



TEXTS ADOPTED

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Arms export: implementation of Common Position 2008/944/CFSP

European Parliament resolution of 17 September 2020 on Arms export: implementation of Common Position 2008/944/CFSP (2020/2003(INI))

The European Parliament,

- having regard to the principles enshrined in Article 346(1)(b) of the Treaty on the Functioning of the European Union (TFEU) on the production of or trade in arms, in Article 42(3) of the Treaty on European Union (TEU) on ‘defining a European capabilities and armaments policy’, and in Article 21 TEU, notably the promotion of democracy and the rule of law, the preservation of peace, the prevention of conflicts and the strengthening of international security,
- having regard to Council Decision (CFSP) 2019/1560 of 16 September 2019 amending Common Position 2008/944/CFSP (‘the Common Position’) defining common rules governing control of exports of military technology and equipment¹, and to the Council conclusions of 16 September 2019 setting out the Council’s review of the Common Position,
- having regard to the Twentieth Annual Report drawn up in accordance with Article 8(2) of the Common Position²,
- having regard to the Twenty-First Annual Report drawn up in accordance with Article 8(2) of the Common Position³,
- having regard to Council Decision (CFSP) 2018/101 of 22 January 2018 on the promotion of effective arms export controls⁴ and Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty⁵,
- having regard to Council Decision (CFSP) 2019/2191 of 19 December 2019 in support of a global reporting mechanism on illicit conventional arms and their ammunition to

¹ OJ L 239, 17.9.2019, p. 16.

² OJ C 453, 14.12.2018, p. 1.

³ OJ C 437, 30.12.2019, p. 1.

⁴ OJ L 17, 23.1.2018, p. 40.

⁵ OJ L 139, 30.5.2017, p. 38.

- reduce the risk of their diversion and illicit transfer (iTrace IV)¹,
- having regard to the updated Common Military List of the European Union, adopted by the Council on 17 February 2020²,
 - having regard to the User’s Guide to the Common Position,
 - 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 December 2019, of those goods and technologies and munitions,
 - having regard to the Arms Trade Treaty (ATT) adopted by the UN General Assembly on 2 April 2013³, which entered into force on 24 December 2014,
 - having regard to Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community⁴, and to Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC⁵,
 - having regard to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items⁶, as amended by Commission Delegated Regulation (EU) 2016/1969 of 12 September 2016⁷, and to the list of dual-use goods and technology in Annex I thereto (‘the Dual-Use Regulation’),
 - having regard to Regulation (EU) 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme (EDIDP) aiming at supporting the competitiveness and innovation capacity of the Union’s defence industry⁸,
 - having regard to the proposal for a regulation of the European Parliament and of the Council of 13 June 2018 establishing the European Defence Fund (EDF) (COM(2018)0476),
 - having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, to the Council for a Council Decision establishing a European Peace Facility (EPF) (HR(2018)94),
 - having regard to the UN Sustainable Development Goals (SDGs), in particular Goal 16

¹ OJ L 330, 20.12.2019, p. 53.

² OJ C 85, 13.3.2020, p. 1.

³ Arms Trade Treaty, UN, 13-27217.

⁴ OJ L 146, 10.6.2009, p. 1.

⁵ OJ L 216, 20.8.2009, p. 76.

⁶ OJ L 134, 29.5.2009, p. 1.

⁷ OJ L 307, 15.11.2016, p. 1.

⁸ OJ L 200, 7.8.2018, p. 30.

