

## Texts adopted by Parliament

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OJ edition

### EU Code of Conduct on Arms Exports

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[A5-0211/2000](#)



#### **European Parliament resolution on the Council's 1999 Annual Report on the Implementation of the EU Code of Conduct on Arms Exports (11384/1999 - C5-0021/2000 - 2000/2012 COS) )**

*of the European Parliament,*

- having regard to the Council's 1999 Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports (11384/99 - C5-0021/2000 )<sup>(1)</sup> ,
- having regard to Rule 47(1) of its Rules of Procedure,
- having regard to the Article 3 of the Treaty on European Union, on consistency in the Union's external activities, and Article 11, on the objectives of the common foreign and security policy,
- having regard to Article 17 of the Treaty on European Union, on co-operation in the field of armaments, and to Article 296 of the Treaty Establishing the European Community, on protection of national security interests,
- having regard to the Joint Action adopted by the Council on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons<sup>(2)</sup> ,
- having regard to the EU programme for preventing and combating illicit trafficking in conventional arms<sup>(3)</sup> ,
- having regard to its resolutions of 19 January 1995, 15 January 1998, 14 May 1998, and 7 October 1999 on an EU Code of Conduct on the export or transfer of arms<sup>(4)</sup> ,
- having regard to its resolutions of 15 May 1997 and 28 January 1999 on the European defence-related industries<sup>(5)</sup> ,
- having regard to Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology<sup>(6)</sup> ,
- having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (and the opinion of the Committee on

Industry, External Trade, Research and Energy) ([A5-0211/2000](#)),

A. whereas the external action of the EU is guided by values of democracy and the protection of human rights,

B. whereas it follows from the Treaty that the common commercial policy must be consistent with the common foreign and security policy,

C. whereas the ending of the Cold War has changed the security context in which the EU operates towards one in which regional and internal conflicts predominate,

D. whereas there have been a number of conflicts in the last decade in which military personnel from EU Member States, acting in a peace-keeping capacity, have been confronted by weapons manufactured and supplied by EU companies,

E. whereas the proliferation of light weapons and small arms is a major force for instability in Third World countries and crisis regions, and creates a risk of disturbances by the parties concerned in the European Union itself,

F. whereas organised criminals and international arms smugglers have developed their illegal activities in the area of small arms and are trafficking vast quantities of weapons along routes which, in some instances, involve the territory of the European Union,

G. whereas given the current security perspective of the EU, the effective monitoring of end-use is absolutely essential and whereas the lack of provision for verifying the end-user of exported weapons in the Code of Conduct is a major weakness,

H. whereas effective control of legal arms exports, licensed production, industrial cooperation agreements and arms brokering is a prerequisite of success in the combat of illicit arms trade and effective prevention of arms transfers to inappropriate end-users,

I. whereas a common list of military equipment covered by the EU Code of Conduct on Arms Exports was adopted on 13 June 2000; whereas the Commission intends to propose the addition to this list of particular equipment for paramilitary, public order and internal security purposes, in line with discussions within the Council,

J. whereas military, security and police equipment as well as dual-use goods are used for international aggression and internal repression and must all be included in the common list of controlled items,

K. whereas, as the Code of Conduct lays down, special caution and vigilance must be exercised in issuing export licences to countries where serious violations of human rights have been established and better and more multilateral dialogue and information sharing between EU Member States would help to ensure that this provision is effectively implemented, with a view to establishing a presumption of denial of an export licence to countries where such human rights violations are taking place,

L. whereas the European defence industry is economically and strategically important to the EU,

M. whereas a legally binding Framework Agreement aimed at facilitating the consolidation of the European defence industry has been signed by France, Germany, Italy, Spain, Sweden and the United Kingdom; whereas this agreement

aims, inter alia, to achieve harmonisation of export controls,

N. whereas enlargement will bring the EU's borders closer to areas of instability,

O. whereas the Associated Countries of Central and Eastern Europe and Cyprus, as well as Iceland, Liechtenstein, Norway and Canada have all agreed to align themselves with the principles of the EU Code of Conduct,

P. whereas increased transparency is needed for the achievement of better control of the arms trade,

Q. whereas any regime for the control of arms exports would be most effective within a global context,

R. whereas efforts are being made in the framework of the United Nations to increase transparency in international arms trade in order to facilitate identification of possibly destabilising accumulations of weapons, in particular through the UN Register of Conventional Arms (UNROCA),

