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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by José Ignacio Salafranca Sánchez-Neyra, Stefano Zappalà and Karl von Wogau

on behalf of the PPE-DE Group

on the EU Code of Conduct on Arms Transfers - failure of the Council to adopt the common position and transform the Code into a legally binding instrument

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European Parliament resolution on the EU Code of Conduct on Arms Transfers - failure of the Council to adopt the common position and transform the Code into a legally binding instrument

The European Parliament,

- having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas in 2008 the European Union Code on Arms Exports will celebrate its tenth anniversary,
- B. whereas more than two years ago, on 30 June 2005, COARM (Council Working Group on Arms) agreed at technical level on the text of a Common Position as the result of a thorough process to revise the EU Code of Conduct on Arms Transfers with the aim of transforming the Code into an efficient instrument to control arms exports from EU territory and by EU companies,
- C. whereas the adoption of this Common Position will make the Code a legally binding arms export control instrument for all EU Member States,
- D. whereas Parliament has strongly welcomed this Common Position on several occasions, namely in its resolution of 18 January 2007 on the Council's Seventh and Eighth Annual Reports according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports,
- E. whereas nevertheless the European Council has since 2005 failed to adopt this Common Position at political level,
- F. whereas the reasons for this have never been officially explained but are evidently linked to the wish of some EU Member States to lift the current EU arms embargo on the People's Republic of China,
- G. whereas this issue has acquired a new sense of urgency due to the following developments:
 - (1) the signing of the Lisbon Treaty, which commits the EU to acting as a globally responsible actor;
 - (2) the evolving European Security and Defence Policy (ESDP), in which more and more EU external military and civilian missions are being deployed and where EU personnel might be threatened with arms previously supplied by EU Member States;
 - (3) recent announcements by EU Member States indicating a willingness to increase arms exports as a tool to promote economic interests;
 - (4) several initiatives to harmonise national arms procurement policies and intra-Community arms transfers and sales,
- H. whereas, despite the positive efforts by COARM to further improve the Code and its

application, this work is being undermined by arms exports from EU Member States to countries in a situation of conflict, instability or failure to respect human rights, and thus considered as 'irresponsible destinations' under the Code of Conduct,

- I. whereas the lack of political will to turn the Code of Conduct into a Common Position runs contrary to the leadership role of the European Union and its Member States in promoting legal instruments aimed at controlling arms transfers, namely the Arms Trade Treaty,
 1. Deplores the current political impasse on the adoption of this Common Position, in the light of the tenth anniversary of the Code;
 2. Calls on the Slovenian Presidency to make all possible efforts to finally adopt the Code of Conduct as a Common Position;
 3. Urges those EU Member States opposed to a legally binding Code of Conduct to reconsider their position;
 4. Believes that the EU's contribution to an internationally binding Arms Trade Treaty will gain in credibility once its own arms control regime becomes legally binding;
 5. Is convinced also that, in parallel with the adoption of the Common Position, action should be taken, inter alia, to:
 - (a) prevent irresponsible arms transfers by strict application of the Code's criteria to both companies and national armed forces;
 - (b) improve and apply brokering controls, and prevent illegal arms trafficking by air and sea;
 - (c) ensure prompt investigation of recent allegations about violations of arms embargoes;
 - (d) prevent the selling-off to private brokers of arms collected in the course of ESDP and SSR operations and other EU initiatives, and their subsequent transfer;
 - (e) improve the transparency and quality of data submitted by Member States in the context of the Annual Report of the Code of Conduct;
 6. Instructs its President to forward this resolution to the Council, the Commission, and all EU governments and parliaments.