

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

2011/0310(COD) - 23/10/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 378 votes to 263, with 17 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.

Parliament adopted its position on first reading following the ordinary legislative procedure and made the following amendments to the Commission proposal:

Dual use items in Annex I: Members state that the list of dual-use items set out in Annex I shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties, as well as in conformity with any restrictive measure adopted based on Article 215 TFEU.

Authorisations for dual use items not listed in Annex I: an authorisation shall also be required for the export of dual-use items not listed in Annex I if the exporter has been informed by the relevant authorities that the items in question are or may be intended, in their entirety or in part, **for use in connection with a violation of human rights, democratic principles or freedom of speech** as defined by the Charter of Fundamental Rights of the European Union, by using interception technologies and digital data transfer devices for monitoring mobile phones and text messages and targeted surveillance of internet use (e.g. via monitoring centres or lawful interception gateways).

A Member State that imposes an authorisation requirement, on the export of a dual use item not listed in Annex I, shall, where appropriate, inform the other Member States and the Commission. The other Member States shall give all due consideration to this information, shall inform their customs administration and other relevant national authorities and impose the same authorisation requirement.

A Member State shall prohibit or impose an authorisation requirement on the export of dual-use items not listed in Annex I for reasons of public security or human rights considerations.

Delegated acts: when preparing and drawing up delegated acts, the Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament. The delegation of power shall be conferred on the Commission for a period of five years from the entry into force of the Regulation, a period that shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Parliament specifies that where the updating of Annex I concerns dual-use items which are also listed in Annexes IIa-g or IV, those Annexes shall be amended accordingly.