S. whereas the EU should firmly support these efforts and also seek to enhance its co-operation with other main exporters of arms, dual-use goods and other relevant equipment,

T. whereas a European arms policy is an essential element in the gradual development of a common defence policy in the context of the CFSP and the establishment of a European security and defence identity within NATO,

U. whereas in July 2000 six EU countries signed a binding "letter of intent" containing common rules for their arms policy,

V. whereas the security situation confronting the EU is delicate and potentially dangerous and therefore requires an arms export policy with clearly defined objectives,

1. Believes that an EU policy on arms exports must:

- (a) ensure the consistency of the EU's external action, including the Union's goals in conflict prevention, combating poverty and its promotion of human rights
- (b) reinforce the EU's development cooperation objectives, and international development goals
- (c) satisfy the security policy imperatives and needs of the EU
- (d) meet the needs and challenges of the European defence industry
- (e) contribute to the development of a common defence policy;

2. Considers that, in the negotiations in which it is engaged at various levels, whether with regard to enlargement, association, customs unions, trade or cooperation, the EU should strive to ensure the adoption of the Code of Conduct by third countries and to promote the creation of an international code of conduct on arms transfers;

3. Believes that a coherent and consistent arms export policy would strengthen the consolidation of the European defence industry;

4. Believes that the establishment of a European Armaments Agency to manage European projects would also be beneficial for the development of a common arms

export policy;

5. Welcomes the evidence in the annual report that the Code of Conduct has led to greater dialogue between Member States; welcomes, also, the decision of the Council Presidency to send the annual report to Parliament;

6. Considers it necessary that the European Parliament, experts and NGOs be regularly consulted in order to improve the annual report on arms exports;

7. Welcomes the fact that so many countries, the associated countries of Central and Eastern Europe, Cyprus, the non-EU EEA countries and Canada, have all agreed to align themselves with the Code of Conduct;

8. Believes that the applicant countries should be more actively involved in the further development of the Code of Conduct and in the information exchange system;

9. Calls for the application of the Code of Conduct to be extended to all states that have signed the Wassenaar arrangement; calls in particular for the Member States to cooperate with the USA in devising a common approach to conventional arms export controls similar to that established for chemical weapons control (Australian Group);

10. Believes that Member States should invoke Article 296 of the EC Treaty only in exceptional circumstances, when they consider their essential interests are at risk;

11. While welcoming the EU joint action on small arms, believes that greater effort is needed to establish common rules for EU control of the legal trade in small arms and light weapons, and effective EU controls to combat and eradicate trafficking and smuggling in such arms;

12. Believes that the Code of Conduct should be made legally binding;

13. Calls on the Member States to intensify their talks on the addition to the common control list of equipment for paramilitary, public order and internal security purposes, so as to prepare the ground for the expected Commission proposal in relation to this;

14. Calls for the prohibition of the manufacture, promotion, marketing, brokering and transfer of equipment and expertise whose primary practical function is for torture, cruel, inhuman or degrading treatment and the death penalty and for offenders to be severely punished; this prohibition should cover all EU Member States and be extended also to EU citizens or EU companies operating in third countries; considers that the applicant countries should also adopt corresponding measures to prohibit the manufacturing of and trade in torture equipment;

15. Considers that countries which do not submit information to the UN's Register of Conventional Arms should be pressurised to do so in connection with the processing of applications for export licences to these countries;

16. Calls on the Member States to carry out more monitoring and more effective monitoring of arms exports and transit; calls on the Member States to make the necessary expert personnel available for this purpose;

17. Calls on the other EU Member States to subscribe as soon as possible to the Framework Agreement which was signed by six EU Member States in July 2000 and which introduces common rules on arms policy;