- promoting just, peaceful and inclusive societies for sustainable development,
- having regard to UN Security Council Resolution 2216 (2015) on an arms embargo on Yemen, and to Report A/HRC/39/43 of the Office of the High Commissioner for Human Rights (OHCHR) on the situation of human rights in Yemen, including violations and abuses since September 2014,
 - having regard to Council Decision (CFSP) 2020/472 of 31 March 2020 on a European Union military operation in the Mediterranean (EUNAVFOR MED IRINI)¹,
 - having regard to UN Security Council resolution 2473 (2019), adopted on 10 June 2019, which renewed measures designed to implement the arms embargo against Libya, and to the statement of 25 January 2020 of the United Nations Support Mission in Libya (UNSMIL) on continued violations of the arms embargo in Libya,
 - having regard to UN Security Council Resolution 1970 (2011) imposing the arms embargo on Libya and to all subsequent Security Council resolutions on the matter, as well as to Resolutions 2292 (2016), 2357 (2017), 2420 (2018) and 2473 (2019) on the strict implementation of the arms embargo,
 - having regard to the UN publication of 2018 ‘Securing our Common Future: An Agenda for Disarmament’,
 - having regard to Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment²,
 - having regard to the conclusions of the European Council of 16 October 2019 on Turkey, which endorsed the conclusions of the Foreign Affairs Council of 14 October 2019 on its illegal actions in northern Syria and the eastern Mediterranean,
 - having regard to UN Sustainable Development Goal 16, aiming at the promotion of peaceful and inclusive societies for sustainable development ³
 - having regard to the report of the Office of the UN High Commissioner for Human Rights for the Human Rights Council on the impact of arms transfers on the enjoyment of human rights⁴,
 - having regard to its previous resolutions on arms exports and the implementation of the Common Position, in particular those of 14 November 2018⁵, 13 September 2017⁶ and 17 December 2015⁷,
 - having regard to its recommendation of 28 March 2019 to the Council and the Vice-

¹ OJ L 101, 1.4.2020, p. 4.

² OJ L 30, 31.1.2019, p. 1.

³ <https://sustainabledevelopment.un.org/sdg16>

⁴ A/HRC/35/8.

⁵ Texts adopted, P8_TA(2018)0451.

⁶ OJ C 337, 20.9.2018, p. 63.

⁷ OJ C 399, 24.11.2017, p. 178.

President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning the proposal of the High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, to the Council for a Council Decision establishing a European Peace Facility¹,

- having regard to its resolutions on the humanitarian situation in Yemen of 25 February 2016², 15 June 2017³ and 30 November 2017⁴,
 - having regard to its resolution of 27 February 2014 on the use of armed drones⁵,
 - having regard to the workshop entitled ‘The implementation of the EU arms export control system’ held at the meeting of its Subcommittee on Security and Defence on 12 April 2017,
 - having regard to the study entitled ‘Recommendations for a transparent and detailed reporting system on arms exports within the EU and to third countries’ commissioned by its Subcommittee on Security and Defence,
 - having regard to the Treaty between the Federal Republic of Germany and the French Republic on Franco-German Cooperation and Integration of 22 January 1919 (Franco-German Treaty of Aachen),
 - having regard to the conclusions of the EU Foreign Affairs Council of 21 August 2013 on Egypt,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A9-0137/2020),
- A. whereas the latest SIPRI figures⁶ show that arms exports from the EU-28 amounted to some 26 % of the global total over the period 2015 to 2019, making the EU-28 collectively the second largest arms supplier in the world, after the US (36 %) and followed by Russia (21 %); whereas under Article 346 TEU the production of or trade in arms remain with Member States ;
- B. whereas the latest SIPRI figures show that the EU-28 is the second arms exporter to both Saudi Arabia and the United Arab Emirates (UAE); whereas according to the UN Group of Regional and International Eminent Experts, parties to the armed conflict in Yemen have perpetrated, and continue to perpetrate, crimes in violation of international law;
- C. whereas exports of arms, weapons and equipment enhance the defence industry’s ability to efficiently research and develop defensive technologies, and therefore secure the

¹ Texts adopted, P8_TA(2019)0330.

² OJ C 35, 31.1.2018, p. 142.

³ OJ C 331, 18.9.2018, p. 146.

⁴ OJ C 356, 4.10.2018, p. 104.

⁵ OJ C 285, 29.8.2017, p. 110.

⁶ Stockholm International Peace Research Institute (SIPRI), fact sheet of March 2020 entitled ‘Trends in international arms transfers, 2019’.

ability of the EU Member States to defend themselves and protect their citizens;

