



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Foreign Affairs*

---

**2008/0249(COD)**

18.6.2010

# **AMENDMENTS**

## **25 - 38**

**Draft opinion**  
**Reinhard Bütikofer**  
(PE441.312v01-00)

on the proposal for a Council Regulation amending Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology

Proposal for a regulation – amending act  
(COM(2008)0854 – C7-0062/2010 – 2008/0249(COD))

AM\820768EN.doc

PE443.041v01-00

AM\_Com\_LegOpinion

**Amendment 25**  
**Andrey Kovatchev**

**Proposal for a regulation – amending act**  
**Annex IIb - Part 3 - paragraph 4 - subparagraph 1**

*Text proposed by the Commission*

1. inform the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of the authorisation no later than 30 days after the date of first export;

*Amendment*

1. inform the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of the authorisation no later than 30 days after the date of first export. ***No second use of the authorisation may be granted until the conditions and stipulations pertaining to the 'low-value shipments' export authorisation have been verified by the relevant authorities;***

Or. en

*Justification*

*This amendment avoids a situation where multiple uses of the export authorisation could be applied for within the 30 day period during which the notification of the first use of the authorisation has not taken place.*

**Amendment 26**  
**Andrey Kovatchev**

**Proposal for a regulation – amending act**  
**Annex IIb - Part 3 - paragraph 5**

*Text proposed by the Commission*

5. For the purposes of this authorisation, “a low-value shipment” means items which are comprised in a single export order and are dispatched by an exporter to a named consignee in one or more consignments the aggregate value of which does not exceed €5 000. For this purpose, “value” means the price billed to the consignee; if there is no consignee or determinable price, it is the statistical value.

*Amendment*

5. For the purposes of this authorisation, “a low-value shipment” means items which are comprised in a single export order and are dispatched by an exporter to a named consignee in one or more consignments the aggregate value of which does not exceed €3000. For this purpose, “value” means the price billed to the consignee; if there is no consignee or determinable price, it is the statistical value.

*Justification*

*This increases the protection offered by the definition of low value shipments.*

**Amendment 27**  
**Andrey Kovatchev**

**Proposal for a regulation – amending act**  
**Annex IIb - Part 3 - paragraph 5**

*Text proposed by the Commission*

5. For the purposes of this authorisation, “a low-value shipment” means items which are comprised in a single export order and are dispatched by an exporter to a named consignee in one or more consignments the aggregate value of which does not exceed €5 000. For this purpose, “value” means the price billed to the consignee; if there is no consignee or determinable price, *it is the statistical value.*

*Amendment*

5. For the purposes of this authorisation, “a low-value shipment” means items which are comprised in a single export order and are dispatched by an exporter to a named consignee in one or more consignments the aggregate value of which does not exceed €5 000. For this purpose, “value” means the price billed to the consignee; if there is no consignee or determinable price, *the authorisation can not be granted. In addition, the price billed to the consignee must correspond to an average of the established market selling price of the goods in those EU Member States where their sale is authorised.*

*Justification*

*This would protect against the selling price being artificially lowered in order to meet the condition of the 'low value shipments' export authorisation.*

**Amendment 28**  
**Reinhard Bütikofer**

**Proposal for a regulation – amending act**  
**Annex IIc - Part 2 - Countries of destination**

*Text proposed by the Commission*

*Algeria, Andorra, Antigua and Barbuda, Argentina, Aruba, Bahamas, Bahrain,*

*Amendment*

*Argentina, Bosnia and Herzegovina, Brazil, Chile, China, Croatia, French*

***Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Cape Verde, Chile, China, Comoros Islands, Costa Rica, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Falkland Islands, Faroe islands, Fiji, French Guyana, French OT, Gabon, Gambia, Gibraltar, Greenland, Grenada, Guadeloupe, Guam, Guatemala, Ghana, Guinea Bissau, Guyana, Honduras, Hong Kong Special Administrative Region, Iceland, India, Indonesia, Israel, Jordan, Kuwait, Lesotho, Liechtenstein, Macau, Madagascar, Malawi, Malaysia, Maldives, Mali, Martinique, Mauritius, Mexico, Monaco, Montserrat, Morocco, Namibia, Netherlands Antilles, New Caledonia, Nicaragua, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Puerto Rico, Qatar, Russia, Samoa, San Marino, Sao Tome e Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, South Africa, South Korea, Sri Lanka, St. Helena, St. Kitts and Nevis, St. Vincent, Surinam, Swaziland, Taiwan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turks and Caicos Islands, United Arab Emirates, Uruguay, US Virgin Islands, Vanuatu, Venezuela.***

***Overseas Territories, Hong Kong Special Administrative Region, Iceland, Kazakhstan, Macedonia, Macau, Mexico, Montenegro, Morocco, Russia, Serbia, South Africa, South Korea, Tunisia, Turkey, Ukraine, United Arab Emirates.***

Or. en

### *Justification*

*EU003 items should only be exported to those destinations which are agreed and consensual among Member States.*

#### **Amendment 29** **Andrey Kovatchev**

##### **Proposal for a regulation – amending act** **Annex IIc - Part 3 - paragraph 2 - subparagraph 4**

###### *Text proposed by the Commission*

4. for an essentially identical transaction where the initial authorisation has been revoked.

