

## Texts adopted by Parliament

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### Arms exports

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[A5-0244/2003](#)

#### European Parliament resolution on the Council's Fourth Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports 2003/2010(INI)

the European Parliament,

having regard to the Council's Fourth Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports<sup>(1)</sup>,

- having regard to the Commission's communication on European defence (COM (2003) 113),
- having regard to Article 17 of the EU Treaty and Article 296 of the EC Treaty,
- having regard to its resolution of 26 September 2002<sup>(2)</sup> on the Council's Third Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports<sup>(3)</sup>,
- having regard to its resolution of 10 April 2003 on the new European security and defence architecture - priorities and deficiencies<sup>(4)</sup>,
- having regard to the OSCE Document on Small Arms and Light Weapons (adopted at the 308th plenary meeting of the OSCE Forum for Security Co-operation on 24 November 2000),
- having regard to Rule 163 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy ([A5-0244/2003](#)),

A. whereas, specifically against the background of a changed security climate characterised by a high level of regional instability, failing States, terrorist networks and organised crime, observance of stringent controls on arms exports is of the highest importance,

B. whereas the EU should fulfil its increased responsibility with regard to peace and security in Europe and throughout the world by means of further arms limitation and disarmament initiatives,

C. whereas organised crime and international arms smugglers have expanded

their illegal activities in the area of small arms and are trafficking weapons along routes which pass through the territory of the enlarged EU, and also through the new neighbouring countries of the enlarged EU and countries in the western Balkan region,

D. whereas maximum transparency in this field is an essential prerequisite for democratic accountability as the best guarantee of peace and stability,

E. whereas the EU Code of Conduct on Arms Exports is the most comprehensive international arms export control regime and represents a step forward in the direction of ensuring a consistent and coherent EU arms export policy, and whereas the notification and consultation procedures laid down in the Code and the continuous exchange of views between the Member States are increasingly helping to strengthen transparency, dialogue and convergence in the area of the export of conventional arms,

F. whereas despite the progress made in respect of reporting and practices, it appears that EU weapons (and their components) continue to be supplied to regions of the world in which the standards laid down by the EU Code of Conduct are undoubtedly being flouted,

G. whereas, in order to combat illegal arms trading and effectively prevent the supply of arms to inappropriate end-users, it is essential that end-users of arms exports, licensed production and arms brokering should be subject to more effective controls,

H. whereas, specifically in the context of the development of a European armaments industry and a common security and defence policy, there needs to be greater harmonisation of EU arms export policy,

I. whereas its abovementioned resolution of 10 April 2003 on the new European security and defence architecture asks for the creation in the future of an Armaments and Research Agency that could be in charge of coordinating EU arms export policy,

J. whereas, in the context of the forthcoming enlargement of the EU, it is particularly important that the acceding countries also prepare annual reports on their arms export policy, improve controls on their arms exports and ensure that fundamental standards relating thereto are observed; convinced that the Member States should not only actively support this process, but should also set a positive example with regard to strict observance of the Code of Conduct,

K. convinced that further harmonisation of Member States' arms export policy would represent an important contribution to the development of the ESDP and would also contribute to a strengthened common foreign policy approach by the Member States,

L. convinced that the EU's arms export policy must be such as to ensure coherence in terms of the Community's external policy action, including its goals in the areas of crisis prevention, combating of poverty and promotion of human rights,

1. Considers that, in the fight against international terrorism and in the interest of conflict prevention and regional stabilisation and the respect of human rights, a clear and efficient common arms export policy is very important;

2. Welcomes, therefore, the progress referred to in the Fourth Annual Report on the implementation of the Code of Conduct, and in particular the compendium of

Member States" agreed practices published in Annex I and the table in Annex II containing data on the number and value of export licences issued and the value of arms exports;

