3) its utility as a risk assessment profiling mechanism for arms export licensing authorities;
- (b) iTrace project staff presentations to national governments and peacekeeping operations. Staff presentations will be designed to showcase iTrace to relevant mission departments, to encourage and develop formal information-sharing agreements capable of generating information that can be uploaded into the iTrace system, as well as to assist policy makers in identifying priority areas for international assistance and cooperation.

The project will be implemented over the full three-year iTrace project period.

4.4.4. Project results

The project will:

- (a) demonstrate the utility of iTrace and the concept of documenting, compiling, and sharing data on diversion to national and international policy makers working to implement conventional arms control and arms export control agreements (the ATT, the UN Programme of Action, and other relevant international instruments) and support their implementation;
- (b) provide relevant information to assist policy makers and conventional arms control experts in identifying priority areas for international assistance and cooperation and devising effective counter-diversion strategies;
- (c) provide arms export licensing authorities with in-depth information on iTrace and its risk assessment utility, in addition to providing an avenue for further feedback and system enhancement;
- (d) facilitate information-sharing among national governments and UN peacekeeping and sanctions monitoring operations, including data processing and analysis using the iTrace system;

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- (e) facilitate networking among an expanding group of conventional arms control experts involved in conducting *in situ* investigations into the diversion and trafficking of conventional arms and their ammunition;
- (f) raise the public profile of conventional arms and their ammunition tracing as a means to assist in monitoring the implementation of the ATT, the UN Programme of Action, and the ITI and other international and regional arms control and arms export control instruments.

4.4.5. Project implementation indicators

Up to 30 outreach conferences attended by iTrace staff. All conferences will include presentations of iTrace. Conference agendas and brief summaries will be included in the quarterly narrative reports.

The project will be implemented over the full three-year iTrace project period.

4.4.6. Project beneficiaries

Please see Section 4.2.6 above for a full list of beneficiaries, which is identical to the beneficiaries of this project.

4.5. Project 5: iTrace policy reports

4.5.1. Project objective

The project will provide key policy issue reports, drawn from the data generated by field investigations and presented on the iTrace system. The reports will be designed to highlight specific areas of international concern, including major conventional arms and ammunition trafficking patterns, the regional distribution of trafficked conventional arms and their ammunition, and priority areas for international attention.

4.5.2. Benefit to Union arms control initiatives

iTrace policy reports focus international attention on the comprehensiveness of Union arms control initiatives and the commitments made by Member States to address the diversion of conventional arms and their ammunition. Since 2013, these reports have achieved important coverage in many of the world's leading news media outlets, prompting national action by governments, parliamentarians, and civil society. Because iTrace reports do not shy away from identifying illicit conventional arms that originate in the Union, they showcase Member States' progressive attitudes towards arms control. This, arguably, encourages transparency and the expanding membership and universalisation of multilateral disarmament, non-proliferation, and arms control treaties and regimes called for in the EU Global Strategy, i.e. the 'lead by example' principle.

4.5.3. Project activities

In-depth analysis leading to the compilation, review, editing, and publication, including hard-copy printing and distribution of up to 20 iTrace policy reports.

4.5.4. Project results

The project will:

- (a) produce up to 20 reports, each profiling a separate issue of international concern;
- (b) ensure the distribution of iTrace policy reports to all Member States;
- (c) devise a targeted outreach strategy to ensure maximum global coverage;

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- (d) sustain the visibility of the Action in the policy arena and international news media by, *inter alia*, presenting illicit conventional arms information of topical concern, providing policy relevant analysis in support of ongoing arms control processes, and tailoring reports to provide maximum international news media interest.

4.5.5. Project implementation indicators

Up to 20 online, publically available iTrace policy reports produced throughout the duration of the proposed Action.

The project will be implemented over the full three-year iTrace project period.

4.5.6. Project beneficiaries

Please see Section 4.2.6 above for a full list of beneficiaries, which is identical to the beneficiaries of this project.

- 4.6. Project 6: Illicit conventional arms and their ammunition tracing and enhanced investigations

4.6.1. Project objective

The project will continue to send formal trace requests to national governments, for illicit conventional arms and their ammunition, responses to which provide comprehensive information on their supply chains and identify the location and circumstances in which they have been diverted to unauthorised users. These activities aim to establish the mechanisms of conventional arms and their ammunition diversion, on a case-by-case basis and with the support of exporting states, notably Member States' arms export control authorities. Traces yield detailed information on illicit conventional arms supply networks, identify cases of unauthorised retransfer in violation of end-user agreements, flag UN and Union arms embargo violations, and alert States to post-export diversion. Above all, because national governments themselves provide trace information, the trace process provides a basis for arms control policy making.

