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Answer given by High Representative/Vice-President Borrell
on behalf of the European Commission
(29.4.2021)

The control on the export and transit of arms by EU Member States is subject to national legislation, the Council Common Position 2008/944/CFSP¹ (Common Foreign and Security Policy) and the Arms Trade Treaty². The obligations stemming from these instruments are legally binding on EU Member States. The final decision whether to authorise or deny an individual export or transit of military technology and equipment is to be adopted, in accordance with the abovementioned legal framework, by the competent authorities of EU Member States. National institutions are responsible for assessing export license applications against the criteria of the abovementioned Common Position, including respect for human rights and international humanitarian law by the country of final destination.

Following Turkey's military operation in North East Syria, EU Member States committed in October 2019 to strong national positions regarding their arms export policy to Turkey on the basis of the provisions of Common Position 2008/944/CFSP³, but have not decided to impose an arms embargo. An EU arms embargo would require a unanimous decision by the Council.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008E0944>

² <https://www.un.org/disarmament/convarms/arms-trade-treaty-2/>

³ <https://www.consilium.europa.eu/en/press/press-releases/2019/10/14/council-conclusions-on-north-east-syria/>