- D. whereas a new arms race in the world is growing and the major military powers no longer rely on arms control and disarmament to reduce international tensions and improve the global security environment;
- E. whereas the Council's common position of 8 December 2008 is an essential instrument for enhanced cooperation and the closer alignment of Member States' export policies;
- F. whereas Member States recognise the special responsibility that may derive from exporting military technology and equipment to third states in influencing or exacerbating existing tensions and conflicts;
- G. whereas the global crisis created by the COVID-19 pandemic could have significant geostrategic repercussions and further points up the need to build a genuine European strategic autonomy;
- H. whereas the EU Foreign Affairs Council conclusions of 21 August 2013 stated that 'Member States also agreed to suspend export licenses to Egypt of any equipment which might be used for internal repression and to reassess export licenses of equipment covered by Common Position 2008/944/CFSP and review their security assistance with Egypt'; whereas companies based in several EU Member States have continued to export arms, surveillance technology and other security equipment to Egypt, thus facilitating hacking and malware as well as other forms of attacks on human rights defenders and civil society activists, both physically and online; whereas this activity has led to the repression of freedom of expression online;
- I. whereas in an increasingly unstable multipolar world in which nationalist, xenophobic and anti-democratic forces are on the rise, it is vital for the European Union to become an influential player on the world stage and to keep its leading role as a global 'soft power', committed to disarmament as regards both conventional and nuclear weapons, and investing in conflict prevention, crisis management and mediation before military options are considered;
- J. whereas arms exports are essential when it comes to strengthening the industrial and technological base of the European defence industry, which is primarily committed to ensuring the protection and security of the EU Member States while contributing to CFSP implementation;
- K. whereas divergence in Member States' arms export behaviour is sometimes weakening the EU's ability to achieve its foreign policy objectives, as well as undermining its credibility as an actor speaking with one voice in the international arena;
- L. whereas both the global and the regional security environment have dramatically changed, especially with regard to the Union's southern and eastern neighbourhood;
- M. whereas military transparency measures such as reporting on arms exports contribute to cross-border trust-building;

The 20th and 21st EU annual reports on arms exports

1. Underlines that maintaining a defence industry serves as part of the self-defence of the

Union and is a component of its strategic autonomy; notes that this is only possible if Member States give priority to European products in their equipment programmes; stresses that a viable European market would reduce dependency on arms exports to third countries;

2. Notes that the common position provides for a transparency procedure involving the publication of annual EU reports on arms exports; welcomes the publication of the 20th and 21st reports, in line with Article 8(2) of Council Common Position 2008/944/CFSP, compiled by the Council Working Party on Conventional Arms Exports (COARM) and published in the Official Journal, albeit with delay; believes that the publication of both reports represents a step forward towards a common EU position in the field of arms exports, in the framework of an ever more challenging international context marked by increasing volumes of exports and decreasing levels of transparency; considers both reports to be valuable complements to the UN reports on global and regional arms export transparency;
3. Notes Member States' efforts to comply with Article 346(1)(b) TFEU on the production of or trade in arms;
4. Notes that 19 Member States made full submissions for the 20th annual report, and 19 for the 21st; urges all Member States to comply fully with their obligations, as set out in the Common Position at a time of decreasing global transparency in the arms trade, especially on the part of several major arms-exporting countries; underlines that full submission means to submit the total quantity and value of both the licenses granted and actual exports, broken down by country of destination and Military List category; notes that for the 20th annual report 27 Member States, with the exception of Greece, made at least partial submissions, and for the 21th annual report all 28 Member States submitted data, while around one third were incomplete in their submissions; welcomes, however, the additional information provided by the governments via national reports; reiterates its request that all Member States which have not made full submissions provide additional information regarding their past exports with a view to the next annual report;
5. Is concerned that Member States use very different information in order to generate data on the value of licenses, complicating the ability to use consistent and comparative data effectively; stresses the importance of reporting actual arms exports, including their total value and quantity, under global and general licenses broken down by Military List categories and by country of destination;
6. Calls on the Member States to increase their coordination and to define common best practices for collecting and processing information and data, in order to produce more harmonised annual reports and thus improve the transparency and usability of the reports;
7. Notes that the countries of the Middle East and North Africa, a region where there are several armed conflicts, remain the foremost regional destination for exports according to the last two annual reports; notes that these regions face significant and continuing security challenges and that all exports have to be assessed on a case-by-case basis against the eight criteria of the Common Position;
8. Supports the Council's commitment to strengthening the control of exports of military technology and equipment; notes the willingness of Member States to reinforce

cooperation and promote convergence in this field within the framework of the CFSP; welcomes these efforts because they are in line with the overall objectives of the Common Foreign and Security Policy (CFSP) set out in Article 21 TEU and of the regional priorities set in the EU Global Strategy (2016); in this regard, calls on the Member States to develop, implement and uphold common standards of management of transfers of military technology and equipment;

