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Plenary sitting

2.7.2013

B7-0258/2013 }
B7-0263/2013 }
B7-0264/2013 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110(2) and (4) of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B7-0258/2013)

S&D (B7-0263/2013)

GUE/NGL (B7-0264/2013)

on arms exports: implementation of Council Common Position 2008/944/CFSP
(2013/2657(RSP))

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on behalf of the S&D Group

Tarja Cronberg, Bart Staes, Nikos Chrysogelos, Raül Romeva i Rueda

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on behalf of the GUE/NGL Group

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United in diversity

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European Parliament resolution on arms exports: implementation of Council Common Position 2008/944/CFSP (2013/2657(RSP))

The European Parliament,

- having regard to its previous reports and resolutions on arms, in particular its resolution of 13 June 2012 on the negotiations on the UN Arms Trade Treaty¹,
- having regard to Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment,
- having regard to the Thirteenth² and Fourteenth³ Annual Reports of the Council Working Party on Conventional Arms Exports (COARM),
- having regard to the conclusions of the Foreign Affairs Council of 19 November 2012 on the review of the Common Position,
- having regard to Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP, and to the EU Strategy to combat illicit accumulation and trafficking of small arms and light weapons and their ammunition, adopted by the European Council on 15-16 December 2005⁴,
- having regard to the updated Common Military List of the European Union of 27 February 2012⁵,
- having regard to the Wassenaar Arrangement of 12 May 1996 on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, together with the lists, updated in 2011 and 2012, of those goods and technologies and munitions⁶,
- having regard to Action 11(e) of the Action Plan of the EU Strategic Framework on Human Rights and Democracy, which commits the EEAS and the Member States to ensuring that the review of the Council Common Position takes account of human rights and international humanitarian law,
- having regard to the adoption of the global Arms Trade Treaty by the UN General Assembly on 2 April 2013,
- having regard to the Commission proposal for a Council decision authorising Member States to sign, in the interests of the European Union, the Arms Trade Treaty (COM(2013)0273), and to the Council conclusions of 28 May 2013 that adopted the proposal and encouraged the

¹ Texts adopted, P7_TA(2012)0251.

² OJ C 382, 30.12.2011, p. 1.

³ OJ C 386, 14.12.2012, p. 1.

⁴ Council of the European Union, 5319/06, 13.1.2006.

⁵ OJ C 85, 22.3.2012, p. 1.

⁶ <http://www.wassenaar.org/>

Member States to sign the Treaty at the solemn ceremony in New York on 3 June 2013, or at the earliest possible date,

- having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas arms exports and transfers have an impact on human security, human rights, democracy, good governance and socio-economic development, and whereas it is therefore important to strengthen the EU's export control policy for military technology and equipment, which should be embedded within a transparent, effective and commonly accepted and defined arms control system;
- B. whereas according to the Stockholm International Peace Research Institute (SIPRI), the EU Member States, taken as a whole, are the world's second-largest arms exporter¹, only slightly behind the United States, and whereas a growing proportion of arms are being delivered to countries outside the EU;
- C. whereas Common Position 2008/944/CFSP is a legally binding framework laying down eight criteria which, if not met, should lead to an export licence being denied (criteria 1-4) or consideration at least being given to doing so (criteria 5-8); whereas, however, the Member States maintain final control over all aspects of arms export licensing, and the implementation of the Common Position is not subject to the jurisdiction of the Court of Justice of the EU;
- D. whereas by no means all EU Member States make a full submission to COARM; whereas, because of individual Member States' differing data collection and submission procedures, data sets are incomplete and varied; whereas there is no sanctions mechanism for breaches of the Common Position;
- E. whereas, under Article 3 of the Common Position, the eight criteria set minimum standards only and are without prejudice to more restrictive arms control measures by Member States; whereas Article 10 of the Common Position clearly implies that compliance with the eight criteria takes precedence over any economic, social, commercial or industrial interests of Member States;
- F. whereas the defence industry remains an important industry and employer in the EU; whereas the Common Position's criteria must also be taken into account in the process of restructuring Europe's defence industry, which is vital to the small and medium-sized enterprises that create jobs;
- G. whereas a development towards a stronger verification and reporting system has been observed since the presentation of the annual Council reports in accordance with Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment; whereas, however, there is no standardised verification and reporting system and the Member States will have to overcome legislative and operational obstacles in order to achieve better compliance with the eight criteria;
- H. whereas compliance with the Common Position has been the subject of academic research