###### *Amendment*

4. for an essentially identical transaction where the initial authorisation has been ***annulled, suspended or*** revoked.

Or. en

#### **Amendment 30** **Reinhard Bütikofer**

##### **Proposal for a regulation – amending act** **Annex IIc - Part 3 - paragraph 4**

###### *Text proposed by the Commission*

4. Any exporter who uses this authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of ***the*** authorisation ***no later than 30 days after*** the date when the first export takes place.

###### *Amendment*

4. Any exporter who uses this ***general*** authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) ***and the Commission*** of ***the*** first use of ***this*** authorisation ***prior to*** the date when the first export takes place.

***Reporting requirements attached to the use of this authorisation and the additional information that the Member State from which the export takes place shall require on items exported under this authorisation are defined by Member States.***

***A Member State shall require the exporters established in that Member State to register prior to the first use of***

*this authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt of the registration request.*

*Where applicable the requirements set out in the second and third subparagraphs of this paragraph shall be based on those defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.*

*Member States shall notify the Commission of the notification mechanism chosen for this General Export Authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.*

Or. en

#### *Justification*

*This does not mention the obligation for exporters to inform every six months members state's authorities and the Commission and therefore reduces the administrative burden. The last two sentences refer also to the latest wording agreed by Member States.*

### **Amendment 31** **Reinhard Bütikofer**

#### **Proposal for a regulation – amending act** **Annex IIc - Part 2 - Countries of destination**

##### *Text proposed by the Commission*

*Algeria, Andorra, Antigua and Barbuda, Argentina, Aruba, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Cape Verde, Chile, Comoros Islands, Costa Rica, Croatia, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Falkland Islands, Faroe islands, Fiji, French Guyana, French OT, Gabon,*

##### *Amendment*

*Argentina, Bosnia and Herzegovina, Brazil, Chile, China, Croatia, Hong Kong SAR, Iceland, Kazakhstan, French Overseas Territories, Macedonia, Macau, Mexico, Montenegro, Morocco, Russia, Serbia, Singapore, South Africa, South Korea, Tunisia, Turkey, Ukraine, United Arab Emirates.*

*Gambia, Gibraltar, Greenland, Grenada, Guadeloupe, Guam, Guatemala, Ghana, Guinea Bissau, Guyana, Honduras, Hong Kong SAR, Iceland, India, Jordan, Kuwait, Lesotho, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Martinique, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montserrat, Morocco, Namibia, Netherlands Antilles, New Caledonia, Nicaragua, Niger, Oman, Panama, Papua New Guinea, Peru, Philippines, Puerto Rico, Qatar, Russia, Samoa, San Marino, Sao Tome e Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, South Africa, South Korea, St. Helena, St. Kitts and Nevis, St. Vincent, Surinam, Swaziland, Togo, Trinidad and Tobago, Tunisia, Turkey, Turks and Caicos Islands, UAE, Ukraine, Uruguay, US Virgin Islands, Vanuatu.*

Or. en

#### *Justification*

*EU004 items should only be exported to those destinations which are agreed and consensual among Member States.*

#### **Amendment 32** **Reinhard Bütikofer**

#### **Proposal for a regulation – amending act** **Annex IId - part 3 - paragraph 3**

##### *Text proposed by the Commission*

3. Any exporter who uses this general authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) of the first use of this authorisation ***no later than 30 days after*** the date when the first export takes place.

##### *Amendment*

3. Any exporter who uses this general authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) ***and the Commission*** of the first use of this authorisation ***prior to*** the date when the first export takes place.

***Reporting requirements attached to the use of this authorisation and the***



*additional information that the Member State from which the export takes place shall require on items exported under this authorisation are defined by Member States.*

*A Member State shall require the exporters established in that Member State to register prior to the first use of this authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt of the registration request..*

*Where applicable the requirements set out in the second and third subparagraphs of this paragraph shall be based on those defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.*

Or. en

#### *Justification*

*The reference to the obligation to inform every six months has been withdrawn same as the need for the Commission to publish relevant information in the Official Journal.*

### **Amendment 33** **Andrey Kovatchev**

#### **Proposal for a regulation – amending act** **Annex II f - Part 1 - paragraph 3 and 4**

*Text proposed by the Commission*

*Amendment*

**3. Items, including specially designed or developed components and accessories therefor specified in Category 5 Part 2 A to D (Information Security), as follows:**

**deleted**

**(a) items specified in the following entries unless their cryptographic functions have been designed or modified for government end-users within the European Community:**

- 5A002a1;
  - software in entry 5D002c1 having the characteristics, or performing or simulating the functions, of equipment in entry 5A002a1;
  - (b) equipment specified in 5B002 for items referred to under a) ;
  - (c) software as part of equipment whose features or functions are specified under b).
4. Technology for the use of goods specified in 3a) to 3c).

