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

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The Committee on Foreign Affairs adopted an own-initiative report by Bodil VALERO (Green/EFA, SE) on arms exports: implementation of Common Position 2008/944/CFSP.

Background and challenges: recent data show that international transfers of major weapons between 2012 and 2016 reached their **highest volume** for any five-year period since the end of the Cold War and which was 8.4 % higher than the figure for the 2007-2011 period.

Arms exports and transfers have an impact on human security, human rights and democracy. Arms control should be **strict, transparent, effective and accepted by all parties**.

While stressing that maintaining a defence industry serves as part of the self-defence of the Member States, Members reiterated that the Common Position is a **legally binding framework** that sets minimum requirements which Member States have to apply in the field of arms export controls.

Since military technology sometimes reaches destinations and end users that do not meet the criteria of the Common Position, Members urged Member States and the European External Action Service (EEAS) to:

- improve the consistency of the implementation of the Common Position;
- cooperate closely to prevent risks arising from the diverting and stockpiling of weapons, such as illegal arms trafficking and smuggling;
- develop a dedicated strategy to provide formal protection for whistle-blowers reporting practices by organisations and companies that breach the criteria and principles set out in the Common Position.

In the context of Brexit, it would be important for the United Kingdom to remain bound by the Common Position.

Implementation of the Common Position criteria: in the light of the eight criteria listed in the Common Position, the report suggested in particular:

- launching an initiative aimed at imposing an EU arms embargo on countries that are accused of serious breaches of international humanitarian law, notably with regard to the deliberate targeting of civilian infrastructure;
- imposing an arms **embargo** on Saudi Arabia;
- including democratic governance indicators;
- assessing recent transfers of arms by Member States to **non-State actors**, including terrorist groups;
- introducing effective **post-shipment control mechanisms** to ensure that arms are not being re-exported to unauthorised end-users;
- adding a new criterion to ensure that, when granting authorisations, due account is taken of the **risk of corruption** concerning the relevant exports.

Strengthening the exchange of information between Member States: Member States and the EEAS are called upon to:

- provide more information on export licences and actual exports shared systematically and in a timely manner, including on end users of concern, cases of diversion, end-user certificates;

- maintain a list of entities and individuals convicted of violating arms export related legislation;
- share best practices adopted for implementing the eight criteria;
- promote clear, well-established cooperation procedures between law enforcement agencies and border authorities.

The Common Position should include a provision ensuring that an EU embargo against a third country would automatically revoke licences that had already been granted for goods covered by the embargo.

Strengthening compliance with reporting obligations: Members proposed launching a process to develop a **sanctioning mechanism** for Member States which fail to comply with the Common Position. They also called on all Member States to fully comply with their reporting obligations set out in the Common Position.

Members also called for the revision of the EU Common Military List and the lists annexed to the Dual-Use Regulation to include all unmanned systems to be taken into consideration. They recalled in this respect Parliament's resolution on the use of armed drones asking them to be integrated into the relevant arms control regimes.