9. Recalls that the EU has been implementing a number of arms embargos, including all UN embargoes, in line with the objectives of the CFSP, on countries such as Belarus, the Central African Republic, China, Iran, Libya, Myanmar, North Korea, the Russian Federation, Somalia, South Sudan, Sudan, Syria, Venezuela, Yemen and Zimbabwe; notes that whereas these embargos could deprive a country of military resources, in some cases they contribute to regional peace and stability; notes that such embargos ensure that the EU does not contribute to humanitarian crises, human rights abuses and atrocities; calls on the EU to help strengthen Member States' capacities for implementing robust procedures for monitoring the compliance of all Member States with EU arms embargoes, and to make the relevant findings public¹;
10. Recalls its resolution on the situation in Yemen of 4 October 2018; urges all EU Member States, in this context, to refrain from selling arms and any military equipment to Saudi Arabia, the UAE, and any member of the international coalition, as well as to the Yemeni Government and other parties to the conflict;
11. Welcomes the decisions of the governments of Belgium, Denmark, Finland, Germany, Greece, Italy, and the Netherlands adopting restrictions on their arms exports to countries which are members of the Saudi-led coalition involved in the war in Yemen; notes that in some cases, as reported by NGOs, the arms exported to those countries have been used in Yemen, where 22 million people find themselves in need of humanitarian aid and protection; recalls that such exports clearly violate the Common Position; notes the renewed extension of the moratorium on arms exports to Saudi Arabia by Germany up to the end of 2020, as well as the decisions by several Member States to enforce full restrictions; recalls that between 25 February 2016 and 14 February 2019 Parliament, via plenary resolutions, called at least ten times on the VP/HR to launch a process leading to an EU arms embargo on Saudi Arabia, including in 2018 also regarding other members of the Saudi-led coalition in Yemen; reiterates this call once again;
12. Calls on the Member States to follow the example of Germany, Finland and Denmark, which, after the killing of the journalist Jamal Khashoggi, adopted restrictions on their arms exports to Saudi Arabia;
13. Reiterates its calls on the Member States to follow up on the Council conclusions on Egypt of 21 August 2013 by announcing the suspension of export licences for any equipment which might be used for internal repression, in line with Common Position 2008/944/CFSP, and condemns the persistent non-compliance of Member States with these commitments; calls on the Member States, therefore, to halt exports to Egypt of arms, surveillance technology and other security equipment that can facilitate attacks on human rights defenders and civil society activists, including on social media, as well as any other kind of internal repression; calls on the VP/HR to report on the current state

¹ <https://www.sanctionsmap.eu/#/main?checked=>

of military and security cooperation of Member States with Egypt; calls for the EU to implement in full its export controls vis-à-vis Egypt with regard to goods that could be used for repression, torture or capital punishment;

14. Reiterates its recent calls for an end to exports of surveillance technology and other equipment that can facilitate internal repression, to several countries including Egypt, Bahrain, Saudi Arabia, the UAE and Vietnam;
15. Notes that the EU undertakes missions in the framework of the CSDP, including a mission enforcing an arms embargo in Libya, with the aim of strengthening regional peace and stability; deeply regrets the continued blatant violations of the arms embargo in Libya, even after the commitments made in this regard by concerned countries during the International Conference on Libya held in Berlin on 19 January 2020; calls on all Member States to halt all transfers of weapons, surveillance and intelligence equipment and material to all the parties involved in the Libyan conflict;
16. Welcomes Operation IRINI's objective of the strict implementation of the UN arms embargo through the use of aerial, satellite and maritime assets by carrying out inspections of vessels on the high seas off the coast of Libya that are suspected to be carrying arms or related material to and from Libya, in accordance with UN Security Council Resolutions 2292 (2016), 2357 (2017), 2420 (2018) and 2473 (2019);
17. Strongly condemns the signature of the two Memoranda of Understanding between Turkey and Libya on the delimitation of maritime zones and on comprehensive security and military cooperation, which are interconnected and are in clear violation of both international law and the UN Security Council resolution imposing an arms embargo on Libya; recalls the decision taken by some Member States to halt arms export licensing to Turkey; recalls that Member States committed to strong national positions regarding their arms export policy to Turkey on the basis of the provisions of Common Position 2008/944/CFSP, including the strict application of criterion 4 on regional stability; calls on the VP / HR, for as long as Turkey continues with its current illegal, unilateral actions in the Eastern Mediterranean that run counter to the sovereignty of any EU Member State (notably Greece and Cyprus) and international law, and does not engage in dialogue based on international law, to introduce an initiative in the Council for all EU Member States to halt arms export licensing to Turkey in accordance with the Common Position; calls on the appropriate forums within NATO, and especially the High-Level Task Force on Conventional Arms Control, to discuss arms control in the Eastern Mediterranean as a matter of urgency;
18. Calls on the Member States, with regard to export controls, to pay greater attention to goods which may be used for both civilian and military purposes;
19. Notes there are no sanction mechanisms in place should a Member State engage in exports that are clearly not compatible with the eight criteria;

