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Frequently Asked Questions on EU arms exports

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1.

What does the EU consider to be 'arms'?

The Common Military List is a comprehensive list regulating what is considered 'arms' by the EU. The list has 22 categories covering weapons and ammunition, vehicles, vessels and aircraft, and other equipment designed for military use, including software and technology.

This list is updated regularly by the European Council to reflect changes in the arms industry. The latest update was adopted in February 2020.

The EU also has a list of dual-use goods, i.e. technology that can be used for both civilian and military purposes. These dual-use goods include, for example, nuclear material, sensors, lasers, computers and computer programs.

Many EU countries also control arms exported for **civilian purposes**, such as hunting and sports.

The EU has also banned the **export and import of goods used to implement the death penalty or to inflict torture** or other cruel, inhuman, or degrading treatment and punishment. The EU requires authorisation for the export of goods that could be used for torture or other ill-treatment (Regulation 1236/2005).

2.

What share of global arms exports is attributed to the EU Member States?

According to the Stockholm International Peace Research Institute (SIPRI), in 2000–2020, the 27 current EU Member States exported about a quarter (24%) of the total global arms exports . In 2015–2019, EU Member States granted licences to exports worth 138–196 billion euro annually, but only a fraction of the licences granted led to actualised exports.

Among the top 25 largest arms exporters in 2016-2020, there were eight EU countries: France (3rd), Germany (4th), Spain (7th), Italy (10th), the Netherlands (11th), Sweden (15th), Czechia (23rd) and Portugal (25th).

Approximately 70% of the arms export licences issued by EU countries are for destinations outside the EU. Approximately 25% of the arms trade is between EU Member States and an additional 5% or so is to NATO partners outside Europe such as the US, Norway, Iceland and Canada. There is large fluctuation between these figures annually (see Table 1).

Table 1: Value and percentage of EU export licences to EU Member States and non-EU states 2003-2019

