Executive summary

According to Article 10 (6) of the EDF Regulation 2021/697, actions that could lead to the development of products and technologies whose use, development or production is prohibited by applicable international law shall not be eligible for support from the Fund. This brief summary is limited to the EDF scope of application.

Conventional Law (binding for EU Member States and EDF associated country, i.e. Norway, that have ratified the Convention)

1. **Prohibited** weapons under international humanitarian law:
   - On which all Member States and Norway have agreed upon:
     - Chemical weapons, including asphyxiating, poisonous or other gases, and of all analogous liquids materials or devices ([Geneva Protocol, 1925; The Convention on the Prohibition of Chemical Weapons, 1993](#));
     - Biological weapons, including all microbial or other biological agents, or toxins ([Geneva Protocol, 1925; The Convention on the Prohibition of Chemical Weapons, 1993](#));
     - Weapons that injure by fragments which, in the human body, escape detection by X-rays ([Protocol I to the Convention on Certain Conventional Weapons, 1980](#));

   - On which certain Member States have agreed upon:
     - Bullets that expand or flatten in the human body ([The Hague Declaration, 1899](#));
     - Cluster munitions ([Convention on Cluster Munitions, 2008](#));
     - Nuclear weapons ([Treaty on the Prohibition of Nuclear Weapons, 2017](#)). Moreover, according to the [Treaty on the Non-Proliferation of Nuclear Weapons (1968)](#), non-nuclear Member States (i.e., all except for France) agreed not to produce or receive weapons or other nuclear explosive devices directly, or indirectly.

   In this second case, entities established in countries that have ratified the Conventions here reported can’t take part in projects that could lead to the production of these weapons.
2. Weapons whose usage is restricted under humanitarian international law. LOs to be consulted in case of doubts on them:
   - Booby traps (Protocol II, as amended to the Convention on Certain Conventional Weapons, 1996);

**Customary law (binding for all EU Member States and EDF associated country, i.e. Norway)**

Due to the unwritten nature of the customary law, it is better to refer to conventional law, whenever there is a treaty establishing the prohibition of a specific weapon (indicated in brackets).

- Weapons of a Nature to Cause Superfluous Injury or Unnecessary Suffering
- Weapons That Are by Nature Indiscriminate
- Nuclear Weapons (Treaty on the Prohibition of Nuclear Weapons, 2017; Treaty on the Non-Proliferation of Nuclear Weapons (1968)
- Riot Control Agents
- Expanding Bullets (The Hague Declaration, 1899)
- Exploding Bullets
- Restrictions on the Use of Landmines
- Recording of the Placement of Landmines
- Removal or Neutralization of Landmines

- **Incendiary Weapons** *(Protocol III to the Convention on Certain Conventional Weapons, 1980)*:
  - The Protection of Civilians and Civilian Objects from the Effects of Incendiary Weapons
  - The Use of Incendiary Weapons against Combatants

