

## **Note on the implementation of EU Arms Embargos and ways to improve implementation and enforcement:**

EU Arms Embargos are adopted within the legal framework of the Common Foreign and Security Policy (CFSP). The implementation of CFSP Council Decisions concerning Arms Embargos is therefore the responsibility of national governments. Only the Council working party "RELEX" in its specific "sanctions formation" has the mandate to exchange information on the implementation of EU Arms Embargo. Although the mandate of RELEX/Sanctions would in theory allow the establishment of an effective monitoring system, Member States representatives have so far not done so.

The recent cases with regard to the EU Arms Embargo against Syria highlight the urgent need to create, as a first step, a well functioning monitoring system within the relevant Council working group. Such a monitoring system should trigger regular exchanges of information concerning implementation, violations or decisions handed down by national courts. Member States could also mandate the RELEX/Sanctions working party or a group of experts associated to the working party to investigate and report on alleged violations. This group of experts or a body within the working party should also be tasked with assessing state declarations on the implementation and enforcement of EU Arms Embargo with a special focus on national legislation implementing respective embargos and facilitating dialogue about the implementation. For the sake of transparency, RELEX/Sanctions could also establish an up-to-date and accessible database which collects and categorizes information received from Member States. The creation of such a monitoring system would not require treaty changes, but a modification of the mandate of RELEX/Sanctions working party. At the moment the mandate describes the issue of "best practises for effective implementation" for only targeted financial sanctions and terrorist financing, but not for arms embargo.

In addition, HR/VP Ashton, together with the Member States should work on better - more precise - language when it comes to the Council Decisions on Arms Embargo in order to avoid misunderstandings. As the Syria case demonstrates, there appears to be a lack of clarity about what states' responsibilities are with regards to cases of transit and ships and vessels that are flagged in EU Member States or owned by companies registered in EU Member States.