The Council's review of the Common Position

20. Welcomes the Council's intention to increase convergence and transparency, as being the main objectives of its last review of the Common Position, as well as the Council conclusions on the review of the Common Position and their statement that 'the strengthening of a European defence technological and industrial base should be

accompanied by closer cooperation and convergence in the field of export control of military technology and equipment'¹;

21. Welcomes Member States' renewed commitment to the legally binding Common Position as amended by Council Decision (CFSP) 2019/1560, and stresses the importance of thoroughly assessing export licence applications for military technology and equipment according to the criteria stipulated therein; points out that Council Decision (CFSP) 2019/1560 and the relevant conclusions of 16 September 2019 reflect a growing awareness among Member States of the need for greater national and EU-wide transparency and convergence in the area of arms exports and of the need to strengthen public oversight in this sensitive national security domain; stresses that these decisions have the potential to ensure that national oversight bodies, parliaments and EU citizens are supplied with better information about the strategic choices made by their governments, in an area which directly affects their security and their countries' adherence to values and norms;
22. Is worried about the increasing arms race in the world; recalls the EU's ambition to be a global actor for peace; therefore calls on the EU to play an active role in the areas of non-proliferation of arms and global disarmament; welcomes the fact that the update of the Common Position takes into account relevant developments in this respect, such as the adoption of the Arms Trade Treaty (ATT), to which all Member States are party; welcomes the EU's activities aiming at supporting the universalisation of the ATT, in particular the assistance to third countries in improving and implementing effective arms control systems in line with the Common Position; calls on the major arms-exporting countries, such as the US, China and Russia, to sign and ratify the ATT;
23. Supports the Council's reaffirmation that military equipment and technology should be traded in a responsible and accountable way; welcomes the Council's renewed commitment to further promoting cooperation and convergence in Member States' policies in order to prevent the exporting of military technology and equipment that might be used for internal repression or international aggression, or contribute to regional instability;
24. Notes with concern that divergences between the arms export policies and practices of the Member States slow down the convergence of EU rules in this area; notes the need to introduce new instruments in this respect; notes that future European Defence Fund-funded actions will contribute to developing new military technologies and equipment;
25. Notes with satisfaction that the Council acknowledges the importance of a consistent export control policy regarding defence-related materials and dual-use goods; believes that the EU should establish clear criteria and guidelines regarding the export of such goods;
26. Welcomes the introduction of concrete measures intended to facilitate the correct, coherent and timely reporting of Member States' arms exports; supports in particular the Council's decision to introduce a clear reporting deadline for national submissions,

¹ Conclusion 11 of the Council conclusions on the review of Council Common Position 2008/944/CFSP of 8 December 2008 on the control of arms exports, as adopted by the Council (General Affairs), Council of the European Union, 12195/19, COARM 154, Brussels, 16 September 2019.

clear standards for the report's format, and further guidelines on the substance and process of reporting; encourages the Member States to submit their data as soon as possible and no later than May after the reporting year in order to allow a timely public debate; welcomes the steps taken towards the online approach and encourages its further development; also welcomes the Council's support for clear guidelines on information sharing and exchange between Member States on their arms export policies; welcomes the steps taken towards the digital approach with the COARM Online System, and encourages its further expansion;

