Basic information

2017/2029(INI) INI - Own-initiative procedure	Procedure completed
Arms export: implementation of Common Position 2008/944/CFSP **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
AFET Foreign Affairs	VALERO Bodil (Verts/ALE)	13/12/2016
	Shadow rapporteur KELAM Tunne (PPE) AYALA SENDER Inés (S&D) VAN ORDEN Geoffrey (ECR) NART Javier (ALDE) LÖSING Sabine (GUE/NGL) CASTALDO Fabio Massimo (EFDD)	

European Commission

Commission DG	Commissioner
Foreign Policy Instruments	MOGHERINI Federica

Key events

Date	Event	Reference	Summary
16/03/2017	Committee referral announced in Parliament		
11/07/2017	Vote in committee		
18/07/2017	Committee report tabled for plenary	A8-0264/2017	Summary
12/09/2017	Debate in Parliament		
13/09/2017	Decision by Parliament	T8-0344/2017	Summary
13/09/2017	Results of vote in Parliament		
13/09/2017	End of procedure in Parliament		

Technical information	
Procedure reference	2017/2029(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	AFET/8/09298

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE604.505	02/05/2017	
Amendments tabled in committee		PE606.106	12/06/2017	
Committee report tabled for plenary, single reading		A8-0264/2017	18/07/2017	Summary
Text adopted by Parliament, single reading		T8-0344/2017	13/09/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
For information	32008E0944(1) OJ L 335 13.12.2008, p. 0099	08/12/2008	

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

2017/2029(INI) - 18/07/2017 - Committee report tabled for plenary, single reading

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.

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

2017/2029(INI) - 13/09/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 386 votes to 107 with 198 abstentions, a resolution 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.

Some arms transfers from EU Member States to unstable and crisis-prone regions and countries were used in armed conflicts or for internal repression. Some of these transfers were reportedly diverted into the hands of terrorist groups, for example in Syria and Iraq.

Strengthened control: since military technology sometimes reaches destinations and end users that do not meet the 8 criteria of the Common Position, Parliament called for a strict, transparent, effective and commonly accepted and defined arms control system.

Accordingly, it asked Member States and the European External Action Service (EEAS) to:

- improve the consistency of the implementation of the Common Position as a legally binding framework that sets minimum requirements which Member States have to apply in the field of arms export controls;
- 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, Parliament 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;
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- 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:

- support the creation of an arms control supervisory body under the auspices of the VP/HR;
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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.

Strengthening compliance with reporting obligations: criticising the violations of the eight criteria by Member States, and regretting that 20 Member States presented a full report on their arms exports, Parliament called on all Member States to comply with their obligations. It also recommended:

- a more standardised and timely reporting and submission procedure to be guaranteed by setting a strict deadline for submitting data;
- launching a process to develop a **sanctioning mechanism** for Member States which fail to comply with the Common Position;
- 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. It recalled in this respect Parliament's resolution on the use of armed drones asking them to be integrated into the relevant arms control regimes.