

Procedure file

Basic information		
INI - Own-initiative procedure	2018/2157(INI)	Procedure completed
Council's annual report in accordance with the operative provision 8 of the European Union Code of Conduct on arms exports		
Subject 6.10.03 Armaments control, non-proliferation nuclear weapons		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Foreign Affairs	Shadow rapporteur	
		 KELAM Tunne	
		 PAET Urmas	
		 VALERO Bodil	
		 CASTALDO Fabio Massimo	
		 SCHAFFHAUSER Jean-Luc	

Key events			
05/07/2018	Committee referral announced in Parliament		
09/10/2018	Vote in committee		
16/10/2018	Committee report tabled for plenary	A8-0335/2018	Summary
13/11/2018	Debate in Parliament		
14/11/2018	Results of vote in Parliament		
14/11/2018	Decision by Parliament	T8-0451/2018	Summary
14/11/2018	End of procedure in Parliament		

Technical information	
Procedure reference	2018/2157(INI)

Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	AFET/8/13304

Documentation gateway

Committee draft report	PE622.309	29/06/2018	EP	
Amendments tabled in committee	PE627.695	12/09/2018	EP	
Committee report tabled for plenary, single reading	A8-0335/2018	16/10/2018	EP	Summary
Text adopted by Parliament, single reading	T8-0451/2018	14/11/2018	EP	Summary

Council's annual report in accordance with the operative provision 8 of the European Union Code of Conduct on arms exports

The Committee on Foreign Affairs adopted an own-initiative report by Sabine LÖSING (GUE/NGL, DE) on arms exports: implementation of Common Position 2008/944/CFSP.

According to the latest figures, arms exports from the EU-28 amounted to over 27 % of the global total in 2013-2017, which would make the EU collectively the second largest arms supplier in the world after the US (34 %), with Russia following at 22 %.

Arms exports and transfers have an undeniable impact on human rights and human security, on socio-economic development and on democracy. These are strong reasons for establishing a strict, transparent, effective and commonly accepted and defined arms control system. [Common Position 2008/944/CFSP](#) is a legally binding framework laying down eight criteria for exports of military technology and equipment.

The defence sector has become a focal point of EU policy, with the European Global Strategy (EUGS) stating that 'a sustainable, innovative and competitive European defence industry is essential for Europe's strategic autonomy and for a credible CSDP. Arms exports are key to boosting the industrial and technological basis for European defence.

Bolstering the Common Position and improving its implementation: Members called on the Member States to overcome the current lack of efficiency in defence spending due to duplication, fragmentation and lack of interoperability, and to aim for the EU to become a security provider also by better controlling arms exports.

The report noted that the eight criteria are applied and interpreted in different ways by Member States. It called for a uniform, consistent and coordinated application of the eight criteria and full implementation of the Common Position with all its obligations.

It considered it necessary to launch a process leading to a mechanism which sanctions those Member States which do not comply with the Common Position.

Members recommended that the risk assessment method for export authorisations should incorporate a precautionary principle. They considered that Member States should also assess the risks in the light of the overall situation in the country of destination, taking into account factors such as the state of democracy and the rule of law and its socio-economic development. With this in mind, Member States and the EEAS should strengthen information exchange mechanisms by making available qualitatively and quantitatively better information for export licensing risk assessments.

The report criticised the systematic failure to apply the eight criteria by Member States and the fact that military technology does reach destinations and end users that do not meet the criteria laid down in the Common Position.

Members repeated their call for an independent assessment of Member States' compliance with the eight criteria of the Common Position. Member considered that exports to Saudi Arabia, the UAE and other members of the Saudi-led coalition in Yemen are non-compliant with at least criterion 2 because of those countries' involvement in grave breaches of humanitarian law as established by competent UN authorities. They reiterated their call of 13 September 2017 regarding the urgent need to impose an arms embargo on Saudi Arabia and congratulated those Member States, such as Spain, Germany and the Netherlands, which have changed their practice as regards the Yemen conflict.

Members reiterated the detrimental effect that insufficiently controlled exports of cyber surveillance technologies by EU companies can have on the security of the EUs digital infrastructure and on respect for human rights.

They stressed the importance of a rapid, effective and comprehensive update of the EUs Dual-Use Regulation. They encouraged the Member States to undertake a more detailed examination of licensed production by third countries and to ensure stronger safeguards against undesired uses.

While noting that the Council is conducting a reassessment of the implementation of the Common Position, Members called for it to be reviewed. They called for the eight criteria to be extended and applied also to the transfer of military, security and police personnel, to arms exports-related services, know-how and training, security technology and to private military and security services.

