Basic information

2010/0262(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list **Subject** 6.10.03 Armaments control, non-proliferation nuclear weapons 6.20.02 Export/import control, trade defence, trade barriers 6.20.05 Multilateral and plurilateral economic and trade agreements and relations	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	MOREIRA Vital (S&D)	15/03/2012
	Shadow rapporteur CASPARY Daniel (PPE)	

Former committee responsible	Former rapporteur	Appointed
INTA International Trade	MOREIRA Vital (S&D)	26/01/2011

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3148	2012-02-21

European Commission

Commission DG	Commissioner
Trade and Economic Security	DE GUCHT Karel

Key events

Date	Event	Reference	Summary
27/09/2010	Legislative proposal published	COM(2010)0509	Summary
07/10/2010	Committee referral announced in Parliament, 1st reading		
21/06/2011	Vote in committee, 1st reading		Summary

29/06/2011	Committee report tabled for plenary, 1st reading	A7-0256/2011	
13/09/2011	Decision by Parliament, 1st reading	T7-0345/2011	Summary
13/09/2011	Results of vote in Parliament		
23/02/2012	Council position published	18144/1/2011	Summary
15/03/2012	Committee referral announced in Parliament, 2nd reading		
27/03/2012	Vote in committee, 2nd reading		
28/03/2012	Committee recommendation tabled for plenary, 2nd reading	A7-0078/2012	Summary
29/03/2012	Decision by Parliament, 2nd reading	T7-0105/2012	Summary
29/03/2012	Results of vote in Parliament		
19/04/2012	Final act signed		
19/04/2012	End of procedure in Parliament		
16/05/2012	Final act published in Official Journal		

Technical information

Procedure reference	2010/0262(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 207
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/08939

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE462.795	07/04/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0256/2011	29/06/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0345/2011	13/09/2011	Summary
Committee draft report		PE483.781	02/03/2012	
Committee recommendation tabled for plenary, 2nd reading		A7-0078/2012	28/03/2012	Summary
Text adopted by Parliament, 2nd reading		T7-0105/2012	29/03/2012	Summary

Council of the EU

Document type	Reference	Date	Summary

Council position	18144/1/2011	23/02/2012	Summary
Draft final act	00021/2012/LEX	19/04/2012	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2010)0509	27/09/2010	Summary
Commission communication on Council's position	COM(2012)0101	08/03/2012	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2010)0509	08/04/2011	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2012/0388
OJ L 129 16.05.2012, p. 0012 Summary

Delegated acts

Reference	Subject
2014/2926(DEA)	Examination of delegated act

Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list

2010/0262(COD) - 27/09/2010 - Legislative proposal

PURPOSE : to amend Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items by updating Annex I

PROPOSED ACT: Regulation of the European Parliament and of the Council.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASE: Article 207 of the Treaty on the Functioning of the EU.

CONTENT: Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items requires dual-use items (including software and technology) to be subject to effective control when they are exported from or transit through the Union, or are delivered to a third country as a result of brokering services provided by a broker resident or established in the Union.

In order to enable Member States and the European Union to comply with their international commitments, Annex I to Regulation (EC) No 428/2009 establishes the common list of dual use items and technology referred to in Article 3 of that Regulation, which implements internationally agreed dual-use controls. These commitments were taken within the context of participation in the Australia Group, the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement and the Chemical Weapons Convention (CWC).

Technological progress in today's world means that there is a need to update regularly the list of controlled items. The last update of Annex I of the Regulation occurred on the occasion of the adoption of the Regulation on 5 May 2009. Since this time, all of the international export control regimes have taken decisions to modify and update their control lists.

Consequently, there is a need to make modifications to Annex I.

Details of the modifications to the definitions and the general note and of modifications to items in categories 1-9 are given in the proposal.

For the purpose of clarity and ease of use of Annex I, the Commission is proposing to replace the entire Annex I with a new text incorporating the changes discussed.

FINANCIAL IMPLICATION: this proposal has no implication for the EU budget.

Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list

2010/0262(COD) - 13/09/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 518 votes to 21, with 71 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items.

It adopted its position at first reading, under the ordinary legislative procedure, taking over the Commission proposal.

Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list

2010/0262(COD) - 08/03/2012 - Commission communication on Council's position

The Commission **accepted the position adopted by the Council**. The original proposal of the Commission covered modifications of the control list agreed in the international export control regimes in 2009. The Council's position envisages further updating the control list with modifications agreed in the export control regimes in 2010.

Including both the 2009 and 2010 control list modifications in the current update exercise will allow the EU to adhere to its international commitments with regard to export controls and will significantly help EU exporters.

It should be recalled that the European Parliament endorsed the original proposal of the Commission on 13 September 2011 and has expressed its support for integrating additional modifications to the control list in line with international commitments as suggested by the Council.

Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list

2010/0262(COD) - 23/02/2012 - Council position

The Council's first reading position is the result of informal contacts between the European Parliament, the Commission and the Council.

The approach proposed by the Commission as well as all the main elements contained in its proposal have been retained. In addition, the Council's first reading position includes a number of modifications of a more technical nature as regards the control lists for dual use goods and technology. Similarly, certain definitions have been updated.

To make the Regulation as up-to-date as possible, these modifications reflect the most recent changes agreed under the international export control regimes, and which had therefore not yet been included in the Commission proposal.

Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list

2010/0262(COD) - 28/03/2012 - Committee recommendation tabled for plenary, 2nd reading

The Committee on International Trade adopted the recommendation for second reading contained in the report drafted by Vital MOREIRA (S&D, PT) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items.

The committee recommends that the European Parliament approve, unamended, the Council position at first reading.

Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list

2010/0262(COD) - 29/03/2012 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution approving, unamended, the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items.

Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list

2010/0262(COD) - 19/04/2012 - Final act

PURPOSE: to amend Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items by updating Annex I.

LEGISLATIVE ACT: Regulation (EU) No 388/2012 of the European Parliament and of the Council amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.

CONTENT: the Council adopted a Regulation updating the EU's list of dual use items and technology subject to control of exports and transit, in order to align it with international rules.

Council Regulation (EC) No 428/2009 requires dual-use items (including software and technology) to be subject to effective control when they are exported from or transit through the Union, or are delivered to a third country as a result of brokering services provided by a broker resident or established in the Union.

Regulation (EC) No 428/2009 provides for the list set out in Annex I to be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.

This Regulation amending Annex I to Regulation (EC) No 428/2009 aims to take account of changes agreed within the Australia Group, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Wassenaar Arrangement, subsequent to the adoption of that Regulation.

ENTRY INTO FORCE: 15/06/2012.