The increasing cooperation between Member States in arms production

27. Notes that since the adoption of the legally binding Common Position in 2008, the Member States have stepped up their arms exports monitoring; also notes that an increasing number of weapon systems produced in Europe are made up of components from multiple EU Member States and involve bilateral or multilateral cooperation for technological, industrial and political reasons; underlines the positive role of this type of cooperation in promoting confidence-building among Member States and third countries;
28. Stresses that the ambition to increase the competitiveness of the European defence sector must not undermine the application of the Common Position's eight criteria, as they take precedence over any economic social, commercial or industrial interests of Member States;
29. Notes an increase in the transfer of knowledge and technology, which allows third countries to undertake licensed production of European military technology; believes that this process should not limit the EU's capacity to control weapons, arms and military equipment production, but should, rather, foster the convergence of public oversight and transparency standards in defence production and accelerate the creation of internationally recognised and respected rules on arms production and exports;
30. Notes that a growing number of components in weapon systems are of civilian origin or of dual-use character; therefore considers it necessary to establish a coherent transfer control system for these components between all Member States;
31. Notes that Member States have not outlined a common policy regulating the transfer of weapons components to another Member State which would ensure that any export to third countries from the Member State of assembly is consistent with the export policy of the Member State providing the components; notes that some of the Member States continue to consider intra-EU transfers of arms and defence-related products as similar to exports operations to third countries; regards this as particularly challenging in the context of the increasing divergences between licensing practices across the EU; observes that Directive 2009/43/EC on intra-Community transfers, in its current form, is not designed to achieve highest common standards for arms export controls to third countries while facilitating transfers in the European armaments market;
32. Notes that a first attempt to regulate intra-European transfers was the Schmidt-Debré harmonisation agreement between France and Germany with the 'de minimis' rule; notes in this regard the Franco-German Agreement on defence export controls;
33. Observes that the arms export policies of each Member State may hamper cooperation

projects; notes that such divergence might give rise to bilateral and specific agreements on weapon systems that, in some cases, allow for exports to third countries based on the least restrictive standards, rather than a joint, EU-wide approach; recalls that the purpose of the Council Common Position on arms exports was and is to prevent such divergences and to establish a coherent common arms export policy; notes a link between divergences in export policies and difficulties of intra-UE cooperation, a persistent fragmentation of the internal market for defence-related products, and the existence of industrial duplications; calls, therefore, on the Commission, the Council and the Member States to provide an adequate level of funding to enable the reduction of market fragmentation and industrial consolidation while ensuring that the EU and its Member States will have the military capabilities they need; calls on the Commission to ensure the effective implementation of Directives 2009/81/EC and 2009/43/EC, including enforcement actions as regards procurement;

34. Notes that bilateral cooperation on industrial defence-related projects between Member States leads to export control agreements which can provide a baseline for the EU as a whole;
35. Stresses that bilateral and multilateral agreements should pave the way towards improved convergence and harmonisation of export policies at EU level because the lack of convergence and transparency in decisions on exports to third countries may have a negative impact on the ability of the EU to speak with one voice and be influential in the international arena, with regard to the promotion of human rights, international law and regional peace and stability; notes concerns that this divergence has the potential to generate market distortions and hinder industrial strategic planning, economies of scale and a level playing field;

The growing importance of the EU level in arms production

36. Stresses that the development of suitable equipment is an important means of underpinning the industrial and technological foundations of the European defence sector; notes that EU initiatives such as the Preparatory Action on Defence Research (PADR), the European Defence Industrial Development Programme (EDIDP) and the European Defence Fund (EDF), as well as the Permanent Structured Cooperation (PESCO), the Coordinated Annual Review on Defence (CARD) and the European Peace Facility (EPF), legislation such as the intra-Community transfers and defence procurement directives of 2009, and the creation of administrative capacities such as the Commission Directorate-General for Defence Industry and Space (DG DEFIS) are helping to enhance cooperation for the purposes of arms production and capability development at European level; believes that the strengthening of the European Defence Technological and Industrial Base should be accompanied by closer cooperation and convergence in the control of exports of military technology and equipment, with the aim of improving the effectiveness of the CFSP and the CSDP in particular;
37. Calls on the Member States to overcome the current lack of efficiency in defence spending due to duplication, fragmentation and lack of interoperability, and to aim for the EU to become a security provider also by better controlling arms exports;
38. Notes that several Member States have expressed their intention to jointly develop main weapon systems such as battle tanks, fighter jets and armed drones;

