Arms: code of conduct on exports, provision 8. 4th annual report

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PURPOSE : to present the fourth annual report according to operative provision 8 of the European Union Code of Conduct on Arms Exports. CONTENT : the European Code of Conduct on Arms Exports was adopted on 8 June 1998, setting high minimum standards for the management of, and restraint in, conventional arms transfers by all Member States of the European Union. The Code sets up eight criteria for the export of conventional arms and a denial notification procedure obliging Member States to consult on possible undercuts. In accordance with Operative Provision 8 of the Code, this provides for an annual review of its implementation and identification of any necessary improvements. This document constitutes the fourth annual report and covers developments during the fourth year of operation of the Code. During the fourth year of operation the European Union Code of Conduct on Arms Exports consolidated its position as the most comprehensive international arms export control regime, providing for a high degree of internal and external transparency, dialogue, respect for denial notifications and dynamism. Priority objectives identified in earlier reports were achieved. However, many issues are not settled once and for all but are subject to a continuous dialogue on responsibility in arms transfers and ways to promote it. When adopting the third annual report (refer to INI/2001/2254) it was felt that although the fundamental elements of a common approach to the control of conventional arms exports by Member States of the European Union were in place much remained to be done. Also work needed to begin in certain areas which had not been addressed in the past as was requested by the European Parliament in its report on the third annual report (A5-0286/2002). In specific terms, the substantive increase in the number of notified denials and consultations has produced a sizeable body of information which testifies to the growing confidence in this instrument. The Code's unique notification and consultation procedures and the continued exchange of views between Member States on aspects of national export policies including policies on exports to specific countries or regions contribute decisively to transparency, dialogue and convergence between Member States in the field of conventional arms exports. Dialogue takes place not only between Member States, but also through troika meetings in the framework of the political dialogue of the EU with candidate countries and non-member states and by way of EU Member States' participation in other international and multilateral forums. It should be noted that a meeting of the Presidency and the Commission with the United States of America, attended by a number of EU Member States, was held in June 2002 on the subject of export control assistance, including in the field of arms exports. Member States have been conscious of the increased need to prevent arms from falling into the hands of terrorists and have supported the inclusion of a terrorist clause in the 'Initial Elements' of the Wassenaar Arrangement, of which all EU Member States are members. The Code of Conduct was a primary subject of all political dialogue consultations carried out with non-member States. Following this example Member States have identified the following guidelines: 1) continue efforts to increase harmonisation of national reports with the aim of increasing their transparency and producing clearer summary tables; 2) pressing for definitive adoption of a system for controlling exports of non-military security and police equipment; 3) continue deliberations in the area of arms brokering on the basis of the guidelines already approved, with a view to adopting a Common Position on the subject. Promote regulation of arms brokering in other relevant forums; 4) continue work on standardising the information to appear in the certificates of final destination; 5) continue work on issues related to manufacture under licence in non-member countries; 6) establish how best the authorities of each Member State should control electronic transfers of the software and technology associated with equipment on the common list; 7) continue efforts to promote the principles and criteria of the Code among third countries and international organisations; 8) work towards even greater involvement of the candidate countries in the implementation of the Code of Conduct and provide practical assistance to this effect, including by

sharing information on denials; 9) consider practical measures to improve the implementation of the denial and consultation mechanism in national decision-making taking into account Member States' experiences and the handling of the growing volume of denials circulated among Member States.