4.6.2. Benefit to Union arms control initiatives

Trace requests have enabled the iTrace project to provide input in support of various Member State (and non-Union) law enforcement interventions, including the prosecution and sentencing of individuals engaged in trafficking conventional arms and their ammunition, and related materiel.

Trace requests also alert Member States to cases of post-export diversion, providing vital information to support effective arms export licensing risk assessments. As such, iTrace directly contributes information to assist Member States in implementing Criterion 7 of Common Position 2008/944/CFSP and Article 11 of the ATT. Information obtained through the tracing process also identifies unauthorised end users, conventional arms diverters, unlawful parties to the supply chain, and illicit financiers, providing Member States with critical export risk-profiling data.

4.6.3. Project activities

A constant stream of trace requests, and associated communications and follow-up investigations, throughout the duration of the project.

4.6.4. Project results

The project will:

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- (a) trace illicit conventional arms and their ammunition found in conflict-affected areas at an unparalleled rate. Refinements made to CAR's standard operating procedures during iTrace III, following extensive consultation with Member States, will ensure that information gathered by CAR's Tracing Unit will be reviewed by national governments before release and contribute to the largest global repository of traced conflict weapons;
- (b) the newly-formed Enhanced Investigation Unit (EIU) will take information gathered from illicit conventional arms and their ammunition traces to establish, to a greater degree, the 'who, why, what, when, and how' of diversion, conducting supply-chain mapping, focused on three pillars of investigation: human networks, illicit arms financing, and supply logistics. The EIU will be deployable around the world and will work to obtain non-public testimonies, financial information, and documents within and outside conflict areas; and
- (c) ultimately, the EIU will provide policymakers with a new range of options for addressing illicit transfers of conventional arms and their ammunition and the financial and logistic networks behind them, supplementing measures such as arms embargoes and direct export controls with 'network disruption' options, ranging from banking due-diligence to targeted container inspections, and red-flagging trade intermediaries.

4.6.5. Project implementation indicators

The volume and success of trace requests will be registered and assessed on a rolling basis throughout the duration of the Action.

The project will be implemented over the full three-year iTrace project period.

4.6.6. Project beneficiaries

Please see Section 4.2.6 above for a full list of beneficiaries, which is identical to the beneficiaries of this project.

5. Locations

Projects 1, 2 and 6 will require the extensive field deployment of conventional arms experts to conflict-affected regions. These deployments will be assessed on a case-by-case basis, with reference to security, access and the availability of information. CAR already has established contacts or ongoing projects in many of the countries concerned. Project 3 will be conducted in Member State capitals (with other in-country travel conducted subject to Member State requirements). Project 4 will be conducted at international conferences, and in coordination with national governments and relevant organisations, worldwide to ensure maximum project visibility. Project 5 will be compiled in Belgium, Italy, France, and the United Kingdom.

6. Duration

The total estimated duration of the combined projects is 36 months.

7. Implementing entity and Union visibility

CAR embeds small field investigation teams within local defence and security forces, peacekeeping/peace support personnel, and other actors with security mandates. Whenever these forces/missions secure illicit arms or evidence-collection sites, CAR's teams recover all available evidence on them and their user groups. CAR then proceeds to trace all uniquely identifiable items and conducts long-range investigations into their illicit transfers, the supply chains, and support to parties that threaten peace and stability.

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Working with national export licensing authorities, CAR reconstructs the supply chains that are responsible for delivering arms into armed conflicts, identifying illicit activity and the diversion of arms from legal to illicit markets. CAR records the gathered information on its iTrace global arms monitoring system, which with more than 500,000 conflict weapons, ammunition, and related materiel, is the largest repository for conflict arms data worldwide.

CAR uses this information to: a) alert Member States to the diversion of conventional arms and their ammunition; and b) enable targeted counter-diversion initiatives, including revised export control measures and international diplomatic action.

This methodology is proven to detect diversion almost immediately, with CAR field teams having advised Member States of diverted weapons whilst still deployed in conflict-affected areas, for example while on the ground in Mosul, Iraq. In some cases, CAR's teams have discovered unauthorised retransfers within two months of weapons having left the factory door.

Decision (CFSP) 2017/2283 supports CAR in continuing and augmenting the iTrace project established by Decision 2013/698/CFSP and renewed by Decision (CFSP) 2015/1908. The projects, referred to as iTrace I, II, and III, respectively, have firmly established iTrace as a significant conflict weapon monitoring initiative worldwide and provided direct support to EU export licensing authorities and arms control policy makers.

