Arms: code of conduct on exports. 6th annual report

2005/2013(INI) - 17/11/2005 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Raül **ROMEVA i RUEDA** (Greens/EFA, ES) on the Council's Sixth Annual Report on the EU Code of Conduct on Arms Exports. (Please see the summary of 04/10/2005.) Parliament began by pointing out that the unrestrained proliferation of arms exports both poses a threat to human life and broader socio-economic development and also undermines the EU's development cooperation policy and thus the Millennium Development Goals. As has recently been reported, the four major European arms suppliers have significantly increased their share of arms transfer agreements to developing nations from US $830 million in 2003 (5.5%) to US $4.8 billion in 2004 (22%).

Parliament welcomed the Report but regretted that the review has not gone further to develop clear criteria. It called for substantial improvements in the level of detail for the criteria. Furthermore, the Code must become legally binding. Parliament urges the Council not to further delay its decision on this matter. Parliament was also deeply concerned by recent cases in the EU relating to transfers of production facilities overseas, including licensed production deals, and regretted that this area was not addressed more substantially in the course of the review. An operative provision is needed which regulates the manufacture, quantity and export of finished goods produced in facilities overseas.

Parliament reiterated its call for Member States to agree on a list of countries involved in armed conflicts to which arms exports should be banned in principle, drawing upon the reports and recommendations of the UN Security Council monitoring mechanisms on arms embargoes.

Common Position: Parliament welcomed the prospect of the Code becoming a Common Position, and again called on the Member States to make the Code legally binding.

Temporary measures upon lifting an arms embargo: Parliament welcomed the introduction of a "toolbox" and specific mechanisms to regulate arms exports to post–embargoed states. Thorough monitoring is necessary even after the embargo has been lifted, and a review mechanism should be set up to assess and revise the toolbox if necessary.

Equal criteria: Member States should apply equal criteria to the evaluation of third states when considering any restriction or embargo on arms exports on account of human rights violations or growing regional instability. In the light of this, the embargo on China should not be lifted until there is a clear improvement in the situation as regards human rights and civil and political freedoms in the country and until the Tiananmen issue has been properly addressed.

Best practices for interpretation of criteria: Parliament recognised the acknowledgement by Member States that best practices for the interpretation of the criteria should be extended to the other seven criteria. It stresses the need for a systematic approach outlining how and when, the issue will be addressed so that guidelines are produced as efficiently as possible.

National reporting procedures: Parliament called for the quality of national reporting to be substantially improved in order to permit accurate assessment of Member States' application of the Code of Conduct and to increase transparency. Furthermore, Member States should agree certain common specific standards, including on the number of export and brokering licences covered by a recipient country, a full description of the types of equipment licensed for export, the quantity of each type of equipment licensed

for export and specification on the type of end-user. Also, the funding of arms exports, e.g. in the form of state loans and loan guarantees, should in future be included in the national reports.

Functions and content of an EU Consolidated Report: Parliament urgedthe Council to take certain steps towards creating an EU Consolidated Report. Such steps comprehend publishing more information on EU-wide processes, including the denials system for export licences, the denials system for brokering licences and the database containing information on national outreach activities.

End-use: Member States are urged to agree procedures for the verification of deliveries to, and end-use /user in, recipient countries. There should also be more pro-active European Union and national approaches to the control of exports of dual-use items in order to avoid the risk of possible access to sensitive items by undesirable end-users in third countries.

Arms brokering: Member States must work towards common implementation of the Common Position, particularly through implementation of planned information exchange mechanisms on brokering activities. Parliament urged common minimum practice on extraterritorial controls including the prohibition of brokering activities in violation of an arms embargo, irrespective of whether it is carried out at home or abroad. Member States should also follow the example of countries, including Belgium, the Czech Republic, Estonia, Hungary, Poland, Slovakia and Finland, which require a licence for brokering of military equipment carried out abroad. As a minimum, Member States should follow the example of Germany where brokering in small arms and light weapons carried out abroad will also be subject to licensing.

Parliament recommended that Member States further develop the Common Position by setting up a national registry of arms brokers which should include information on transportation and financial services related to third-country transfers of military equipment. It urged the extension of the brokering database for denials to include information on the consultation on denials.

Regulation on torture equipment: Parliament welcomed the Commission's proposal, agreed by the 25 Member States, to adopt a new trade Regulation on torture equipment. It also welcomed Council Regulation 1236/2005/EC. It urged Member States to use the EU Code and specifically the Common Position on Brokering to cover the brokering of torture equipment.

International processes: Parliament underlinedthe need for the EU and its Member States to play a dynamic role in supporting national, regional and international processes, for instance, the Economic Community of West African States (ECOWAS) Moratorium and the Nairobi Protocol. It called on the Council and the Commission to include in their further negotiations about developments in relation to the European Neighbourhood Policy and the Partnership and Cooperation Agreements the question of adherence to the EU embargo on trade in arms with the People's Republic of China.

Development perspective on arms export controls: Parliament highlighted the dangers of small arms and light weapons (SALW) proliferation to sustainable development and vulnerable social groups such as women and children. It urged the Council and the Commission to prepare guidelines for SALW policies and programmes in developing countries that are compatible and consistent with EU development policy objectives and the need to support vulnerable groups.

Finally, the Council and the Commission must assess the role of DDR (disarmament, demobilisation, reintegration) projects in European Union external relations and development policies, and clarify the division of labour between DG Development and DG External Relations in relation to those policies.