¹ Holtom, Paul; Bromley, Mark; Wezeman, Pieter; Wezeman, Siemon: *Trends in International Arms Transfers, 2012*, SIPRI Fact Sheet, March 2013.

and published contributions from civil society; whereas there is no possibility of having compliance with the eight criteria independently verified;

- I. whereas the international arms trade is considered by Transparency International to be one of the three most corrupt businesses in the world; whereas investigations by the Bonn International Conversion Centre have revealed that in Germany in 2011, for example, 5 149 of the 17 568 arms export licences issued, or just under 30 %, for export to 76 countries, allegedly violated one or more of the eight criteria;
 - J. whereas developing countries continue to be the primary focus of foreign arms sales activity by weapons suppliers; whereas, during the period 2004-2011, the value of arms transfer agreements with developing nations comprised two thirds of all such agreements worldwide; whereas irresponsible arms transfers and arms-related debt are undermining many developing countries' chances of achieving the Millennium Development Goal targets;
 - K. whereas the EU legislation on dual-use goods regulates the export, transfer, brokering, and transit of such goods and is governed by Regulation (EU) No 388/2012; whereas an updated list of dual-use goods and technologies under the Wassenaar Arrangement was adopted in February 2012, but the large majority of dual-use goods products, particularly in the field of surveillance technology, are still not covered by a legally binding export control system;
 - L. whereas events such as the Arab Spring in the Middle East and North Africa have once again revealed the problematic link between democratisation and human rights issues as a liability when it comes to arms trading with such countries; whereas the events of the Arab Spring have shown once again the absolute necessity and importance of the Common Position and its eight criteria, as well as of broader international agreements such as the Arms Trade Treaty; whereas foresight should enable future initiatives and reports to make use of such lessons, especially when it comes to the propagation of traded arms to non-state actors, as in the case of Libya, and the possibility of direct transfers to rebels, as in the case of Syria;
- 1. Welcomes the fact that the EU is the only union of states to have a legally binding framework, unique in the world, through which arms export control is being improved, including in relation to crisis regions and countries with questionable human rights records and in relation to countries which present a proven risk of diverting the transferred goods in an unauthorised way to other end-users;
 - 2. Welcomes the fact, in this connection, that European and non-European third countries have joined the arms exports control system on the basis of the Common Position and Arms Trade Treaty; notes with concern, however, that the eight criteria are not being applied and interpreted consistently in the EU Member States; calls therefore for a standard, more uniform, revised interpretation and implementation of the Common Position with all its obligations, while providing a mechanism where a Member State's security concerns regarding arms exports could be addressed;
 - 3. Notes that COARM's annual reports have made Member States' arms exports more transparent; considers it regrettable, however, that data sets are incomplete and vary on account of individual Member States' differing data collection and submission procedures; reminds the Member States to make a full, annual submission of information on their arms

transfers to COARM as agreed and laid down in the Common Position;

4. Regrets the fact that, in 2010, only 63 % of EU Member States submitted complete sets of data relating to their arms exports¹; notes that the countries which repeatedly supply incomplete information on their exports are also some of both the EU's and the world's largest arms-exporting countries;
5. Takes note of the commitment of the EEAS and Member States under Action 11(e) of the Action Plan of the EU Strategic Framework on Human Rights and Democracy to ensure that the review of the Council Common Position takes account of human rights and international humanitarian law; asks the EEAS to report on steps taken to meet this commitment and to involve NGOs and civil society in the review process;
6. Calls for the inclusion in the Common Position of the post-embargo toolbox, which will offer the opportunity to regularly exchange information on a three-monthly basis on denials, licences issued, the goods, the category in the EU Common Military List, the total number of items and the end-user; calls on the Member States and COARM also to involve other relevant EU units and working groups;
7. Insists, in the light of the review process, that the wording in the Common Position be made clearer and more unambiguous in order to ensure that the criteria are interpreted and applied in a more uniform way; insists in particular that Article 10 of the Common Position be acted on; calls for more detailed guidance to be provided in the User's Guide under Criterion 2 and Criterion 7, as well as an update of Annexes I to IV, including a reference to the EU human rights country strategies;
8. Takes note of the fact that there are no consequences for violation of the eight criteria by a Member State; takes the view that ways and means of carrying out independent verification of violations of the Common Position should be provided for; is of the opinion that national parliaments or specific parliamentary bodies such as parliamentary supervisory committees should carry out effective oversight of the application of the criteria;
9. Calls for the insertion of an additional criterion into the EU Common Position on arms exports obliging Member States to assess the risk of bribery and corruption before approving an arms export licence to any country;
10. Recalls that, operating through non-transparent processes, arms purchases have contributed significantly to the over-indebtedness of some countries, including a number of Member States; insists, therefore, that there should be greater transparency with respect to the purchase and sale of arms, and that information on the intra-Community arms trade should continue to be included in the EU annual report;
11. Welcomes the adoption by the Council of the updated version of the Wassenaar Arrangement Munitions List, in which all the 2011 changes to the munitions list are taken into account; calls on the Council also to adopt the most recent changes to, inter alia, the List of Dual-Use Goods, made in 2011 and agreed on by a group of experts in December 2012;