Furthermore, on 2 December 2015, the EU action plan against illicit trafficking in and use of firearms and explosives called for 'extending the use of iTrace' and recommended that any national law enforcement authority detecting the diversion of weapons and ammunition check findings against records in iTrace. In 2019, CAR concluded a memorandum of understanding with Europol to assist in these activities. CAR has, furthermore, provided iTrace data to Interpol's iARMS system and assisted Interpol in identifying weapons uploaded into iARMS by Member States.

CAR will take all appropriate measures to publicise the fact that the Action has been funded by the Union. Such measures will be carried out in accordance with the Communication and Visibility Manual for European Union External Actions laid down and published by the European Commission.

CAR will thus ensure the visibility of the Union contribution with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of its actions, and raising awareness of the reasons for this Decision, as well as Union support for this Decision and the results of this support. Material produced by the project will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

8. Methodology and safeguards for national government partners

The iTrace Action will maintain politically balanced reporting. In line with CAR's core principles, the Action will report on illicit conventional arms and their ammunition, which CAR field investigation teams document in conflict-affected states, without prejudice to their type or provenance and regardless of the affiliation of the party holding those weapons. CAR recognises that Member States that disclose information in the interests of transparency may expose their arms exports to greater public scrutiny. CAR will, therefore, to the fullest extent feasible:

- (a) recognise, in its public reporting, Member States that have provided information to the iTrace Action in the interests of public transparency; and
- (b) ensure that iTrace public reporting firmly differentiates the Member States referred to in point (a) from states that consistently do not disclose information in support of iTrace investigations.

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8.1. Operational clarity

CAR will request the prior approval of COARM before substantive engagement in all countries not previously subject to iTrace field investigations or iTrace training and mentoring programmes. Any such request will present CAR's broad focus of investigations and methodology envisaged for the prospective country. At the time of this Decision's adoption, iTrace programmes had previously operated in the following countries: Afghanistan; Bahrain; Benin; Burkina Faso; Central African Republic; Chad; Congo DRC; Côte d'Ivoire; Egypt; Ethiopia; Gambia; Ghana; India; Iraq; Israel; Jordan; Kenya; Lebanon; Libya; Mali; Mauritania; Morocco; Myanmar; Nepal; Niger; Nigeria; Philippines; Saudi Arabia; Senegal; Somalia; South Sudan; Sudan; Syria; Tunisia; Turkey; Uganda; Ukraine; United Arab Emirates; and Yemen.

8.2. Bias mitigation

CAR recognises that the level of detail provided by national governments in response to trace requests, ranging from no response, to full disclosure and the provision of transfer documents, may result in Member States experiencing differing degrees of public exposure. CAR undertakes to mitigate any implicit bias, which such a disparity in trace responses might introduce into iTrace reporting, by:

- (a) explicitly prefacing, in text, all cases reported by the iTrace Action whereby Member States have responded transparently to trace requests in a manner that, where applicable, affirms unambiguously the legality of the transfers subject to those trace requests;
- (b) explicitly prefacing, in text, all cases reported by the iTrace Action whereby states have not responded to trace requests, stating that 'given the absence of a trace response, CAR cannot pronounce on the legality of the transfer in question' (this will not apply to cases in which Member States have provided, in response to specific trace requests, reasons that prevent them from responding immediately or in full); and
- (c) providing a scheduled report to the European External Action Service on all cases whereby CAR has not received from states an acknowledgment of their having received a trace request within 28 days of receipt. CAR will register all acknowledgements of receipt that it receives in the form of letters, facsimiles, emails, or telephone calls.

8.3. The trace process

Member States respond to trace requests issued by CAR within the framework of the iTrace Project entirely at their own discretion, in accordance with their national legislation on export controls and data confidentiality.

CAR initially sends trace requests electronically to a government's Permanent Mission to the United Nations in New York, although it encourages national governments, for administrative reasons, to assign a point of contact in capital for future communications with the iTrace Action.