The Member States and the EEAS are called on to cooperate closely in order to prevent risks arising from the diverting and stockpiling of weapons, such as illegal arms trafficking and smuggling.

Conventional Arms Exports annual report (COARM): Members criticised the fact that a number of Member States did not make full submissions to the nineteenth annual report on the basis of detailed, country-specific data. They suggested that a standardised verification and reporting system should be established to provide more detailed and exhaustive information.

Parliament and civil society: the report underlined the important role of national parliaments, the European Parliament, civil society, arms export control authorities and industry associations in both supporting and encouraging the Common Positions agreed standards at national and EU level and in establishing a transparent, accountable control system. In this regard, it called for a transparent and robust control mechanism which bolsters the role of parliaments and of civil society.

International arms control and disarmament: Members believe that the EU should meet its increased responsibility for peace and security in Europe and the world by means of further improved export control mechanisms and disarmament initiatives. They reiterated their call for a ban on exports of products used in the development and production of autonomous lethal weapon systems.

Council's annual report in accordance with the operative provision 8 of the European Union Code of Conduct on arms exports

The European Parliament adopted by 427 votes to 150, with 97 abstentions, a resolution on arms exports: implementation of Common Position 2008/944/CFSP.

According to the latest figures, arms exports from the EU-28 amounted to over 27 % of the global total in 2013-2017, which would make the EU collectively the second largest arms supplier in the world after the US (34 %), with Russia following at 22 %.

[Common Position 2008/944/CFSP](#) is a legally binding framework laying down eight criteria for exports of military technology and equipment. However, they are applied and interpreted in different ways by Member States.

Arms exports and transfers have an undeniable impact on human rights and human security, on socio-economic development and on democracy. Members stated that this justified establishing a strict, transparent and effective arms control system that is established and accepted by all parties.

Strengthening the common position and improving its implementation: Parliament called for a uniform, consistent and coordinated application of the eight criteria and full implementation of the common position and all related obligations.

Members deplored the lack of systematic application of the eight criteria by Member States and the fact that military technologies does not reach destinations and end-users that do not meet the criteria set out in the common position. They requested an independent assessment of the Member State's compliance with the criteria of the common position and suggested launching a process to develop a sanction mechanism against Member States that do not comply with the common position.

Members called for a precautionary principle to be added to the risk assessment method for export authorisations. Member States should therefore assess the risks in the light of the overall situation in the country of destination, taking into account factors such as the state of democracy and the rule of law and its socio-economic development. Member States and the EEAS were invited to use the ongoing review process to strengthen the mechanisms for exchanging information on risk assessments related to authorisations.

Saudi Arabia: arms exported to countries such as Saudi Arabia, the United Arab Emirates and members of the Saudi-led coalition have been used in conflicts such as Yemen. Parliament stated that these exports were clearly in violation of the common position and reiterated its call for the urgent need to impose an arms embargo on Saudi Arabia.

Members congratulated Member States such as Germany and the Netherlands, which have changed their position on the Yemeni conflict while regretting that other Member States seem not to take into account the behaviour of the destination country and the end user of the exported arms and ammunition.

In addition, Parliament expressed its dismay at the quantities of weapons and ammunition manufactured in the EU, which were found in the hands of Daesh in Syria and Iraq. It noted the effective non-compliance by Bulgaria and Romania with the common position with regard to retransfers that contravene the provisions of the end-user certificate. It called on all Member States to refuse similar transfers in the future and demanded the strict application of the common position as regards licensed production in third countries.

Review of the common position: Parliament recalled the detrimental effect that insufficiently controlled exports of cybersurveillance technologies by EU companies can have on the security of the EUs digital infrastructure and on respect for human rights. In this respect, it stressed the importance of a rapid, effective and comprehensive update of the EUs Dual-Use Regulation.

Members suggested that the scope of the eight criteria be extended: they should also cover the transfer of military, security and police personnel, know-how and training related to arms exports, security technologies and armed and private security services. In addition, a new criterion should be added to ensure that corruption risks related to exports are duly taken into account in the granting of export authorisations.

The Member States and the EEAS are called on to cooperate closely in order to prevent risks arising from the diverting and stockpiling of weapons, such as illegal arms trafficking and smuggling.

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International arms control and disarmament: Members believe that the EU should meet its increased responsibility for peace and security in Europe and the world by means of further improved export control mechanisms and disarmament initiatives. They reiterated their call for a ban on exports of products used in the development and production of autonomous lethal weapon systems.