Year
2003
2004
2005

2006
2007
2008
2009
2010
2011
2012
2013

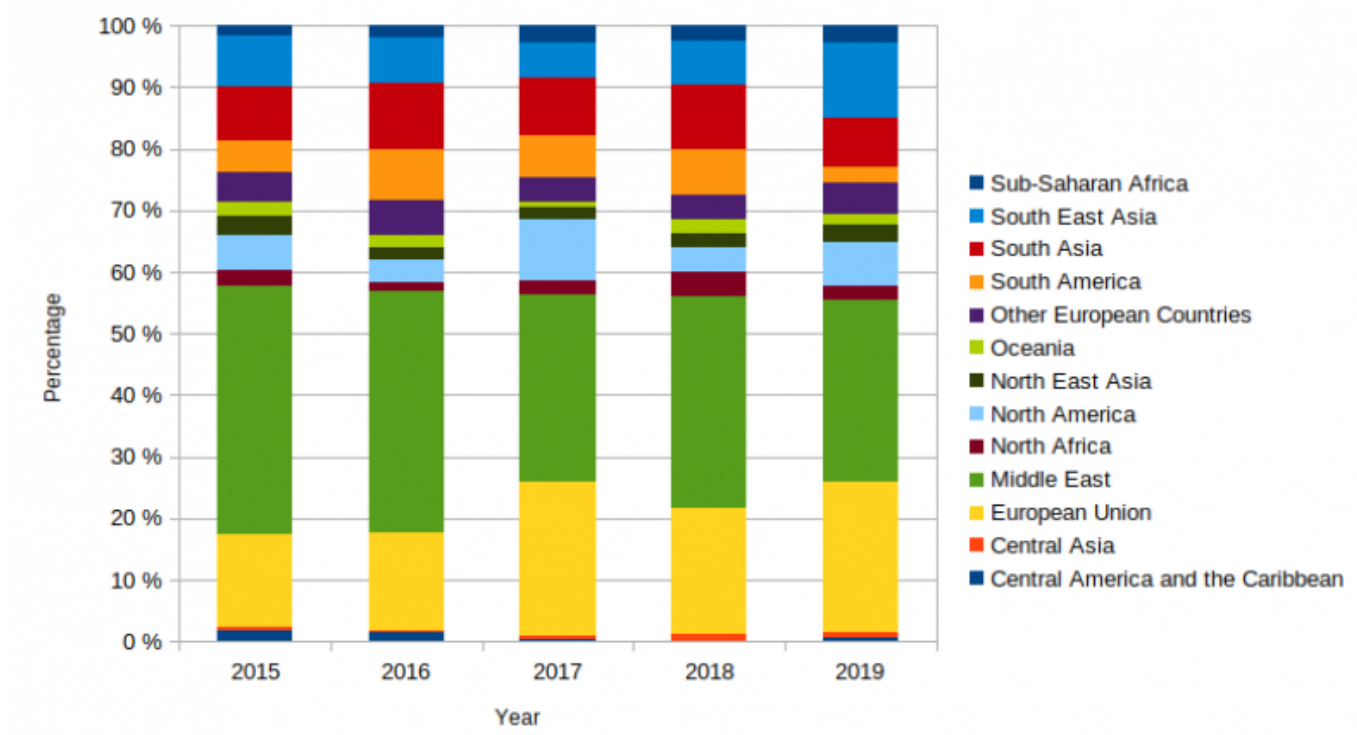
2014*
2015
2016
2017
2018
2019

This table is compiled by SaferGlobe 2021 using data from [the export database of ENAAT](#).

** The significant increase between the value of the export licences granted in 2013 and 2014 is partly explained by a change in the French licencing system. From 2014, France began granting licences earlier in the negotiating process, resulting in higher value licenses to ensure sufficient negotiating space, which may not have been used.*

The exports for the last five reporting years are shown with distribution to different geographical regions in Figure 1, which shows the global scope of European arms trade.

Figure 1: Distribution of EU export licences by value to different regions



SaferGlobe 2021 based on the export database of ENAAT Distribution of EU export licences by value to different regions

Figure created by SaferGlobe 2021 based on the export database of ENAAT.

Notes:

- Brexit has reduced the EU's arms exports, as the United Kingdom is a significant arms exporter (typically 6th in the global list of arms exporters with a share of ca. 3%).
- Significant annual fluctuations are typical for arms exports, so analysis typically uses a range of years, thus mitigating the impact of large, individual exports on trends.
- In addition to the size of the exports, it is essential that consideration is given to the nature of the exports. Unlike larger weapons systems, which are almost exclusively exported to state militaries for use in conflict, smaller weapons are more easily transportable and stealable.
- Arms export data is based on licences granted rather than actualised exports. The data on actualised exports is not typically gathered or available, as it falls within the realm of trade secrecy and would add another unverifiable layer of bureaucracy.

3.

Why do EU Member States produce and export arms? Where can I find detailed information about EU arms exports?

The European arms industry was created for European defence needs and to ensure self-reliance in relation to military goods. Many companies are either partially or even wholly state-owned and have close ties with the military. Exports of military equipment can contribute to the security of military supplies within EU Member States.

Industry representatives often note that market opportunities in Europe are limited, and thus exporting goods is considered necessary to sustain the European defence industry and its global competitiveness. It is also claimed that exporting products (by state-owned arms companies) eases growth pressures on national defense budgets and makes maintaining weapons systems more economical.

The arms industry is of great economic value. Arms are expensive, often high-tech and contribute to a country's overall GDP. The value of the European defence industry was €116 billion in 2019 and it employed 440,000 people, according to the Aerospace and Defence Industries Association of Europe.

The arms industry is very lucrative and has shown solid and continuous growth independently of market variables. Although, there is also increased global competition in the arms industry.

Exporting arms may support the creation of other export possibilities and, in general, improve foreign relations with the receiving country in question.

More detailed information on EU arms exports: The European External Action Service has a plethora of information on its website, including the official annual EU report on arms exports.

The annual report includes a comprehensive list of national authorities' websites providing information about their national export activities.

- More detailed arms export data is available in an online database provided by the European External Action Service (in the top right corner, change the sheet; or, using the *Analyse* button in the top middle, choose *Insights*).
- The EU Export Data Browser by Campaign Against Arms Tradealso shows the same EU data.
- SIPRI has collected national reports on arms exports and has the most detailed information available from each country.

4.

Who oversees all the arms leaving the EU? What are the key instruments regulating arms exports from the EU Member States?