The trace process follows CAR's internal standard operating procedure 02.02 and comprises the following steps:

- (a) upon data capture, field investigation teams that have a requirement to trace conventional arms and their ammunition, mark them for tracing in the iTrace Global Weapon Reporting System;
- (b) CAR's Tracing Unit reviews all other data gathered on-site and, in conjunction with CAR's Analytics Unit, launches any additional trace requests that it deems relevant;

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- (c) for items selected for tracing, the system automatically: i) assigns a trace request number to each item; ii) compiles trace requests for one or more items, which originate from a single country, into a single trace communication; and iii) assigns a correspondence number to each trace communication;
- (d) the sending of a trace request initiates a 28-day waiting period, taking into account national procedures, for instance in Member States. During the waiting period, the item may not be published or referenced in any of CAR's outputs;
- (e) if, at the end of the 28-day period, the Tracing Unit has not received a trace response, it may issue a reminder (by email or telephone call, with notes of all communications kept). The reminder does not initiate another 28-day period;
- (f) when the Tracing Unit receives a response to a trace request, it notifies all relevant staff. Relevant staff discuss the response with the Tracing Unit and decide a course of action (i.e. did the responding party answer CAR's questions? Does CAR need to follow up or to ask for clarification? Can CAR issue a right of reply?);
- (g) once all clarifications have been received, the Tracing Unit compiles a right of reply notification. This is a concise summary of the information provided in response to CAR's request and includes caveats that respond to missing or inconclusive information. The text is designed to be replicated verbatim in iTrace and in other CAR outputs and must be the fullest account of the information provided by the respondent to the trace request. The Tracing Unit forwards the draft text to the team responsible for requesting the trace for review. On acceptance of the text, the team notifies the Tracing Unit in writing and the Tracing Unit sends the right of reply;
- (h) sending a right of reply initiates a further 28-day waiting period, during which CAR invites the responding party to suggest additions or amendments to the right of reply text;
- (i) if the responding party suggests amendments to the right of reply text, CAR amends the text and reissues the right of reply. Each time the Tracing Unit reissues a right of the reply, another 28-day waiting period commences. This process may be repeated until CAR deems that constructive exchange has concluded. CAR is not bound to accept right of reply amendments *ad infinitum*;
- (j) the right of reply process concludes either when the government concerned notifies CAR that the text is acceptable, or when CAR deems that further modifications suggested by the government concerned are invalid or superfluous. If the government communicates its disagreement with CAR, and CAR deems that the points raised are invalid or superfluous, CAR must reference the objections in the right of reply text;
- (k) in cases where the right of reply process is ongoing and publication is imminent, two weeks prior to 'lock text' CAR communicates to the responding party that further edits will not be introduced into the relevant publication after the lock text date;
- (l) when the Tracing Unit has incorporated all amendments and additions into the right of reply text, it forwards the draft text to the team that was responsible for requesting the trace for review. On acceptance of the text, the CAR team notifies the Tracing Unit in writing. Following approval, the right of reply text is 'locked' and no further changes can be made to the right of reply text. Henceforth, this text must be replicated verbatim in any public or non-public outputs that refer to the case. It is, therefore, imperative that the Tracing Unit and relevant teams agree on a verbatim text in its entirety before issuing rights of reply; and

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- (m) if a government, in its response to CAR's trace requests, identifies the next point in the supply chain, CAR issues a new trace request to that party, and the tracing process restarts from point (a).

8.4. Advance notification

CAR sends an advance notification to all parties that are referenced substantively in iTrace publications. This takes the form of a formal communication, which is prepared by the author of the upcoming publication and is sent by the Tracing Unit. The advance notification describes how the report will reference the relationship between the government or other entity cited and the case concerned and is designed to ensure that:

- (a) CAR has performed due diligence on any allegations or reference made to entities in its outputs; and
- (b) the information presented in CAR's reports is accurate and fair.

Once sent, an advance notification initiates a 28-day waiting period, during which CAR invites recipients to check the accuracy of the information provided and present any objections. The item may not be published or referenced in any of CAR's outputs during this 28-day period.

9. Reporting

CAR will prepare narrative reports quarterly. These will, *inter alia*, include detailed information on the activities accomplished throughout the reporting period, project by project, including dates and national institutions. Reporting will also cover the number of consultations by iTRACE with Member States.

Geographical scope of the research activities, amount and category of findings, as well as their origin will be available on the online, real-time iTRACE dashboard.

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- (1) Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).
- (2) Council Decision (CFSP) 2019/1560 of 16 September 2019 amending Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment (OJ L 239, 17.9.2019, p. 16).
- (3) Council Decision 2013/698/CFSP of 25 November 2013 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade (OJ L 320, 30.11.2013, p. 34).
- (4) Council Decision (CFSP) 2015/1908 of 22 October 2015 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ('iTrace II') (OJ L 278, 23.10.2015, p. 15).
- (5) Council Decision (CFSP) 2017/2283 of 11 December 2017 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ('iTrace III') (OJ L 328, 12.12.2017, p. 20).

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Changes to legislation:

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