



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 5 December 2008
(OR. fr)**

15973/08

LIMITE

**PESC 1523
COARM 100
CODUN 50**

"A" ITEM NOTE

from :	General Secretariat of the Council
to :	Council
dated :	5 December 2008

No. prev. doc. :	10569/05
Subject :	Draft Council Common Position defining common rules governing the control of exports of military technology and equipment

1. At its meeting on 30 June 2005, the Permanent Representatives Committee had noted that the technical discussions on the draft Council Common Position defining common rules governing the control of exports of military technology and equipment (replacing the "Code of Conduct") had been completed (10569/05 PESC 568 COARM 34 CONOP 34 CODUN 13).
2. At its meeting on 5 December 2008, the Committee considered that it was now time to suggest that the Council adopt the Council Common Position defining common rules governing the control of exports of military technology and equipment (replacing the "Code of Conduct"), provided that:
 - the text would be supplemented by the insertion of a recital referring to the European Union's strategies on weapons of mass destruction and small arms and light weapons;

- Article 6 and recital 17 would be amended, as suggested by the Commission and Council Legal Services, in order to indicate more clearly the link between this Common Position and the dual-use Regulation;
 - the Council would, at the same meeting, adopt a statement for the minutes (draft annexed).
3. The Council is therefore invited to adopt the Common Position which, after finalisation by the Legal/Linguistic Experts, is set out in 15972/08 PESC 1522 COARM 99 CODUN 49, together with the hereto annexed statement.
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Draft Council statement on the occasion of the adoption of the Council Common Position
defining common rules governing the control of exports of
military technology and equipment

The Council stresses that the Common Position defining common rules governing the control of exports of military technology and equipment enhances the value of the rules governing in this area the trade relations with third countries currently or potentially receiving such exports.

It notes that this Common Position is an instrument contributing to the continued implementation of a responsible policy, in order to prevent, in particular, such exports being used for internal repression or international aggression or contributing to regional instability.

The Council recalls on this occasion the Guidelines it adopted on 8 December 2003 and amended on 2 December 2005 on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy (15114/05).

The adoption of this Common Position also enhances the EU's credibility in the promotion of an Arms Trade Treaty. It demonstrates the feasibility of an agreement on the establishment of a legally binding instrument, without depriving States of the prerogative of licensing or denying individual exports, and confirms the efficiency and effectiveness of a multilateral export control mechanism.

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