***As regards end-use monitoring***

18. Believes that it is essential to make progress on the following:

- (a) Adoption of standardised models for end-use certificates and authorisations, and guidelines on end-use certification requirements
- (b) Development of end-use agreements which have the status of legally binding contracts: such end-use agreements should include a clause which would result in the breaking of the contract if the goods are found to be used for proscribed purposes - such as the violation of human rights - as set out in the agreement; following such a breach the customer would no longer be entitled to further deliveries of goods, even under the original terms of the sale; neither would they be permitted any associated equipment or services such as spare parts, maintenance or training
- (c) Common procedures for verification of authorisations from importing states before licences are issued, including requirements for detailed information on transit routes and shipping agents, pre-notification of importing and transit states and use of authenticated documents
- (d) Common procedures to verify delivery of the arms at the authorised end-user in the country of final destination
- (e) A common requirement for the national authorities in the recipient country to get the approval of the original exporting country before re-export or change of end-use can take place: and in case of non-compliance no further exports to the recipient country
- (f) The establishment or strengthening of formal information exchange and consultation arrangements amongst EU countries to assist with assessments of risks associated with certain end-uses, recipient countries or transit routes
- (g) The establishment or strengthening of formal information exchange and co-ordination of responses amongst EU countries systems where there is evidence of non-compliance with end use agreements
- (h) The establishment of a single and complete Community wide database containing details of licences granted, end-users (sensitive or otherwise) and all companies in the EU legally involved in the exporting of conventional weapons;

***As regards control of licensed production and industrial cooperation agreements***

19. Calls upon the governments of the Member States to require their explicit consent for the transfer of military items produced abroad under a licensing agreement, in order to reduce the risk of equipment being transferred to dubious and proscribed end-users;

20. Further calls on Member States to consider the feasibility of introducing extra-territorial powers to discourage the unlicensed transfer of military and paramilitary technology imported from the EU;

21. Calls on the Member States to monitor more effectively industrial cooperation agreements under which various suppliers supply seemingly "innocent" goods to certain countries and these goods are assembled into or incorporated in arms;

***As regards brokering***

22. Believes that it is essential to control through a licensing regime the mediation, buying, selling and transportation of arms by arms brokers;

23. Calls upon Member States to further develop and implement the proposals brought forward by the German Government during its Presidency;

24. Believes that such controls should apply to all EU passport holders and EU companies, regardless where they operate from;

#### ***Associated countries***

25. Believes that responsible arms trade practices form part of the "acquis communautaire" and invites the applicant countries to enact the necessary legislative reform and ensure proper implementation to attain EU standards;

26. Calls on the Council to ensure that existing Member States move forward in a spirit of partnership, co-operation and mutual trust-building with the associated countries to develop and implement the provisions of the Code of Conduct together, attaching particular significance to effective respect for international embargoes, which should be legally enforceable through national legislation upon all residents and nationals of existing EU Member States and associated countries;

27. Calls on the Council to enhance the dialogue with the applicant countries on the implementation of the Code of Conduct and invites the Council to consider circulating denial notifications to the associated countries to allow them to familiarise themselves with EU standards;

28. Calls on the Council and the Commission to provide assistance to them for the responsible disposal of surplus weapons in cooperation with NATO and other international organisations and countries;

#### ***As regards transparency***

29. Calls upon all Member States to publish annual reports on their arms exports in sufficient detail to allow parliamentarians and the public to assess whether the EU Code of Conduct is being observed, and for these annual reports by the Member States to be annexed to the annual report of the Council;

30. Calls upon the Member States to extend the multilateral consultation mechanism agreed for dual-use items in the regulation of 22 June 2000, by undertaking to circulate a notification to all Member States if they grant an export licence for an item for which another Member State previously denied a licence;

31. Urges the French Presidency to ensure that the Council publishes its annual report on the Code of Conduct not later than November 2000;

32. Calls on the Council to greatly enhance the transparency of its annual reports on the implementation of the Code of Conduct;

33. Calls on the Council to decide to publish the Code of Conduct in the Official Journal;

34. Decides to annually adopt a resolution on the basis of a report in the European Parliament following the publication of the Council Annual Report on the implementation of the EU Code of Conduct on arms exports;

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35. Instructs its President to forward this resolution to the Council, the

Commission, the governments of the Member States and the governments of the third countries who have agreed to align themselves with the principles of the EU Code of Conduct.

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(1) OJ C 315, 3.11.1999, p. 1.

(2) 1999/34 CFSP, OJ L 9, 15.1.1999, p 1.

(3) Adopted by the General Affairs Council of 26 June 1997.

(4) OJ C 43, 20.2.1995, p. 89; OJ C 34, 2.2.1998, p. 163; OJ C 167, 1.6.1998, p. 226; OJ C 107, 13.4.2000, p.103.

(5) OJ C 167, 2.6.1997, p. 137; OJ C 128, 7.5.1999, p. 86.

(6) OJ L 159, 30.6.2000, p. 1.

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