Basic information

1998/2110(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Export controls regarding dual-use goods See also Regulation (EC) No 3381/94 1992/1024(CNS) **Subject** 6.10.03 Armaments control, non-proliferation nuclear weapons 6.20.02 Export/import control, trade defence, trade barriers	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	LANGEN Werner (PPE)	25/06/1998

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs, Security and Defense Policy	TITLEY Gary (PSE)	05/01/1999
ENER Research, Technological Development and Energy	PLOOIJ-VAN GORSEL Elly (ELDR)	03/09/1998
RELA External Economic Relations	KITTELMANN Peter (PPE)	23/07/1998
LIBE Civil Liberties and Internal Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2482	2003-01-27
Economic and Financial Affairs ECOFIN	2156	1998-01-18

Key events

Date	Event	Reference	Summary
15/05/1998	Non-legislative basic document published	COM(1998)0258	Summary
15/07/1998	Committee referral announced in Parliament		

18/03/1999	Vote in committee		
18/03/1999	Committee report tabled for plenary	A4-0145/1999	
13/04/1999	End of procedure in Parliament		
30/07/1999	Final act published in Official Journal		

Technical information

Procedure reference	1998/2110(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Amendments and repeals	See also Regulation (EC) No 3381/94 1992/1024(CNS)
Legal basis	Rules of Procedure EP 148 Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/10081

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0145/1999 OJ C 219 30.07.1999, p. 0006	18/03/1999	
Text adopted by Parliament, single reading		T4-0227/1999 OJ C 219 30.07.1999, p. 0020-0034	13/04/1999	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1998)0258	15/05/1998	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EU	Implementing legislative act	32000R1334 OJ L 159 30.06.2000, p. 0001-0215	22/06/2000	Summary
EU	Implementing legislative act	32002R0880 OJ L 139 29.05.2002, p. 0007	27/05/2002	Summary
EU	Implementing legislative act	32003R0149 OJ L 030 05.02.2003, p. 0001-0215	27/01/2003	Summary

Export controls regarding dual-use goods

1998/2110(COS) - 13/04/1999 - Text adopted by Parliament, single reading

Adopting the report by Werner Langen (PPE,DE), the PArliament approves the Commission's report but regrets that it was not consulted by the Council on the proposal for a Council regulation modifying the Community system. It considers that the proposed regulation's guidelines for the Member States' decisions on whether or not to grant export authorisations should be brought into line with the criteria included in the EU Code of Conduct on Arms Exports and calls for the inclusion in the regulation of a recognition of the relevance of these criteria, including the criterion on human rights. The Parliament agains stresses: - the need for a frequent and regular review of products categorised as sensitive in order not to hamper the growth of companies producing such goods; - the importance of the use and export of dual-use military expertise and technology for civilian techniques and standards as well as the development of electronic trading; - the need to avoid unnecessary obstacles to the development of strong encryption systems; The Parliament recommends the extension of uniform EU-wide control to include unlisted dual-use goods if they can be used for conventional armaments purposes. It emphasises that, in order for a uniform non-proliferation fence to be maintained around the EU, not only must harmonisation of export control legislation proceed apace, but a harmonised authorisation policy must be established under a common foreign and security policy. The Member States are invited to abandon their opposition to a common export control policy for dual-use goods and to create the necessary legal basis in the Council without delay.

Export controls regarding dual-use goods

1998/2110(COS) - 27/05/2002 - Implementing legislative act

COMMUNITY MEASURE : Council Regulation 880/2002/EC amending Regulation 1334/2000/EC setting up a Community regime for the control of exports of dual-use items and technology. CONTENT : Annex IV to Regulation 1334/2000/EC constitutes an exception to the principle of the free movement within the Community of dual-use items. This exception arises from the political commitments made by the Member States in the context of the Nuclear Suppliers Group (NSG) and the Wassenaar Arrangement and the sensitivity of the items concerned. Some of the items are less sensitive in terms of proliferation, control of their transfer within the Community under Regulation 1334/2000/EC does not seem justified. Therefore, Annex IV to Regulation should be amended as a consequence. ENTRY INTO FORCE : 03/06/2002.

Export controls regarding dual-use goods

1998/2110(COS) - 27/01/2003 - Implementing legislative act

COMMUNITY MEASURE : Council Regulation 149/2003/EC amending and updating Regulation 1334/2000/EC setting up a Community regime for the control of exports of dual-use items and technology. CONTENT : in order to enable the Member States and the Community to comply with their international commitments, Annex I to Regulation 1334/2000/EC establishes a common list of dual-use items and technology referred to in Article 3 of that Regulation which implements internationally agreed dual-use controls, including the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group and the Chemical Weapons Convention. The present Regulation aims to amend Annexes I, II and IV to Regulation 1334/2000/EC in order to take account of the changes adopted by the Wassenaar Arrangement, the Australia Group and the Missile Technology Control Regime during the years 2001 and 2002. ENTRY INTO FORCE : 07/03/2003.