3. Wishes, despite the progress made in achieving greater harmonisation of statistical data, to see more data provided on the type and quantity of arms supplied and on the total value of exports and the number of licences refused, stating the reasons for refusal, and more precise information on the country of destination and classification of end-users, in order, on the basis of such fuller and more harmonised data, to improve transparency;

4. Considers uniform EU rules on controls on arms brokering activities to be essential, and therefore welcomes the recent decision of Member States to adopt a common position in that regard and calls on those who have not yet done so to transpose into national law the guidelines already adopted;

5. Reiterates its view that a register and authorisation system should be introduced for the brokering of arms transactions, which should also apply to EU citizens and companies outside the territory of the EU;

6. Welcomes the fact that the Member States have reached agreement on the minimum data to be included in an end-user certificate; also considers it necessary, however, to set up a verification and post-export monitoring system, with the possibility of imposing penalties;

7. Calls, therefore, on the Member States to examine the possibility of setting up a common monitoring system at EU level, and recommends that consideration be given to a European arms export control agency model;

8. Calls on the candidate countries, and in particular the countries included in the forthcoming accession, to tighten their national legislation and above all their practices in the areas of arms exports on the basis of the Code, to report on this practice in accordance with Annexes I and II to the Fourth Report, and calls on all current Member States and accession countries to compile and publish national annual reports for the calendar year 2003, and for each year thereafter;

9. Considers that the new neighbours of the enlarged EU and countries with which the EU has concluded, or intends to conclude, a stabilisation and association agreement should also be asked to observe the EU Code of Conduct;

10. Welcomes the French initiative concerning the submission of a proposal for an "International Code on Transparency and Responsibilities for Arms Transfers", based on the model of the EU Code, and regrets that no progress could be reached at the G8 summit in Evian in June 2003 because of a lack of American and Russian support;

11. Considers that there is an urgent need for such an international initiative, not least in the light of the latest findings concerning the arming of Iraq;

12. Strongly supports the submission by the Commission of a proposal for a Community regulation imposing an export ban on all equipment for torture and laying down strict controls for equipment that might be used for internal repression;

13. Reiterates its call for legally binding provisions and full harmonisation of Member States" arms export policy as a medium-term goal, and encourages Member States to make progress in this direction;

14. Considers that arms exports to countries involved in armed conflicts should be banned in principle;

15. Recommends that, in the interim period, the following steps be taken:

- a) full pre-consultation between the Member States with regard to transfers to regions susceptible to crises;
- b) a full multilateral approach to the consultation process in connection with decisions to grant or refuse licenses, with, as a first step, a commitment by Member States to circulate to all other Member States the substance and result of any consultation to which they are party;
- c) a common definition of criterion 8 (compatibility of arms exports with the technical and economic capacity of the recipient country), representing a significant contribution to crisis prevention and sustainable development in socially less developed countries;
- d) incorporation into national law of all the principles, criteria and operative provisions of the Code of Conduct, with the understanding that this does not affect the right of Member States to operate more restrictive national policies;

16. Calls, with regard to the establishment of a common European armaments market, for controls on the movement of armaments within the European Union to be removed step by step, given that the Member States are democratic countries which respect the rule of law and which are joined together in an ever closer union;

17. Calls, with regard to export controls in relation to third countries, for particular attention to be paid to products which may be used for both civilian and military purposes and similarly to spare parts and products suitable for use in cyber warfare;

18. Calls upon Member States to acknowledge that the EU Code also applies to the licensing of items destined for incorporation by the importing country into a sub-assembly or finished weapons system for subsequent export to a third country;

19. Instructs its President to forward this resolution to the Council and the Commission and to the parliaments and governments of the Member States and of third countries which have agreed to observe the principles of the EU Code of Conduct.

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[\(1\)](#) OJ C 319, 19.12.2002, p. 1.

[\(2\)](#) P5\_TA(2002)0452.

[\(3\)](#) OJ C 351, 11.12.2001, p. 1.

[\(4\)](#) P5\_TA(2003)0188.