Or. en

#### **Amendment 34** **Reinhard Bütikofer**

#### **Proposal for a regulation – amending act** **Annex III - Part 2 - countries of destination**

##### *Text proposed by the Commission*

Argentina  
  
Croatia  
Russia  
South Africa  
South Korea  
Turkey  
Ukraine

##### *Amendment*

Argentina  
**China**  
Croatia  
Russia  
South Africa  
South Korea  
Turkey  
Ukraine

Or. en

##### *Justification*

*EU006 items should only be exported to those destinations which are agreed and consensual among Member States.*

**Amendment 35**  
**Reinhard Bütikofer**

**Proposal for a regulation – amending act**  
**Annex IIb - Part 3 - paragraph 1 - subparagraph 1 - point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) for use in connection with a violation of human rights, democratic principles or freedom of speech by using interception technologies and digital data transfer devices for monitoring mobile phones and text messages and targeted surveillance of internet use (e.g. via Monitoring Centres and Lawful Interception Gateways);***

Or. en

*Justification*

*This new version addresses in more detail the dangers of abuses of such items.*

**Amendment 36**  
**Reinhard Bütikofer**

**Proposal for a regulation – amending act**  
**Annex IIb - Part 3 - paragraph 3 - subparagraph 1**

*Text proposed by the Commission*

*Amendment*

1 ***inform*** the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of ***the*** authorisation ***no later than 30 days after*** the date of first export;

1. ***notify*** the competent authorities of the Member State where he is established (as defined in Article 6(6)) ***and the Commission*** of ***the*** first use of ***this*** authorisation ***prior to*** the date of first export.

***Reporting requirements attached to the use of this authorisation and the additional information that the Member State from which the export take place shall require on items exported under this authorisation are defined by Member States.***

*A Member State shall require the exporters established in that Member State to register prior to the first use of this authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt of the registration request..*

*Where applicable the requirements set out in the second and third subparagraphs of this paragraph shall be based on those defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.*

*Member States shall notify the Commission of the notification mechanism chosen for this General Export Authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.*

Or. en

#### *Justification*

*This does not mention the obligation for exporters to inform every six months members state's authorities and the Commission and therefore reduces the administrative burden. The last two sentences refer also to the latest wording agreed by Member States.*

#### **Amendment 37**

**Reinhard Bütikofer**

#### **Proposal for a regulation – amending act**

#### **Annex IIg - Part 2 - Countries of destinations**

##### *Text proposed by the Commission*

*Argentina; Bangladesh, Belize, Benin, Bolivia, Brazil; Cameroun, Chile; Cook Island, Costa Rica; Dominica, Ecuador, El Salvador, Fiji, Georgia, Guatemala, Guyana, India, Lesotho, Maldives, Mauritius, Mexico, Namibia, Nicaragua, Oman, Panama, Paraguay, Russia, St*

##### *Amendment*

*Argentina  
Croatia  
Iceland  
South Korea  
Turkey  
Ukraine.*

*Lucia, Seychelles, Peru, Sri Lanka, South Africa; Swaziland, Turkey; Uruguay, Ukraine; Republic of Korea.*

Or. en

*Justification*

*EU007 items should only be exported to those destinations which are agreed and consensual among Member States.*

**Amendment 38**  
**Reinhard Bütikofer**

**Proposal for a regulation – amending act**  
**Annex IIg - Part 3 - paragraph 4 - subparagraph 1**

*Text proposed by the Commission*

1. **inform** the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of **the** authorisation **no later than 30 days after** the date of first export;

*Amendment*

(1) **notify** the competent authorities of the Member State where he is established (as defined in Article 6(6)) **and the Commission** of **the** first use of **this** authorisation **prior to** the date of first export.

***Reporting requirements attached to the use of this authorisation and the additional information that the Member State from which the export takes place shall require on items exported under this authorisation are defined by Member States.***

***A Member State shall require the exporters established in that Member State to register prior to the first use of this authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt of the registration request..***

***Where applicable the requirements set out in the second and third subparagraphs of this paragraph shall be based on those***

*defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.*

*Member States shall notify the Commission of the notification mechanism chosen for this General Export Authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.*

Or. en

*Justification*

*This does not mention the obligation for exporters to inform every six months member state's authorities and the Commission and therefore reduces the administrative burden. The last two sentences refer also to the latest wording agreed by Member States.*