

Texts adopted by Parliament

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Arms exports

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[A5-0286/2002](#)

European Parliament resolution on the Council's Third Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports (2001/2254(INI))

the European Parliament,

having regard to the Council's Third Annual Report⁽¹⁾,

– having regard to Article 17 of the Treaty on European Union, on cooperation 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 its resolution of 3 October 2001 on the Council's Second Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports (13177/1/2000 - C5-0111/2001-2001/2050(COS))⁽²⁾,

– having regard to Rules 47(2) and 163 of its Rules of Procedure,

– having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy ([A5-0286/2002](#)),

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

B. whereas it follows from the treaties that the Common Commercial Policy of the EU should be consistent with the Common Foreign and Security Policy,

C. whereas events in 2001 showed once again that the proliferation of weapons is a major force for instability in the world,

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

E. whereas the EU Code of Conduct on Arms Exports is the most comprehensive international arms export control regime,

F. whereas the effective control of the end-user of arms exports, licensed production and arms brokering is essential in the fight against the illicit arms trade and the effective prevention of arms transfers to inappropriate end-users,

- G. whereas the European defence industry is economically and strategically important to the EU,
- H. whereas further enlargement of the EU is imminent,
- I. whereas any regime for the control of arms exports would be most effective within a global context to achieve the objective of reducing international arms trade,
- J. whereas transparency in arms export policy is the best guarantee for the security of the EU,
- K. whereas some Member States still do not produce annual reports on their arms export policies and there is no consistency in the reports produced by other Member States,
1. Welcomes the publication of the Third Annual Report;
 2. Believes the report represents a significant step forward in Member State cooperation in the field of arms exports;
 3. Recalls that Criterion Three of the Code of Conduct lays down that Member States must not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions in the country of final destination; urges the Member States, in the current circumstances, to review their defence industry relations with the parties involved in open conflicts in various parts of the world, in particular in the Middle East;
 4. Welcomes the agreement on guidelines for controlling brokering and believes that all Member States should ensure that these guidelines are incorporated into their national legislation and that these guidelines are supported by effective penalties;
 5. Hopes that the Council will come forward with a timetable for the implementation of these guidelines;
 6. Also believes that the Council should consider the practicability of taking action against EU nationals engaged in arms brokering outside EU territory, and what measures can be taken towards regulating services on which arms brokers depend e.g. shipping and financial services;
 7. In this perspective, welcomes the recently adopted Belgian law on brokering; points out that this law establishes a register of licensed arms brokers; puts firm conditions for individuals to be included in the register; and provides firm sanctions against those who violate these conditions, or broker arms transactions without license; encourages all Member States to proceed urgently with this type of legislation;
 8. Recognises that the third Annual report is an improvement on the first two reports in terms of transparency of the information provided; is nonetheless concerned that the different national systems of data collection and reporting are an obstacle to proper scrutiny; calls upon the Danish Presidency to achieve improvements in data reporting;
 9. Welcomes the compilation of a matrix containing statistical data from national reports of every Member State; believes this should lead to greater convergence of information provided;

10. Believes that all Member States should publish national annual reports based on agreed standards and best practice;
11. Believes that such reports should inter alia provide details on individual licenses granted or denied including a description of the goods and details regarding the value, quantity and end-user of the equipment, as well as details of the supplier country and the recipient state;
12. Believes that Member States should agree on a common approach for dealing with informal denials of licenses;
13. Welcomes the commitment to use a broad interpretation of the concept of "essentially identical transaction"; believes that this interpretation should be based on the consequences of those transactions;
14. Welcomes the agreement for a more multilateral consultation between Member States where a conclusion has been reached that two transactions are not essentially identical; further believes that ultimately all Member States should be involved in the consultation process;
15. Urges the incorporation in the Code of Conduct of a provision whereby a Member State which – in accordance with the procedure laid down in Operative Provision 3 – has refused authorisation but has subsequently changed its mind within a period of one year is obliged to notify the other Member States of that decision during a common consultation procedure;
16. Welcomes the work being done in COARM on working towards common standards of end-user certification;
17. Believes that a comprehensive system of end-user controls should incorporate pre-export checks, an effective system of end-user certification and post export monitoring and follow up procedures;
18. Believes that consideration should be given as to how Member States could best share information on problems with end-users;
19. Welcomes the Council's commitment to investigate licensed production overseas; hopes that measures will be taken to ensure that the implications for diversion and misuse are considered when licenses for overseas production are decided;
20. Believes it is essential to ensure maximum involvement of candidate countries in the information exchange and consultation process of the Code of Conduct, and calls upon candidate countries to abide by the principles of the EU Code of Conduct, to enact the necessary legislation and to implement measures for proper application of the Code;
21. Calls upon Member States to seek to re-engage the U.S.A. in the process of developing an international Code of Conduct;
22. Calls on Member States to continue to encourage other arms exporting countries to subscribe to the principles of the EU Code in particular the countries of the Western CIS;
23. Recognises the importance of work being done in COARM on developing legal controls on electronic transfers of the software and technology associated with the items on the common list;

24. Reiterates its view that the Code of Conduct should be legally binding on Member States;

25. Welcomes, with that in mind, the stated intention of the Belgian Government shortly to incorporate into its national legislation the provisions of the European Union Code of Conduct on Arms Exports and calls on the other Member States to do likewise;

26. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States and of the third countries which have agreed to align themselves with the principles of the EU Code of Conduct.

[\(1\)](#) OJ C 351, 11.12.2001, p. 1.

[\(2\)](#) OJ C 87 E, 11.4.2002, p. 136.

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