

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

21 October 2004

NOTICE TO MEMBERS

Petition 1168/2003 by Nathalie Luthold (French), on behalf of the Association opposing abuse of psycho-technologies, bearing 115 signatures opposing the abuse of directed energy weapons

1. Summary of petition

According to the petitioners, the development and circulation of anti-personnel directed energy technologies and weapons, inaccurately termed 'non-deadly', is a danger which is generally under-estimated. The military and civil objectives of this technology are unknown. It could also be used as a weapon to prevent mass disorder at demonstrations or other public events. The expert reports (for example STOA report PE 166.499, on appraisal of the technology of political control) show that no effective legislation exists to protect individuals from the harmful effects of such weapons, should they fall into the hands of aggressive and intolerant public organisations or simply terrorist or criminal networks. The burden of proof would increasingly fall on victims, all the more so since their injuries or disabilities would have been provoked by almost invisible and unrecognisable weapons functioning from a distance. For this reason, they call on the EP to take action to prevent this danger and seek recognition for this serious problem and the creation of the necessary safeguards.

Information

- The EP considered the question of 'non-lethal' weapons in the own-initiative report by Mr Theorin, adopted on 28 January 1999 (A4-0005/99) on the environment, security and foreign policy.

2. Admissibility

Declared admissible on 3 May 2004. Information requested from Commission under Rule

◀CM544077EN.doc▶

PE ▶349.032▶

175(4).

3. Commission reply, received on 19 October 2004

'According to the petitioners, the development and circulation of anti-personnel directed energy technologies and weapons, inaccurately termed “non-deadly”, is a danger which is generally under-estimated. The military and civil objectives of this technology are unknown. It could also be used as a weapon to prevent mass disorder at demonstrations or other public events. The expert reports (for example STOA report PE 166.499, on appraisal of the technology of political control) show that no effective legislation exists to protect individuals from the harmful effects of such weapons, should they fall into the hands of aggressive and intolerant public organisations or simply terrorist or criminal networks. The burden of proof would increasingly fall on victims, all the more so since their injuries or disabilities would have been provoked by almost invisible and unrecognisable weapons functioning from a distance. For this reason, they call on the EP to take action to prevent this danger and seek recognition for this serious problem and the creation of the necessary safeguards.

With reference to the above mentioned petition the following points should be noted:

1. The **development and use** of technologies and weapons are subject to regulation by each EU Member State in accordance with its national laws and relevant obligations under International Law. For example, regarding military weapons, the Convention on Certain Conventional Weapons contains provisions for the restriction of the use of certain weapons which have indiscriminate effects or which cause superfluous injuries. Directed Energy Weapons are not specified in these provisions. With respect to the human rights implications of the use of these technologies, it should be noted that torture and other cruel, inhuman or degrading treatment or punishment is prohibited without exception under several international instruments, including the UN Convention Against Torture.

2. Controls on the **export of conventional weapons** also exist, in recognition of the effect irresponsible trade in arms can have with respect to peace, security, stability and human rights. In 1998 the European Council adopted the EU Code of Conduct on Arms Exports which set high common standards for the management of, and restraint in, conventional arms transfers by all EU Member States and strengthened the exchange of relevant information with a view to achieving greater transparency. Its *raison d'être* is to prevent the export of equipment which might be used for internal repression, international aggression or which risks being diverted to terrorists or risks contributing to regional instability.

Those weapons whose exports are controlled by the Code of Conduct are defined in the EU Common Military List. In this context, Directed Energy Weapons are mentioned in the list and their export is thus covered by the provisions of the Code. The appropriate list entry is annexed. However, the definitions used do not cover the full spectrum of technologies referred to in the petition.

(It should be noted that the Military List is drawn up, agreed and revised by experts from Member States. Although the Commission is fully associated with the Common Foreign and Security Policy (CFSP), conventional arms exports are not an area of Community competence because Member States, on the basis of Article 296 (ex-Article 223) of the EC Treaty, have exempted the trade in arms from the scope of application of treaty rules. The Commission therefore has no authority to make revisions to the Military List.)

3. Additionally, the European Council Regulation 1334/2000 sets up a Community regime for the **control of exports of dual-use items and technology** which can be used for both civil and military purposes and which are detailed on the list of dual-use items and technology.

4. More specifically, the EU's concern about the **trade in instruments which might be used for torture** is reflected in the support which has been extended under the European Initiative for Democracy for Human Rights to a project for monitoring and tracking the trade in such instruments, including those exploiting new technologies for the purpose of inflicting torture.

6. Export controls will not, however, protect persons **within** the EU. The necessary safeguards for protection of citizens within the EU (e.g. production ban, ban on research or financing of research, prohibition on use of new weapons by police and law enforcement authorities, technical standards (maximum output or similar), ban on sales to minors or to all, licensing requirement for buyers etc) would be featured in replies from other DGs.

ANNEX

Excerpt from "Common Military List of the European Union" (C 314/01 23.12.2003 Official Journal of the European Union):

ML19. Directed energy weapon systems (DEW), related or countermeasure equipment and test models, as follows, and specially designed components therefor:

- (a) 'Laser' systems specially designed for destruction or effecting mission-abort of a target;
- (b) Particle beam systems capable of destruction or effecting mission-abort of a target;
- (c) High power radio-frequency (RF) systems capable of destruction or effecting mission-abort of a target;
- (d) Equipment specially designed for the detection or identification of, or defence against, systems controlled by ML19(a) to ML19(c);
- (e) Physical test models and related test results for the systems, equipment and components controlled by this Item.
- (f) Continuous wave or pulsed 'laser' systems specially designed to cause permanent blindness to unenhanced vision, i.e., to the naked eye or to the eye with corrective eyesight devices.

Note 1: Directed energy weapon systems controlled by ML19 include systems whose capability is derived from the controlled application of:

- (a) 'Lasers' of sufficient continuous wave or pulsed power to effect destruction similar to the manner of conventional ammunition;
- (b) Particle accelerators which project a charged or neutral particle beam with destructive power;
- (c) High pulsed power or high average power radio frequency beam transmitters which produce fields sufficiently intense to disable electronic circuitry at a distant target.

Note 2: ML19 includes the following when specially designed for directed energy weapon systems:

- (a) Prime power generation, energy storage, switching, power conditioning or fuel-handling equipment;
- (b) Target acquisition or tracking systems;
- (c) Systems capable of assessing target damage, destruction or mission-abort;
- (d) Beam-handling, propagation or pointing equipment;
- (e) Equipment with rapid beam slew capability for rapid multiple target operations;
- (f) Adaptive optics and phase conjugators;
- (g) Current injectors for negative hydrogen ion beams;
- (h) 'Space qualified' accelerator components;

- (i) Negative ion beam funnelling equipment;*
- (j) Equipment for controlling and slewing a high energy ion beam;*
- (k) 'Space qualified' foils for neutralising negative hydrogen isotope beams.*