

## **European Code of Conduct on Arms Exports**

### **European Parliament resolution of 13 March 2008 on the EU Code of Conduct on Arms Exports – 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(4) of its Rules of Procedure,
- A. whereas in 2008 the European Union Code of Conduct on Arms Exports ("the Code") will celebrate its tenth anniversary,
- B. whereas more than two years ago, on 30 June 2005, COREPER agreed at the technical level the text of a Common Position as the result of a thorough process of revision of the Code, 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 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<sup>1</sup>,
- E. whereas, nevertheless, the Council has since 2005 failed to adopt this Common Position at the political level,
- F. whereas the reasons for this have never been officially explained but are evidently linked to the wish of some Member States to lift the current EU embargo on arms exports to the People's Republic of China,
- G. whereas this issue has acquired a new sense of urgency due to the following developments:
  - (i) the signing of the Lisbon Treaty, which commits the EU to being a globally responsible actor,
  - (ii) the evolving European Security and Defence Policy (ESDP), in which EU external military and civilian missions are being increasingly deployed and in the pursuit of which EU personnel might be threatened with arms previously supplied by Member States,
  - (iii) recent announcements by Member States indicating a willingness to increase arms exports as a tool to promote economic interests,
  - (iv) several initiatives to harmonise national arms procurement policies and intra-Community arms transfers and sales,

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<sup>1</sup> OJ C 244 E, 18.10.2007, p. 210.

- H. whereas the positive efforts by COARM (Council Working Group on Arms) to further improve the Code and its application are being undermined by arms exports from Member States to countries which are in a situation of conflict, instability or failure to respect human rights, and which are regarded as 'irresponsible destinations' under the Code,
- I. whereas the lack of political will to turn the Code into a Common Position runs counter to the leading role played by the European Union and its Member States in promoting legal instruments aimed at controlling all international public and private arms transfers, notably the Arms Trade Treaty,
1. Deplores the current political impasse on the adoption of this Common Position, in the light of the tenth anniversary of the Code;
  2. Calls on the Slovenian Presidency to make the adoption of the Common Position a permanent item on the agenda of each General Affairs Council meeting until such time as the issue has been resolved;
  3. Urges those EU Member States that are opposed to a legally binding Code to reconsider their position;
  4. Believes that the EU's contribution to an internationally binding Arms Trade Treaty will gain in credibility as soon as its own arms control regime becomes legally binding;
  5. Is convinced also 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 to 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 and SSR operations and other EU initiatives and their subsequent transfer;
    - (e) improve the transparency and quality of data submitted by Member States in the context of the Annual Report on the Code;
  6. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.