Export controls regarding dual-use goods

1998/2110(COS) - 15/05/1998 - Non-legislative basic document

OBJECTIVE: Presentation of the Commission report on the application of Regulation (EC) 3381/94 setting up a Community system of export controls regarding dual-use-goods. SUBSTANCE: Overall, the Commission's evaluation of the practical application of the regulation two years after its entry into force is unenthusiastic. Although it has made an effective contribution to facilitating intra-Community trade and completing the Single Market, the new system set up in 1995 is far from credible as a common system of export controls on dual-use goods, the report concludes. The practical problems with the application of the regulation all seem fundamentally linked to the fact that the present Community export control regime is essentially limited to a mutual-recognition exercise. Member States have agreed to recognise each others' export licences but do not necessarily agree with each others' different export policies underlying these licences. Without such agreement, no common export control regime can function properly. In the Commission's analysis, administrative cooperation has not been sufficient to overcome this lack of agreement on export policy with regard to dual-use goods, and it is highly doubtful that even the best will of national administrations to cooperate will in itself suffice to bridge this policy gap. The present system is considered too complex to be routinely managed by customs officials at the border and is not well accepted by industry. In the Commission's view, these difficulties are inherent to the regime itself, and only a more harmonised export control regime, combining elements of common policy with reinforced administrative cooperation, will produce a system satisfactory to the practical needs of exporters and public authorities, ensuring both swift and smooth enforcement of the shared non-proliferation objectives. The Commission is therefore submitting, simultaneously with the report, proposals for an improved regulation.

Export controls regarding dual-use goods

1998/2110(COS) - 22/06/2000 - Implementing legislative act

PURPOSE : to set up a Community regime for the control of exports of dual-use items and technology. COMMUNITY MEASURE : Council Regulation 1334/2000/EC setting up a Community regime for the control of exports of dual-use items and technology. CONTENT : the Council adopted a

Regulation setting up a Community regime for the control of exports of dual-use items and technology. It is recalled that the Council adopted in 1994 an export control regime for dual-use goods: a two-pillar system consisting of Council Regulation 3381/94/EC and Council Decision 94/942/CFSP. The two major elements of the regime were, on the one hand, a common product list and, on the other, the principle of mutual recognition of export licences. At the time of its adoption the regime was considered to be transitory in nature. The aim of this Regulation is to simplify and strengthen the regime with a view to facilitating legitimate trade and allowing resources to be concentrated on the control of sensitive exports and the combat of fraud. The major elements of change are as follows: - the common list of dual use items subject to controls is now contained in Annex I of the Regulation, and is no longer the subject of a CFSP decision. This list, drawn up in full conformity with the obligations and commitments that each Member State has accepted as a member of the relevant international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties, will be updated according to developments in such regimes, arrangements and international treaties. - creation of a general Community licence for certain exports : the Regulation consolidates the substantial amount of de facto convergence of Member States' licensing policies vis-α-vis Australia, Canada, Japan, New Zealand, Norway, Switzerland and the United States, as well as those Central and Eastern European countries applying for membership of the European Union with whom accession negotiations began on 31 March 1998 and which are also very advanced in terms of effective export control legislation and membership in the relevant international non-proliferation regimes: Czech Republic, Hungary and Poland. This de facto convergence is translated into a harmonised Community licence. This approach is intended to reduce the complexity of the present regime and covers a considerable volume of trade, estimated to account for more than 70% of exports of these goods from the Community. However, the most sensitive dual-use items are excluded from the benefit of this General License. - the legal basis: the European Court of Justice, in two rulings of 17 October 1995 (C-70/94 and C-83/94) clearly established exclusive Community competence for export controls concerning dual-use goods. The Court explicitly stated that neither the particular nature of the goods nor the fact that the control measures are taken in light of foreign policy or security consideration prevent Article 133 being applicable. However, the Court has also ruled that Article 133 does not preclude national measures regarding export controls, provided this is done on the basis of a delegation of powers by the EC and within the limitation posed by Regulation 2603/69/EEC. The Regulation therefore strikes a balance between the principle of Community competence and the legitimate concerns of MemberStates to remain in control of matters relating to their national security. - extension of the catch-all clause to all military end-use for exports to countries subject to an EU, OSCE or UN arms embargo: the Regulation provides for an extension of the catch-all clause to all military end-use, when the items in question are destined for a country which is subject to an EU, OSCE or UN arms embargo. - coverage of technology transfer by PC, fax and telephone : the Regulation closes the loophole in current legislation whereby these means of communication escape an authorisation requirement. - reinforced administrative cooperation. ENTRY INTO FORCE 28/09/2000.