Each EU Member State is responsible for controlling its own arms exports. In practice, customs authorities usually oversee whether the arms exported match those on the granted export licence, which may be granted by different authorities.

All European exports are, however, regulated by (i) **the European Council Common Position**, (ii) arms embargoes set by the EU itself, the UN or other organisations, and (iii) the Arms Trade Treaty, which all EU Member States have ratified. Arms exports are also regulated by national legislation in each Member State. This legislative framework is well established and accepted by all EU Member States.

The EU Common Position on Arms Exports obliges the Member States to consider how arms exports might be used according to eight common principles. These include, for example, the impact a given export may have on human rights, and the maintenance of peace and stability. Each Member State can decide how to arrange licencing and how to interpret the EU Common Position. In other words, *the EU countries have common rules and goals but 27 different implementations.* Information exchange and consultation between Member States within the Council Working Party on Conventional Arms Exports (COARM) supports coordination in arms control, but divergence in practice is great.

5.

How can countries still get away with selling arms to warmongers and those who commit grave human right violations? What are the key challenges with the current system?

The Member States make the final decision about whether or not to license arms exports. There is currently no sanction mechanism, or other mechanism at EU level, to intervene in the decisions made on arms export licenses.[1] The European Parliament has been active in calling for more robust arms control, but these calls have not been heeded.

The systems of arms control can be complicated and opaque. This makes it difficult to establish whether a decision to stop arms sales means that granting export licenses was stopped, military arms equipment sales were stopped, arms sales were stopped fully or no concrete steps were taken.[2] Common challenges include:

- poor coordination between different authorities
- low transparency regarding decisions made
- very limited resourcing of licensing authorities
- lack of democratic scrutiny and export controls.

Moreover, export licences can be granted for long time periods. Stopping arms export licencing is not the same as stopping arms exports, as it will still be possible to sell on the export licences already granted. Pausing or revoking licenses is rare, as these measures damage the arms industry and its trustworthiness as a trading partner.

A large area of concern is Member States' arms exports to the Middle East. Several Middle Eastern states are the world's largest arms importers, and they also import arms from Europe.

EU Member States have continued to arm Saudi Arabia and the United Arab Emirates, while these countries were active participants in the war in Yemen. In Yemen, the Saudi-led coalition carried out bombings of populated areas killing civilians, possibly in breach of international humanitarian law, according to the UN. In 2020, the Group of Eminent Experts on Yemen found "that the parties to the conflict continue to show no regard for international law or the lives, dignity, and rights of people in Yemen, while third States have helped to perpetuate the conflict by continuing to supply the parties with weapons."

In addition to arming parties of war directly, EU Member States have exported arms to countries that have then re-exported the arms to conflict areas. For example, according to the Balkan Investigative Reporting Network (BIRN) and the Organized Crime and Corruption Reporting Project (OCCRP), in 2011–2016,

arms worth €1.2 billion ended up in warring parties in Syria, Yemen and Libya, as some Eastern and Central European countries – including Bulgaria, Croatia, Czech Republic, Slovakia and Romania – exported arms worth €1.2 billion to Saudi Arabia, Turkey and the United Arab Emirates.From there, the arms most likely continued their way to the battlefields of Syria, Yemen and Libya.

6.

Control of EU arms exports can take the form of an arms embargo on a specific country. How often has the EU used arms embargoes? Have they stopped arms exports to those countries?

The EU has its own arms embargoes and can participate in the UN's arms embargoes. Between 1986 and today, the EU has imposed 39 embargoes. Twenty of them are currently in effect, including embargoes on China, Yemen, North Korea, Syria and Russia. In addition to countries, an embargo can be directed at non-state actors such as Al-Qaeda.

The effect of an arms embargo can vary greatly from one to the other. Some embargoes are legally binding, whereas others are not. Some embargoes only cover certain products (such as products suitable for internal repression), some cover all product categories, and some do not define which products they cover. On some occasions, the number of granted licences falls sharply when the embargo is imposed, as in Russia, Libya, and Belarus. However, Egypt provides an opposite example; the embargo is not legally binding, and exports to Egypt have risen sharply after the embargo was put in place.

More information can be found on the EU Sanctions Map.

7.