<table>
<thead>
<tr>
<th>Convention</th>
<th>Legal value</th>
<th>Are all EUMS and EDF associated countries parties to the convention?</th>
<th>Parties</th>
<th>Non-Parties</th>
<th>Obligations contracted</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Declaration of Saint Petersburg (1868) (covering explosive projectiles weighing less than 400 grams)</td>
<td>Non-binding</td>
<td>Not really relevant anymore, most EU states did not exist at the time.</td>
<td>Austria-Hungary, BE, DK, FR, GR, IT, NL, PT, SE, Parts of Germany</td>
<td>BG, CY, CZ, EE, FI, DE, HR, IE, LV, LT, LU, MT, PL, RO, SK, SL, ES,</td>
<td>The Contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.</td>
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<tr>
<td>The Hague Declaration (1899) (covering bullets that expand or flatten in the human body)</td>
<td>Binding</td>
<td>No</td>
<td>AT, BE, BG, DK, FR, DE, GR, HU, IT, LU, NL, PT, RO, ES, SE, NO</td>
<td>CY, CZ, EE, FI, HR, IE, LV, LT, MT, PL, SK, SL,</td>
<td></td>
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<tr>
<td>The Hague Regulations (1907) (covering poison and poisoned weapons)</td>
<td>Binding</td>
<td>No</td>
<td>AT, BE, DK, FI, FR, DE, HU, LU, NL, PL, PT, RO, SE, NO</td>
<td>BG, CY, CZ, EE, IE, GR, IT, LV, LT, MT, PL, SK, SL, ES</td>
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<tr>
<td>The Geneva Protocol (1925) (on chemical and biological weapons)</td>
<td>Binding</td>
<td>Yes</td>
<td>all</td>
<td></td>
<td>Prohibition of asphyxiating, poisonous or other gases, and of all analogous liquids materials or devices; prohibition of bacteriological methods of warfare</td>
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<tr>
<td>Treaty on the Non-Proliferation of Nuclear Weapons (1968)</td>
<td>Binding</td>
<td>Yes</td>
<td>all</td>
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<td>Art. 1, nuclear-weapon State Party (i.e. France, among the MS): undertake not to transfer nuclear weapons or explosive devise directly or indirectly;</td>
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<tr>
<td>Convention on the prohibition of biological weapons (1972)</td>
<td>Binding</td>
<td>Yes</td>
<td>all</td>
<td>Art. 2, non-nuclear-weapon State Party: <strong>undertake not to receive, manufacture or acquire</strong> nuclear weapons or other nuclear explosive devices directly, or indirectly</td>
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<tr>
<td>Protocol I to the Convention on Certain Conventional Weapons (1980) (covering weapons that injure by fragments which, in the human body, escape detection by X-rays)</td>
<td>Binding</td>
<td>Yes</td>
<td>all</td>
<td>Art. 1: Each State Party to this Convention undertakes <strong>never in any circumstances to develop, produce, stockpile or otherwise acquire or retain</strong>: 1. microbial or other biological agents, or toxins: 2. weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.</td>
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<tr>
<td>Protocol II, as amended to the Convention on Certain Conventional Weapons (1996) (on mines, booby traps and ‘other devices’)</td>
<td>Binding</td>
<td>Yes</td>
<td>all</td>
<td>It <strong>is prohibited</strong> to use any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays. It does not prohibit mines and booby-trap, but it rather introduces restrictions on their use, as per articles 3-7 of the Protocol.</td>
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<tr>
<td>Convention</td>
<td>Binding</td>
<td>Ratification</td>
<td>Restrictions</td>
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<tr>
<td>Protocol III to the Convention on Certain Conventional Weapons (1980) (on incendiary weapons)</td>
<td>Binding</td>
<td>Yes</td>
<td>all</td>
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</table>

  - Binding: Yes
  - Ratification: all
  - Restrictions: It includes some restrictions on the usage of incendiary weapons in Article 2.

  - Binding: Yes
  - Ratification: all
  - Restrictions: According to Article 1, it is prohibited to employ laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision.

  - Binding: yes
  - Ratification: all
  - Restrictions: It does not prohibit any weapon; it merely establishes obligations regarding the treatment of explosive remnants of war to prevent collateral damages.

  - Binding: Yes
  - Ratification: all
  - Restrictions: Art. 1: Each State Party to this Convention undertakes never under any circumstances: (a) develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone; (b) To use chemical weapons; (c) To engage in any military
<table>
<thead>
<tr>
<th>Convention on the Prohibition of Anti-Personnel Mines (Ottawa Treaty) (1997)</th>
<th>Binding</th>
<th>Yes</th>
<th>all</th>
<th>Art. 1: Each State Party undertakes never under any circumstances: a) <strong>To use anti-personnel mines</strong>; b) <strong>To develop, produce, otherwise acquire, stockpile, retain or transfer</strong> to anyone, directly or indirectly, anti-personnel mines</th>
</tr>
</thead>
<tbody>
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<td>Convention on Cluster Munitions (2008)</td>
<td>Binding</td>
<td>No</td>
<td>AT, BE, BG, HR, CZ, DK, FR, DE, HU, IE, IT, LT, LU, MT, NL, PT, SK, SL, ES, SE, NO, CY (signed but not ratified), EE, FI, GR, LV, PL, RO</td>
<td>Art. 1: Each State Party undertakes never under any circumstances to: (a) <strong>Use cluster munitions</strong>, (b) <strong>Develop, produce, otherwise acquire, stockpile, retain or transfer</strong> to anyone, directly or indirectly, cluster munitions;</td>
</tr>
<tr>
<td>Treaty on the Prohibition of Nuclear Weapons (2017)</td>
<td>Binding</td>
<td>No</td>
<td>AT, IE, MT</td>
<td>Art. 1: Each State Party undertakes never under any circumstances to: (a) <strong>Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices</strong>; (b) <strong>Transfer</strong> to any recipient whatsoever nuclear weapons or other nuclear</td>
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<tr>
<td>Statute of the International Atomic Energy Agency</td>
<td>Binding</td>
<td>Yes</td>
<td>All</td>
<td>explosive devices or control over such weapons or explosive devices directly or indirectly; (c) <strong>Receive</strong> the transfer of or control over nuclear weapons or other nuclear explosive devices directly or indirectly</td>
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<td>Articles II and III, related to the objectives and functions of the Agency, establish the obligation for the Member States to avoid using the atomic energy under the control of the Agency for military purposes</td>
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