39. Underlines the fact that the provisional interinstitutional agreement on the establishment of the EDF authorises the Commission to assess whether the transfer of ownership or the granting of an exclusive licence of EDF-cofunded military technology contravenes the security and defence interests of the EU and its Member States and the objectives of the fund as set out in Article 3 of the proposed regulation; notes that this new legislation establishes, among other things, a civilian oversight task for the Commission with regard to a specific category of exports of military technology to third countries, thereby further enhancing transparency and minimising the risk of misuse of EU funds, however without prejudice to the competence of the Member States' export control authorities to grant the export licenses;
40. Notes that the international commitments made by European partners extend to the supply of information regarding their national control schemes and arms transfers; notes that under the EPF, Member States and the European External Action Service (EEAS) have the possibility to militarily equip third countries, which will require EU-level monitoring; stresses that in the context of the EPF a new EU-level instrument would potentially deliver joint risk assessment prior to any decision to transfer arms and ammunition to third countries in the context of the military capacity-building pillar of the EPF, assess individual measures against the eight criteria of the Common Position, and establish safeguards and possible sanctions with regard to the end-user;
41. Calls on the Commission to keep Parliament properly informed about the use of EU funds for all research and development projects associated with the construction of drones; urges the VP/HR to ban the development, production and use of fully autonomous weapons which enable strikes to be carried out without human intervention;
42. Points out that research and development regarding weapons, arms and defence equipment is important for securing means for the Member States to defend themselves and for defence industries to achieve technological advancement;

Implementing the Common Position in the light of the growing importance of the EU level in arms production

43. Notes the lack of convergence of national arms export policies and decision-making in the context of the growing importance of the EU level in arms production and the stated ambitions and plans to develop it further; notes that the lack of convergence of national arms exports risks creating additional market distortions and related obstacles to the strategic planning of relevant companies and armed forces, and will require a progressive convergence of national arms export policies and decision-making; recalls the importance of the involvement of Member States in such a process; regrets the current divergences between the national arms export policies and decision-making processes of the Member States; calls on the Council to continue its efforts in favour of the convergence of arms export policies and decision-making;
44. Suggests that exports of products financed under the EDIDP and/or the European Defence Fund (EDF) should be listed separately in the data submitted to COARM, in order to ensure the close monitoring of those products which have been financed from the European budget and the strict application of the criteria of the Common Position to the products financed under the EDIDP and EDF;

45. Welcomes the strengthening of EU defence cooperation in the framework of the CSDP; believes that the growing importance of the EU level in arms production needs to go hand in hand with increased transparency; believes that there is still room for improvement in this area, particularly as regards the quality and uniformity of the data submitted by Member States; takes the view that the definition of a ‘European capabilities and armaments policy’ as foreseen in Article 42(3) TEU needs to be in line with Common Position 2008/944/CFSP; believes that increased convergence of common rules and standards of transparency of arms exports and technology fosters confidence-building among Member States and third-country partners; welcomes the efforts of COARM, in particular the guide to implementation of the Common Position by the Member States in terms of cooperation, coordination and convergence; notes that the COARM information exchange system and the guide to the implementation of the Common Position are useful day-to-day tools for control authorities; underlines the efforts of Member States to support the work of COARM in promoting exchanges of best practice; recommends to COARM:
- (a) to add the following additional categories in a revised reporting template, in line with internationally recognised standards, in order to implement the September 2019 Council conclusions: the exact type of weapon and the quantity exported, denomination of the munitions, the lot size and the specific end-user, revoked licences, and the value and duration of contracts regarding post-delivery services such as training and maintenance; to align the EU definition of small arms with the broader UN definition;
 - (b) to develop EU- and internationally recognised definitions such as licensed value and actual exports, so as to facilitate the comparability of data between Member States;
46. Welcomes the decision to transform the annual report into an interactive, reliable and searchable online database, and expects it to be up and running before publication of the export data for 2019; calls on the EEAS to inform Parliament of the precise date on which this database will go online; urges COARM to apply a solution that is user-friendly and easily accessible by European citizens and civil society, and that enables data to be exported in a safe and structured format;
47. Calls on COARM to persevere with its efforts to introduce a notification and exchange hub for Member States to share policy information regarding exports to third countries and their decisions to reject applications for the necessary licenses; further calls on COARM, as stated in Article 7 of the Common Position, to work towards improved exchange of ‘relevant information, including information on denial notifications and arms export policies’ and other ‘measures to further increase convergence’; proposes to this end to exchange national assessments and work towards an EU-joined assessment of country situations or potential export recipients, in the light of the principles and criteria of the Common Position within the framework of the CFSP and in consultation with external stakeholders, including Parliament; calls for the regular updating of the list of third countries complying with the criteria as laid down in the Common Position;
48. Believes that the EU institutions should propose peer reviews with a view to encouraging national authorities to share best practices on the collection and processing of data, fostering a better understanding of different national approaches, identifying differences as regards the interpretation of the eight criteria, and discussing ways and

means to improve harmonisation, consistency and convergence among Member States;

