

# Procedure file

## Basic information

COS - Procedure on a strategy paper (historic)	<a href="#">2001/2050(COS)</a>	Procedure completed
Arms: code of conduct on exports. 2nd annual report		
Subject 6.10.03 Armaments control, non-proliferation nuclear weapons		

## Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	<b>AFET</b> Foreign Affairs, Human Rights, Common Security, Defense	PSE <a href="#">TITLEY Gary</a>	20/03/2001
Council of the European Union			

## Key events

29/12/2000	Non-legislative basic document published	<a href="#">13177/1/2000</a>	Summary
15/03/2001	Committee referral announced in Parliament		
11/09/2001	Vote in committee		Summary
11/09/2001	Committee report tabled for plenary	<a href="#">A5-0309/2001</a>	
02/10/2001	Debate in Parliament		
03/10/2001	Decision by Parliament	<a href="#">T5-0496/2001</a>	Summary
03/10/2001	End of procedure in Parliament		
11/04/2002	Final act published in Official Journal		

## Technical information

Procedure reference	2001/2050(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	AFET/5/14543

## Documentation gateway

Non-legislative basic document	<a href="#">13177/1/2000</a> <a href="#">OJ C 379 29.12.2000, p. 0001</a>	29/12/2000	CSL	Summary
Committee report tabled for plenary, single reading	<a href="#">A5-0309/2001</a>	11/09/2001	EP	
Text adopted by Parliament, single reading	<a href="#">T5-0496/2001</a> OJ C 087 11.04.2002, p. 0060-0136 E	03/10/2001	EP	Summary

## Arms: code of conduct on exports. 2nd annual report

**PURPOSE :** to present the second annual report according to the operative provision 8 of the European Union Code of Conduct on Arms Exports. **CONTENT :** the European Code of Conduct on Arms Exports, adopted on 8 June 1998, set up a mechanism for information exchange and consultation among the Member States based on common criteria. The European Code of Conduct provides for an annual review procedure. This document constitutes the second annual report: it reviews the second year of implementation of the Code of Conduct. The second year was marked by consolidation of the first year's achievements and also by further progress, particularly in the priority area defined in the first report which was published in 1999. Finally, since the implementation of the Code of Conduct is part of a long-term process of convergence and harmonisation of arms exports control policies, this report sets out guidelines which the Member States have adopted for the future. The first report stated that considerable progress had been made over a short period of time and that the results of the Code's implementation during the first year of its existence were already positive. In the second year the Code was substantially strengthened and the first year's achievements consolidated. It was marked by a considerable increase in the number of notified denials and consultations. This evolution is evidence of Member States' resolve to put into practice a new form of transparency in arms export control to act in greater concern in this area. The first annual report identified four key areas for consideration and action by the Member States in the short term, with a view to strengthening the Code and ensuring greater transparency. Progress made in these areas during the second year of the Code's implementation is presented below: 1) common list of military equipment: the first report emphasised that top priority needed to be given to finalisation of the common list of military equipment provided for in operative provision 5 of the Code because that list was to be the cornerstone of the Code of Conduct. This list was adopted and published in 2000 and it represents a major positive development contributing significantly towards making the Code more effective. Member States will now use the common list's references in denial notifications, thereby clarifying and simplifying their information exchanges on these matters. The common list has the status of a political commitment in the framework of the CFSP. 2) essentially identical transactions: the second priority identified in the first report was the development of a common understanding of what constitutes an essentially identical transaction. That concept is, in fact, central to the Code of Conduct's operative section. Member States have continued discussion of this matter within the COARM working party and propose to continue exchanging information and harmonising on these matters. Progress has been made, but a common understanding has yet to be agreed. The common list will henceforward be the agreed basis for seeking a common understanding of what constitutes an essentially identical transaction. 3) more elaborate denial notifications: the first report pointed to the need for denial notifications to give a fuller description of the reasons for denial in order to facilitate understanding of the general thinking behind each other's denials. Member States have agreed that denial notifications should include the following particulars: country of destination, full description of goods, the buyer, description of the end-use, reasons for denial, and the date of denial. 4) embargoes on arms exports: the Member States shall continue to exchange information on national interpretations of embargoes imposed by the UN, the EU and the Organisation for Security and Cooperation in Europe. Lastly, the results achieved in the area of exchanges of information between Member States after two years of implementation of the code are already considerable. The application should nevertheless be deepened and consolidated. The Member States have thus identified a number of guidelines on issues on which decisions should be taken or to which attention should be given in the near future: finalisation of a common list of non-military security and police equipment; development of exchanges of information on national control policies for the export of arms in certain countries or regions regarded as requiring special vigilance; harmonisation of the procedures implemented in the framework of the operational provisions of the Code; harmonisation of national annual reports on the application of the Code of Conduct; coordination of the Member States' national positions in multiannual bodies dealing with arms export control issues; - promotion of the principles of the Code of Conduct in third countries.?

## Arms: code of conduct on exports. 2nd annual report

The committee adopted the report by Gary TITLEY (PES, UK) in response to the Council's 2nd annual report (2000) on the implementation of the EU Code of Conduct on Arms Exports. The committee welcomed the "considerable" progress being made towards greater convergence of Member States' policies on arms controls and called for applicant countries to give guarantees in their negotiations with the EU that they would implement the Code of Conduct. It regretted that so far the USA had not adopted its own Code on arms exports and wanted this to be made a permanent component of the Transatlantic Dialogue. Indeed Council, Commission and the Member States were urged to work towards an international Code of Conduct on arms transactions and the establishment of a global arms exports control regime under the aegis of the UN. The committee welcomed the agreement within Council on a common list of non-military security and police equipment and urged the Commission to act swiftly to bring forward an appropriate Community mechanism to control such exports. It also called for Member States to work towards the development of an international legally binding agreement on arms brokering. Member State governments should be required to give their explicit consent for the transfer of military items produced abroad under a licencing agreement to reduce the risk of equipment being transferred on to "dubious and proscribed end-users". The report also underlined the need for transparency and urged all Member States to publish harmonised annual reports on implementation of the Code. There was a call too for the Code to be legally binding. Council was urged to encourage Member States to deny arms deliveries to countries which did not submit information to the UN's Register of Conventional Arms. Finally Member States were urged to promote the adoption of legally binding criteria on arms transfers in the form of a Framework Convention on International Arms Transfers.?

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The European Parliament adopted the resolution by Mr Gary TITLEY (PES, UK) on the EU policy on arms export. (Please refer to the previous text).?