



SGX WP2
108

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 March 2000

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LIMITE

CRIMORG 48

OUTCOME OF PROCEEDINGS

Of : Open-ended experts meeting of the "Troika" and other interested experts with Canada, Japan and the United States on the firearms protocol to the draft United Nations Convention against Transnational Organised Crime

On : 18 February 2000

Opening of the meeting and adoption of the agenda

The meeting was attended by participants from all Member States with the exception of Greece and Luxembourg and also from Canada, Japan and the United States.

The proposed agenda was adopted.

Information on EU developments

The Presidency provided the meeting with brief details of the Common Position and the Commission negotiating mandate adopted by the Council on 31.1.2000 in relation to the firearms protocol. It also confirmed that steps would be taken to inform other UN delegations of the new EU negotiating arrangements.

G.8 discussions

The US and Canada briefed the meeting on the most recent discussions at G.8 level concerning the protocol.

Provisions of the draft protocol

The experts discussed the draft protocol with reference to the main points which had yet to be resolved. In that context the EU position was outlined by the Commission in relation to the provisions falling within its negotiating mandate. The main results of the discussion can be summarised as follows:

Article 2 - definitions

The US and Canada advocated the adoption of 1899 as the year for assessing whether a firearm is an antique. EU delegations favoured 1870, as set out in the Common Position.

In accordance with the Common Position, EU delegations did not support the inclusion of destructive devices within the definition of a firearm but they could agree that illicit manufacturing of and trafficking in such weapons would be criminalised. While the US believed that it would be preferable to define destructive devices as firearms, it indicated that the EU approach was more likely to prove acceptable at UN level.

Article 9 - Marking

There was general agreement that marking at the time of manufacture should encompass a serial number and also the manufacturer and the location in question.

The US and Canada were in favour of marking at importation. The Commission said that EU discussions were continuing on that issue with a view to achieving a definitive position.

Article 10 - Prevention of reactivation

The US supported the revised text prepared by the UK. The Commission stated that, while it was likely that the EU position would be along the same lines, there were still some points that had to be settled in that regard.

Article 11 - Controls on export etc

The Commission pointed out that EU discussions on this article had not yet produced a final position but they hoped that this could be achieved quickly. The Commission view was that it would be essential that no restrictions would be imposed on the operation of the Internal Market. It was also of the general opinion that the arrangements to be adopted under the protocol should be prevent the operation of global licences.

The US and Canada thought that difficulties could arise in the context of the protocol in relation to the question of global licences and they requested that the EU position be clarified as soon as possible.

Article 12 - Security and preventive measures

The Commission said that, while the matter had yet to be fully decided, the general EU view was to support Option 2 for paragraph (b). The US agreed with that approach.

Article 15 bis - focal point

The following points were raised with reference to this article but were not discussed in detail:

- The US was in favour of a provision along the lines of subparagraph (g) relating to the establishment of a mechanism to monitor compliance with Security Council embargoes. However, Germany was concerned that the provision was outside the framework of law enforcement.
- A number of EU delegations appeared to be of the view that the functions to be assigned to the focal point should be carried out by Interpol.

Article 18 bis - brokers

The US circulated a text on brokers which it proposed to introduce for the next round of UN negotiations. Canada supported the proposal.

The Commission reported that the EU had not arrived at a decision on whether brokers should be provided for. The relevant US proposal would, however, be taken into account in that regard.

Conclusion of the meeting

The Chairman thanked the participants for their contributions to the meeting.