What benefits would strengthening the EU's role in arms export control create?

The main benefit would be that EU Member States are less able to undermine their own standards in arms exports. Additionally, it would strengthen cooperation and coherence within the European Union.

Politically, more robust arms export control would enhance the EU's capacity to act decisively if needs be. Similar regulation would support the European Defence Union. It would also invigorate the EU Common Position and the shared European values that are enshrined in it.

Increased European spending on defence and a growing number of European partnerships in the arms industry should be complemented with better European arms control mechanisms. This would reduce bureaucratic efforts and potential conflicts, and ensure fully joint processes, where re-segmentation into national processes is not necessary. . Increasing the EU's role in arms control would level the playing field for the industry within Europe, meaning that laxer licencing in one country would not create a competitive advantage for it. More robust arms control is also likely to strengthen the internal market for military and defence equipment.

EU involvement in arms export control would offer additional transparency and control, and lessen corruption, as the strong financial incentives for lax arms control that may exist in Member States are less likely to be shared by the EU.

More robust arms control would also enhance policy coherence. Currently, the good work done by the EU's crisis management, peacebuilding or development sectors to create a more stable world is quickly undone by the arms trade.

Additionally, there would be internal policy coherence. More robust arms control mechanisms are likely to impact illicit firearms trafficking and the divergence of firearms from the legal market. In turn, reducing illicit firearms is one of the EU's priorities in the fight against serious and organised crime as part of European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022-2025.

Stronger arms control at EU level would also help develop arms control mechanisms to keep up with the technological development of modern weapons systems, such as AI and additional tools for cyberwarfare. Jointly, the Member States are more able to deal with these challenges than individually, resulting in cost savings and other benefits.

However, a significant hindrance for strengthening EU arms control is that many EU Member States produce very similar and competing military materials for export. For example, three types of modern jet fighters are produced in the EU (Eurofighter Typhoon, Dassault Rafale and Saab JAS 39 Gripen), which all compete on the EU and international markets. The same applies to main battle tanks (Challenger 2, Leclerc, Leopard 2 and C1 Ariete) and many other major weapons systems. This could be mitigated by strengthening common defence procurement, as the European Defence Agency is aiming to do. Addressing both issues would likely result in lower costs and thus less dependency on exporting military goods.

8.

How has the changing European defence landscape increased the need for stronger EU level involvement in arms exports?

The defence and security landscape has changed both within the EU and internationally.

Internally, cooperation in security and defence has notably increased with significant funding earmarked for European projects. Internal security is more and more tied to external security concerns.

Defence and security initiatives of recent years, such as the Permanent Structured Cooperation (PESCO) and the European Defence Fund (EDF), contribute to the defence and security cooperation of the Member States and cooperation in arms development. The European Peace Facility now enables funding to support arms exports as a part of EU-led projects. Significant funding is also going into EU military research.

These developments bring a new European dimension and funding to arms production, arguably necessitating an equivalent strengthening of arms export controls at EU level.

Divergence of legal arms to illicit trade may also fuel security threats identified in the EU Security Union strategy, such as organised crime and terrorism.

Policy coherence matters within the EU for the EU's credibility as an actor.

Internationally, the EU faces ever-greater competition in terms of credibility as an international actor. Arms control is crucial to show that the EU stands behind its values.

9.

What changes are the Greens/EFA demanding to improve arms export control?

We want a strict, transparent and coherent EU-level arms export control mechanism, which includes sanctions in case of violations by EU Member States.

We want more transparency and democratic accountability in arms export regimes, coherence of arms export decisions between EU Member States, and stronger implementation of the eight criteria of the EU Common Position.

We are proposing an EU regulation. We suggest using the eight criteria of the EU Common Position as a basis for the regulation, and to add the additional criterion of corruption. The advantage of a regulation (in comparison to a Common Position) is that the Commission would have a duty to control the respect for the procedures described in the regulation, and, ultimately, to involve the Court of Justice of the European Union if its principles are violated.