¹ Bromley, M., *The Review of the EU Common Position on Arms Exports: Prospects for Strengthened Controls*, EU Non-Proliferation Consortium, January 2012, p. 8.

12. Calls on the Member States and the HR/VP to seek a homogeneous and ambitious application of the eight criteria by all the Member States; calls on the Member States and the HR/VP also to promote much higher levels of transparency by publishing more timely and complete sets of data on the arms exports of all the Member States; emphasises, in this regard, the importance of cooperation with civil society;
13. Calls, furthermore, for better application of the criteria of Common Position 2008/944/CFSP, and suggests exploring the possibility of applying the eight criteria to arms-export-related services and dual-use goods and technology;
14. Underscores the important role of civil society, national parliaments and the European Parliament in both implementing and enforcing the Common Position's agreed standards at national and EU level and in establishing a transparent, accountable control system; calls, therefore, for a transparent and robust control mechanism which bolsters the role of parliaments, including through the establishment of an independent group of experts to provide advice to COARM on the application and implementation of the eight export criteria, as well as on drawing up a list of third countries requiring special caution and vigilance in issuing licences as referred to under Article 2.2 (b) of the Common Position;
15. Is of the opinion that a standardised verification and reporting system should be established to provide regular information as to whether, and to what extent, individual Member States' exports violate the eight criteria; considers it important that such a system should be based on the principle of transparency;
16. Welcomes initiatives by the Member States to improve the situation so as to submit and publish accurate, up-to-date and exhaustive information; requests that individual licence refusals be reported in the COARM Annual Report with reference to the criterion numbers on which refusals are based and the Member State concerned;
17. Calls on the Member States to provide additional, more timely information that could, if necessary, be used as a basis for drawing up a joint list of countries' arms exports and transfers which would violate one or more of the eight criteria, and as a basis for a better understanding and better controls on the part of national and commonly agreed international supervisory bodies, as well as being used for the COARM annual report; suggests, in this connection, setting up a post-export control mechanism;
18. Notes with satisfaction that government officials responsible for issuing national export licences are consulted – but should be more regularly consulted – at COARM meetings in cooperation with the Council Working Group on Human Rights (COHOM), since they can make an important contribution to implementing the Common Position and help improve the quality of the information exchanged; considers, furthermore, that consultations should extend to civil society organisations and to other stakeholders addressing the issue of arms export control;
19. Welcomes the adoption of the United Nations Arms Trade Treaty (ATT) establishing common binding standards for the global trade in conventional arms; urges the EU Member States and other negotiating parties to sign, ratify and fully implement the ATT;
20. Highlights the importance of transparency and accountability mechanisms in the effective

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implementation of any international agreement on arms control; calls, therefore, for the inclusion of mechanisms for exchange of information and best practices between States Parties on arms exports, imports and transfer decisions, in addition to strong, clear provisions for public annual reporting by the States Parties on all arms transfers;

21. Calls on the HR/VP, the Commission and the Member States to implement EU commitments regarding the combating of illicit accumulation and trafficking of small and light weapons (SALW) and their ammunition; recalls that these commitments are to assisting non-EU Member States in stockpile management, marking and similar endeavours to control SALW and are complementary to EU arrangements that regulate transfer of military goods, so as to avoid EU Member States supplying countries where arms are prone to be misused;
22. Calls for an annual debate in Parliament, together with an annual report, on the implementation of the Common Position, so as to ensure the appropriate degree of parliamentary oversight and transparency at European level;
23. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative on Human Rights, the Council, the Commission, the governments and parliaments of the Member States and the Secretary-General of the United Nations.