49. Strongly believes that a more consistent implementation of the EU Common Position is essential for the EU's credibility as a value-based global actor, and that a higher level of convergence as regards the full application of the criteria will more effectively ensure respect for human rights and international law by all parties involved in the arms trade, contribute to the promotion of peace and stability, and bolster the EU's strategic security interests and strategic autonomy; believes that this will strengthen the implementation of the CFSP;
50. Considers that licenses for production in third countries should no longer be granted if this would allow the eight criteria of the Common Position or other EU arms export directives to be circumvented;
51. Stresses that effective end-use controls result in a more responsible export policy and could lower the risk of diversion in particular; welcomes the EU-funded iTrace project in this respect and supports its continuation, and recommends using a similar tool to trace legal arms exports from EU Member States to third countries; calls on the Council, the Member States, and the EEAS to set up a comprehensive training and capacity-building programme for national and EU officials on arms export controls with a strong focus on building mutual understanding of the eight criteria, joint risk assessments, setting-up of safeguards, and pre- and post-licensing verification; encourages Member State governments to take steps to ensure better compliance with their end-use regulations, including the implementation of post-shipment controls; stresses the need to provide sufficient EU funding to ensure that the necessary staff resources are available at national and EU levels and at delegations and embassies in importing countries for the purposes of implementing viable risk assessments, end-use controls and post-shipment verifications; calls on the EEAS and COARM to report on iTrace any identified diversion of EU-origin goods, as part of the annual report;
52. Believes that the growing importance of the EU level in arms production, the recent Council conclusions on convergence in arms exports and the establishment of the EPF should be complemented by a mechanism for EU-level monitoring and control based on full compliance with the eight criteria; recalls the definition of a 'European capabilities and armaments policy' as foreseen in Article 42(3) TEU; believes that 'pooling and sharing' and more cooperation in arms policy and procurement policy are only possible if robust export controls, mutual information arrangements and regular parliamentary scrutiny are put in place, and if robust sanction mechanisms in the event of non-compliance with common rules are enforceable as regards EU-funded projects; further demands that the European Parliament - alongside the national parliaments - be able to guarantee parliamentary control over the EU's common security and defence policy and its budget;
53. Calls on COARM to examine the issue of transparency in arms exports alongside that of transparency in dual-use export licensing, and to consider the pursuit of common approaches to transparency across both instruments; believes that the increasing control over the trade in dual-use goods by the Commission in the context of the application of a revised EU Dual-Use Regulation should be balanced by an enhanced participation and overview role for Parliament in order to ensure accountability;
54. Stresses the detrimental effect that the uncontrolled export of cybersurveillance

technologies by EU companies can have on the security of the EU's digital infrastructure and on human rights; expresses its concern about the ever-increasing use of certain cybersurveillance dual-use technologies against politicians, activists and journalists; strongly condemns the increasing number of human rights defenders facing digital threats, including compromised data, through confiscation of equipment, remote surveillance and data leakages; stresses, in this regard, the importance of a rapid, effective and comprehensive update of the EU's Dual-Use Regulation; reiterates Parliament's position on the recasting of the Dual-Use Regulation, which aims to prevent the export, sale, update and maintenance of cybersecurity equipment which can be used for internal repression, including internet surveillance; welcomes, in this regard, the EU institutions' ongoing efforts in the context of ongoing interinstitutional negotiations aimed at updating the EU's dual-use export control regulation;

55. Considers that regular consultations with the European Parliament, national parliaments, arms export control authorities, industry associations and civil society are conducive to meaningful transparency; calls on national parliaments to exchange best reporting and oversight practices in order to enhance the scrutinising role of all national parliaments in decisions on arms control exports; calls on COARM to continue its dialogue with civil society and the relevant industries, as well as its consultations with Parliament and arms export control authorities; encourages civil society and academia to increase their engagement and dialogue with COARM and to exercise independent scrutiny of exports of defence technology and equipment; calls on the Member States and the EEAS to support such activities, including via greater financial resources;
56. Stresses the need, in the spirit of the 16 September 2019 Council conclusions, for meaningful parliamentary oversight, and to respond to the annual report of COARM annually with a European Parliament report in order to ensure a minimum of parliamentary scrutiny;
57. Encourages Member States to help third countries in the creation, improvement and application of arms checking systems in compliance with the Common Position;

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58. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of NATO, and the Secretary-General of the United Nations.