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## **MOTION FOR A RESOLUTION**

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Tobias Pflüger, Willy Meyer Pleite and Vittorio Agnoletto

on behalf of the GUE/NGL Group

on the EU Code of Conduct on Arms Transfers - failure of the Council to adopt the Common Position and transform the Code into a legally binding instrument

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**European Parliament resolution on the EU Code of Conduct on Arms Transfers - failure of the Council to adopt the Common Position and transform the Code into a legally binding instrument**

*The European Parliament,*

- having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas in 2008 the European Union Code on Arms Exports will celebrate its tenth anniversary,
- B. whereas more than two years ago, on 30 June 2005, the COARM (Council Working Group on Arms) agreed at technical level on the text of a Common Position as the result of a thorough process to revise the EU Code of Conduct on Arms Transfers, with the aim of transforming the Code into an efficient instrument to control arms exports from EU territory and by EU companies,
- C. whereas the adoption of this Common Position will make the Code a legally binding arms export control instrument for all EU Member States,
- D. whereas Parliament has strongly welcomed this Common Position on several occasions, inter alia in its resolution of 18 January 2007 on the Council's Seventh and Eighth Annual Reports according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports,
- E. whereas nevertheless the Council has since 2005 failed to adopt this Common Position at the political level, leaving the issue unresolved,
- F. whereas reasons for this failure have never been officially explained but are linked to the wish of some EU Member States to lift the current EU arms embargo on the People's Republic of China, when at the same time no embargo is imposed on other states,
- G. whereas this issue has acquired a new sense of urgency due to the following developments:
  - (1) recent announcements by EU Member States indicating their determination to prioritise an increase in their arms exports industrial sector as a tool to promote economic interests,
  - (2) several initiatives to harmonise national arms procurement policies and intra-Community arms transfers and sales;
- H. whereas, despite the positive efforts by COARM to further improve the Code and its application, this work is being undermined by arms exports from EU Member States to countries in situations of conflict, instability or failure to respect human rights and thus to be considered as 'irresponsible destinations' under the Code of Conduct,

- I. whereas the lack of political will to turn the Code of Conduct into a Common Position is in contradiction with the leadership role of the European Union and its Member States in promoting global legal instruments aimed at controlling public and private arms transfers, in particular the coming into being of a legally binding robust Arms Trade Treaty,
1. Strongly deplores the current political impasse on the non-adoption of this Common Position in the light of the tenth anniversary of the Code;
  2. Urges the EU Slovenian Presidency to make the adoption of that Common Position a permanent item on the agenda of each General Affairs Council meeting until the issue has been resolved;
  3. Calls on those EU Member States opposed to a legally binding Code of Conduct to reconsider their position;
  4. Is concerned about a European defence equipment market which will increase arms exports and make the control of arms exports even more difficult;
  5. Calls for dual-use goods to be fully included in the Code of Conduct;
  6. Calls for effective control of arms re-exports via EU Member States or third countries and is concerned that the Commission's recent initiatives with regard to strengthening the armaments sector will increase the danger of more arms exports and illegal arms exports;
  7. Is convinced that the credibility of the EU's contribution to an internationally binding Arms Trade Treaty will be greatly enhanced once its own arms exports regime becomes legally binding;
  8. Is convinced that, in parallel with the adoption of the Common Position, action should, be taken, inter alia, to:
    - (a) prevent irresponsible arms transfers by strict application of the Code's criteria by both companies and national armed forces,
    - (b) improve and apply brokering controls, and prevent illegal arms trafficking by air and sea,
    - (c) ensure prompt investigation of recent allegations of violations of arms embargoes,
    - (d) prevent the selling-off to private brokers of arms collected in the course of ESDP, SSR and other EU operations and their subsequent transfer to other regions of violent conflict or tension,
    - (e) improve the transparency and quality of data submitted by EU Member States in the context of the Annual Report on the Code of Conduct;
  9. Instructs its President to forward this resolution to the Council, the Commission, and all EU governments and parliaments.