The regulation does not aim for EU level decision-making over national arms export licences issued across EU Member States (roughly 30,000 licences in 2020). Instead, it would create an independent Common Risk Assessment Body at EU level, with a regularly updated list of third countries where arms exports may be problematic, along with a risk assessment for these countries. In case a Member State decides to export certain arms to a destination contrary to the Common Risk Assessment Body's recommendation, it would have to justify its decision for doing so. This would increase the coherence of Member States' export decisions and ensure that those who assess the possible risk of arms exports are not the same that profit from such exports - as is currently the case in many Member States.

An EU regulation would also enhance transparency by making information on Member States' arms exports publicly available, including actual exports, quantity, type and name of the product, and the recommendation of the Common Risk Assessment Body.

Accountability would also be improved by making the EU Common Position legally enforceable. An EU regulation would provide a legal avenue to the CJEU, including in cases where Member States justify arms exports on questionable national security grounds. In addition, a regulation would provide ways to sanction EU Member States acting contrary to the recommendation of the Common Risk Assessment Body, by denying them access to European Defence Fund subsidies or other EU funds in the defence sector.

We believe that a more effective EU-level arms export control mechanism would make the EU a more transparent, ethical and responsible actor in this world. It would help to ensure that weapons made in the EU do not end up in the hands of dictators and are not used to commit grave human rights violations. Ultimately, it would enhance global security.

- Read our proposed regulation

10.

Why do we need to change the system now?

Currently, the principles stated in the EU Common Position are not sufficiently applied. Arms are sold to countries with low human rights records and ongoing conflicts. This incoherence challenges the EU's commitment to peace, stability, human rights and European values, and the EU's credibility as a foreign policy actor.

Better European arms control could also lessen lower-level bureaucracy in European sales, while more clearly targeting problematic sales and exports. This would strengthen the internal market and the European defence sector.

Moreover, the possible negative security implications of the European arms trade on Europe itself are increasing, such as creating instability on the European neighbourhood. Illicit trade, organised crime and terrorism are all concerns that a well-functioning arms control system can help to alleviate. These concerns are becoming more evident with the growth of the arms trade outside Europe to less stable countries.

Action is needed now to ensure European competitiveness and adaptation to a more challenging security environment. At its core, more robust EU arms control is about joint processes and practices to support European security, our internal market, and our ability to be a credible actor through consistent action.

11.

How do we prevent EU-level decision-making on arms exports from watering down the strict rules some EU Member States have?

An EU regulation on arms export control would oblige EU Member States to maintain minimum standards, while allowing for stricter national rules. The same mechanism is used widely in similar situations.

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[1] Depending on the Member State's legislation, some legal supervision can occur as the EU Common Position is obligatory law. In a test case in the UK, the court ruled that UK arms sales to Saudi Arabia were unlawful.

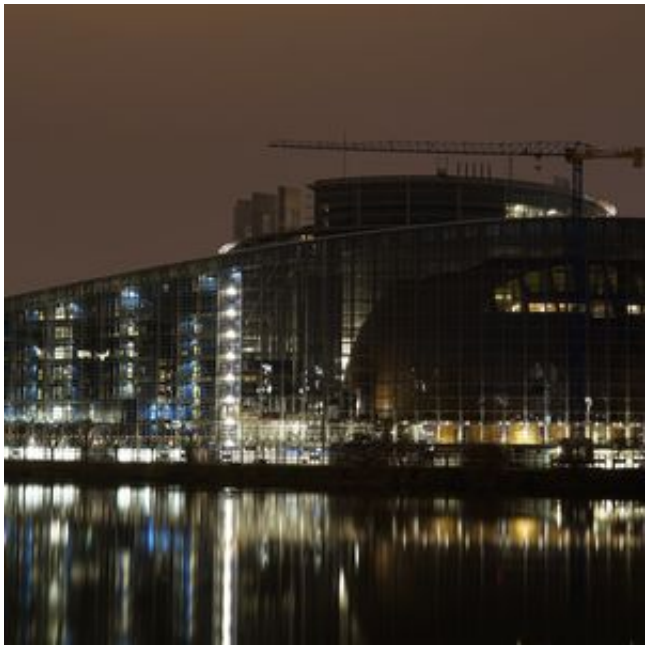
[2] The complication of export mechanisms is often seen in incorrect reporting. In 2015, Der Spiegel

reported that Germany had stopped arms exports to Saudi Arabia. But, in reality, arms trade was continuing although export controls seem to have tightened.

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